



**West
Northamptonshire
Council**

CONSTITUTION

Constitution Index

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Glossary

This glossary explains key terms used in the Council's Constitution but is not part of the Constitution.

Adjourned

To suspend (i.e. a meeting) with the intention to resume it later.

Annual Governance Statement

A public statement which reviews how well the Council has kept to its governance rules.

Annual Statement of Accounts

See Statement of Accounts.

Anti-Fraud and Corruption Strategy

The Council's strategy for protecting its valuable resources which describes the expectations and practices to avoid their loss.

Asset Management Strategy

The Council's approach to getting the best possible value and revenue from things it owns (assets), such as buildings, land, roads and technology.

Approved Supplier List

A list of suppliers which have met specific criteria to enable them to provide particular goods or services to the Council.

Balance Sheet

A statement of the Council's assets, liabilities and capital at a particular point in time which details the balance of the Council's income and expenditure over the preceding period.

Budget

Every year the Council puts a financial plan in place which describes how and where the Council will spend money to provide services and deliver the aims which it set out in its corporate plan. It also sets the level of council tax which it will charge in the next financial year. The budget sets out the money which the Council intends to spend during the year against the money available which has been received in council tax, income and grants.

Cabinet

Also known as the Executive, the Cabinet is the Council's decision-making body responsible for making the majority of decisions. The Cabinet makes decisions within a policy framework and budget set by the whole Council. The Cabinet is made up of the Leader and up to nine other Members, including a Deputy Leader.

Cabinet Member

An elected Member appointed to the Cabinet by the Leader. Some Cabinet Members are assigned responsibility for a specific portfolio and are sometimes referred to as Portfolio Holders. Cabinet

Members can also make decisions when powers to do so are delegated to them by the Cabinet or Leader.

Capital and Investment Strategy

The Council's medium to long term plan for investing in its asset base.

Capital Programme

Part of the Medium Term Financial Plan which sets out capital projects approved by full Council over a medium term, multi-year period.

Chair of the Council

The Chair of the Council is an elected Member who chairs meetings of the Council and carries out a variety of civic and ceremonial duties. The Chair is elected to be the Chair by the other Members, usually at the Council's Annual Meeting. The Chair cannot be a Cabinet Member and is assisted in their work by the Vice-Chair.

Chief Executive

The Council's most senior Officer who is responsible for the management and direction of the Council's staff. The Chief Executive is accountable to the Leader of the Council, the Cabinet and the Council as a whole. The Chief Executive is also generally designated as the Council's Head of Paid Service - a statutory role. The postholder has powers set out in law as well as the powers given to them by this Constitution.

Chief Finance Officer

The Chief Finance Officer (CFO) is a Statutory Officer and the powers held by the CFO are set out in statute. The CFO is also referred to as the Section 151 Officer – this is because the role is given powers by section 151 of the Local Government Act 1972. Every Council must appoint a CFO. The CFO is responsible for managing the Council's finances and providing expert financial advice to the Council. The CFO must be a qualified accountant and must ensure that the Council does not intend to spend more money than it has to carry out its plans (this is called a balanced budget).

Clear Days

Does not include the starting or finishing day. Example: for 5 clear days' notice: do not include the day when notice was given. If this was on a Tuesday, time starts to run on Wednesday. Notice would not be completed until 12.01am the following Wednesday. Saturday, Sunday or bank holidays are not counted.

Code of Conduct (Councillor Code of Conduct / Officer Code of Conduct)

A set of rules which elected and co-opted councillors and officers must follow.

Commercial Agreement

A type of contract for goods or services in exchange for something in return, usually money.

Commissioning

Within the Council, the process of buying services from outside the Council and monitoring and managing the purchase and carrying out of those services.

Committee

A Committee is a formal group of elected Members whose remit, terms of reference and operating rules are set out in the Council's Constitution. There are many different committees. Each one makes decisions about a specific area of responsibility – for example planning or licensing.

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Confidential Information

In relation to meetings and reports this is information which the Council has received from a Government department on terms which cannot be disclosed publicly.

It can also be information which (i) the Council cannot disclose due to a court order or legislation or (ii) is not public, is information which was given to the Council in such a way that made it clear it was meant to be kept confidential.

Constitution

This governance document, or 'rule book', which sets out how the Council will make decisions and who will make those decisions. It also sets out how residents and others can participate.

Contract

An agreement which: may be oral, written, partly oral and partly written or implied from conduct between the Council and another person; gives rise to obligations which are enforceable or recognised by law (i.e. legally binding) and commits the Council to paying or doing something.

A reference to a contract may also include a contract to which the Contract Procedure Rules apply and a "call off contract" means an order made or call off contract entered into under a Framework Agreement.

Contractors

See suppliers.

Contract Management

The process of ensuring the contract results in the benefits and outcomes envisaged and that the advantages secured during the tendering phase are realised and improved through further proactive performance management during its term.

Contract Management System

The IT system and associated processes used to support supplier and contract management, providing visibility and a single view of all Council contracts. It is also the Council's contract register.

Contract Procedure Rules

The part of the Constitution that sets out the procedures to be followed when seeking to establish a contract with an external supplier.

Council

The term often used to refer to the whole organisation (i.e. councillors and officers); but see full Council below. West Northamptonshire Council is led by councillors who are elected by the public. They set the priorities and the budget for the organisation. Staff working for the Council (officers) deliver the day to day operations. The word Council is used to refer both to the organisation as a whole and specifically to the decision-making body.

Council Body

May include any Committee, Board, Panel or informal working group.

Council Tax

The income collected from residents based on banded property values and which funds a significant proportion of council services.

Councillor

A councillor is elected and is a member of the Council. Councillors stand for election normally every four years and are accountable to the residents of a specific area (their electoral ward) but are responsible for making decisions for the entire council area. Councillors do not have to be a member of a political party, but most do. Those who do not are known as 'un-grouped' or 'independent' councillors.

Councillor Call for Action

The Councillor Call for Action allows councillors to refer matters of concern within the community to the relevant Board or Committee. The aim is to provide councillors with additional powers that enable them to respond to local community concerns which have proved difficult to resolve.

Debt Management Strategy

The Council's strategy to manage and recover the sums of money it is owed.

Decisions

The choices and agreements made on a particular issue. The Council's Constitution sets out the rules on how formal decisions are to be taken in compliance with the law (see also Key Decisions). The Constitution also sets out how decisions are to be recorded and published.

Development Plan

Means the Council's local plans and other documents that set out the policies and proposals for the development and use of land within the administrative area of West Northamptonshire Council.

Disclosable Pecuniary Interest

A disclosable interest means something which an elected Member must declare in a meeting relating to their role outside the Council which could impact on their decisions for the Council. A pecuniary interest is a financial interest as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Elected Member

See Councillor.

Executive

See Cabinet.

Executive Director

The Council's most senior officers report directly to the Chief Executive and are accountable to Members and the Cabinet. These posts include the statutory Director of Adult Social Services (DASS) and the Director of Children's Services (DCS).

Exempt Information

In relation to meetings and reports this means information which can be withheld from the public. It must pass one of seven tests in order for it to be exempt and it must also be in the public interest to

do so. If an item is deemed to be exempt during a public meeting, then members of the public and any press have to leave the meeting while exempt information is being discussed. We set out the rules in the Access to Information Procedure Rules at Part 5 Section 4 of this Constitution.

EU Procurement Regulations

The Agreement on Government Procurement (GPA) entered into under the auspices of the World Trade Organisation, the European Community Treaty (EU Treaty)* and any relevant regulations, directives or decisions of the European Community*; any Acts of Parliament or statutory instruments implementing the above for the time being in force in the United Kingdom; and any relevant judgements of the European Court of Justice* or UK courts.

**These will continue to be followed at the present time even though the United Kingdom has left the European Union.*

External Auditors

An independent auditor appointed to review the Council's financial and management arrangements.

Financial Year

The financial year for the Council is not the same as the calendar year. Our financial year starts on 1 April and ends on 31 March.

Financial Procedure Rules

The rules which set out how the Council will manage its financial affairs (in Part 9 Section 7 of this Constitution).

Financial Scheme of Delegation

The financial limits on spend set up by service area. More details are in Part 9 Section 7.

Follow On Decisions

Means a decision on consequential matters following a decision to approve a Planning Application. These include, but are not limited to: approval or discharge of planning conditions, legal agreements and non-material amendments.

Forward Plan

A list of the 'key decisions' the Council will make over the next one to four months. The Forward Plan also includes a summary of any reports which will be presented to the Cabinet. You can view the Forward Plan for West Northamptonshire Council on its website.

Framework

A term used in different ways which refers to the way that the Council operates - for example, policy framework, commissioning framework, governance framework.

Full Council

The full Council is all the Members who make up West Northamptonshire Council. Full Council meets throughout the year with the meeting being chaired by the Chair. Full Council takes specific decisions, including setting the budget. It also appoints committees to make decisions about specific issues such as planning and licensing.

Function

Within the Council, a function is a service which the Council provides or an activity which it undertakes; or which it has a duty to deliver - for example housing and education.

Head of Paid Service

The Head of Paid Service is a Statutory Officer with overall responsibility for the employment of Council officers (generally the Chief Executive).

Independent Person

The Council has to have at least one designated independent person who is not a councillor or a member of staff. The independent person is consulted about complaints made against councillors and also about the dismissal of any of the Council's statutory officers.

Key Decision

Key decisions are executive decisions (not those made by committee) and are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) (Regulations) 2012 and are decisions which:-

- Result in the Council incurring expenditure which is, or making savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Are deemed significant in terms of their effect on communities living or working within the area of the Council.

The Council has decided that other significant decisions will be treated as key decisions. There are rules that set out how key decisions must be taken which are in Part 5. Key decisions are taken by the Cabinet or a Cabinet Member under delegated authority.

Leader (of the Council)

Members elect a person who will be the Leader of the Council. Usually this is the leader of the largest political group on the whole Council. The Leader of the Council is also the Leader of the Cabinet and will appoint up to nine other Members to form the Cabinet to take Executive decisions on behalf of the Council. The Leader can appoint up to two Deputy Leaders from the Members appointed to the Cabinet.

Legal Professional Privilege

Confidential communications between lawyers and their clients can be withheld from a court or from a third party using legal professional privilege.

Legislation

The Law which can be made by Parliament which takes the form of an Act of Parliament (a Statute) or Statutory Regulations or By-laws which can be made by the Council.

Light Touch Rules

A more relaxed set of rules for awarding contracts for certain services in relation to health and social care.

Medium Term Financial Plan

Sets out the Council's budget (revenue and capital) over a period of more than one year and is linked to the Corporate Plan and Service Plans.

Member

See Councillor.

Minutes

The formal written record of a meeting. Minutes of West Northamptonshire Council meetings are available on the Council's website.

Monitoring Officer

The Monitoring Officer is a Statutory Officer responsible for the lawful and good governance of the Council, in particular the Constitution, decision-making and the conduct of councillors (including Town and Parish councillors) and officers.

Motion

A proposal for a discussion or debate.

Municipal Year

The period between annual meetings of the Council. The municipal year is not the same as the Council's financial year, which starts on 1 April. The municipal year usually starts in May but is not a fixed date and as such the number of days in a municipal year varies slightly.

Natural Justice

The right of all parties in proceedings to a fair hearing before an impartial tribunal.

Officer

Someone employed by the Council.

Overview and Scrutiny Committee

Specialist committees which support and challenge the work of the Cabinet and help hold it to account. Overview and Scrutiny Committees are made up of Members who are not part of the Cabinet.

Permission in Principle (PIP)

Means an application by a developer to the Council to determine whether a housing development is acceptable in principle only and does not include technical details. A Permission in Principle is not a grant of planning consent.

Planning Applications

Means planning applications for full and outline consent as well as applications for reserved matters approvals and, for the avoidance of doubt, excludes Permission in Principle (PIP) and Related Matters.

Planning Officer

Means an employee of the Council tasked with processing and evaluating planning applications.

Policy

A policy sets out a strategic objective for the Council and provides a framework of principles and guidelines which must be followed to achieve those objectives.

Policy Framework

Refers to the Council's strategies and policies as set out in Part 3 of this Constitution.

Point of Order

Where a Member considers that a breach of the Procedure Rules or legislation has occurred within a debate.

Portfolio

Within the Council, a portfolio is a specific area of responsibility - for example housing. You can view the portfolios and who is responsible for each area (the Portfolio Holders) on the website.

Procedure

The means by which a strategy or policy will be implemented or a process which must be followed.

Procurement

How the Council identifies, sources, selects and manages the resources it needs to buy in to deliver services or meet its strategic objectives.

Proper Officer

A term used to refer to the Council's lead Officer for a particular function. The list of Proper Officers is in Part 9 of this Constitution.

Quorum

The minimum number of attendees who have to be present at a meeting of the Council, a Committee or Sub-Committee etc to conduct its business.

Regulation Threshold

The Total Value threshold at which public procurement directives must be applied. The current procurement thresholds and regulations are the EU thresholds available from the OJEC website.

Related matters

Means applications for permitted development, prior approvals, advertisement consent, tree preservation orders, high hedges and listed building consent.

Representations

Members of the public can give their views on any Cabinet or Cabinet Member reports or on any proposed decision by informing Democratic Services by the deadline outlined on the meeting agenda.

Reserves

Sums of money set aside on the Council's balance sheet. The Council has 'general reserves', and 'earmarked reserves' which are set aside for a specific purpose.

Scheme of Delegation

The Scheme of Delegation sets out how the Council and the Cabinet have delegated authority to a committee or another body, or to an individual Member or officer to exercise their powers or perform

their functions. The Officer Scheme of Delegation concerns those powers and functions delegated to officers. The Scheme of Delegation will also specify any limits on the delegated authority.

Section 151 Officer (S151 Officer)

See Chief Finance Officer.

Standards Complaint

Refers to a complaint made against an elected or co-opted councillor, or Town or Parish councillor, that the councillor concerned has failed to comply with the relevant Councillor Code of Conduct.

Statement of Accounts

A document required by law which sets out the Council's financial position at 31 March each year and includes the Council's income and expenditure for a given financial year.

Statute

An Act of Parliament – the law.

Statutory

Required by law. Councils have statutory duties including preventing homelessness, managing community safety and determining planning applications.

Statutory Officers

The Council is required by law to appoint officers in certain key roles. The Statutory Officers are the Head of Paid Service; the Monitoring Officer and the Section 151 Officer. The Council must also appoint other officers including a Director for Children's Services, a Director for Adult Social Services, a Director of Public Health and a Scrutiny Officer.

Sub-Committee

A group of elected Members from the committee in question convened to undertake a particular task or perform a particular function. The sub-committee then reports back and is accountable to the committee.

Suppliers

Also known as contractors, suppliers are those parties which enter into a contract with the Council to provide goods or services.

Trading Account

Services which are funded by generating income from internal and external sources.

Treasury Management Strategy

The way in which the Council manages its cash, borrowing, lending and investments, and associated risks.

Virement

The movement of money from one budget heading to another.

Vires (intra vires / ultra vires)

A Latin phrase which means 'powers'. Within the Council, vires concerns the power or lawful authority to make a decision, perform a function or undertake an action. A decision made, function

performed or action undertaken will be 'intra vires' if the Council has the power and lawful authority to do it and 'ultra vires' if it does not.

Ward

A ward is an electoral area. West Northamptonshire Council has 31 wards.

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PART 1

Summary and Explanation

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1.0 Summary and Explanation

1.1 Part 1 - Constitution - Summary and Explanation

General

- 1.1 The West Northamptonshire Council has agreed this Constitution. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules set out there.
- 1.2 The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules. The Council has chosen to make decisions through a Leader and Cabinet and this is explained below.
- 1.3 The Council's current corporate objectives and priorities are set out in its Corporate Plan. This is available on the Council's website together with the Council's Values.
- 1.4 The Constitution ensures that the Council's decision-making and governance arrangements support the corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

The Constitution and its content

- 1.5 The Constitution is divided into nine parts:

Part 1 - Summary and Explanation: provides an explanation of what the Council is and how it works.

Part 2 – Public Participation: Explains how the public can get involved in Council decision making.

Part 3 – Council: Explains what the Council is and how the full body of all elected Members meet together to make decisions.

Part 4 – Committees: Sets out the role of each of the different committees of the Council and how they make decisions.

Part 5 – Executive: Explains the role of the Executive which in West Northamptonshire is called the Leader and Cabinet. The members of Cabinet have portfolios which mean they have special areas of responsibility, but meet together to make decisions.

Part 6 – Joint Arrangements: Sets out the joint arrangements that the Council has made to work in partnership with other councils and where decision making is shared by two or more

councils. Sometimes this is because there is a shared service delivered on behalf of two or more councils.

Part 7 – Overview and Scrutiny: Explains the arrangements the Council has put in place to ensure that decisions are scrutinised by other members of the Council not directly involved in the decision making.

Part 8 – Councillors: Provides more details about how Councillors operate as individuals and the measures in place to ensure that Councillors maintain high standards of conduct. It also shows what payments are made to Councillors.

Part 9 – Officers: Explains the role of the Council's staff, what the management structure of the Council is and which officers make decisions for the Council. It also explains the measures in place to ensure that officers making decisions maintain high standards of conduct and make decisions within a framework set by Councillors.

Part 10 (temporary) - Interim Arrangements: This sets out the arrangements that will apply in the first few weeks after 1 April 2021. The Legal Order which created the new Council appointed certain Members to make decisions until the elections to the new Council can be held in May. These arrangements will no longer apply after the election and this part of the Constitution will fall away.

How the Council operates

- 1.6 The Council is made up of 93 Councillors (excluding vacancies) who are elected every four years. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of Councillors is to the whole community of West Northamptonshire, but they have a special duty to their constituents, including those who did not vote for them.
- 1.7 undertake their duties. The Democracy and Standards Committee trains and advises on the Code of Conduct, including in relation to parish and town councils.
- 1.8 All Councillors meet together and this is called full Council. Meetings of the Council are normally open to the public. At these meetings, the Councillors decide the Council's overall policies and set the revenue budget and capital programme each year. The Council appoints the Leader of the Council who in turn appoints Councillors to the Cabinet.
- 1.9 The Council also decides on the delegation of certain functions to the Cabinet and some committees and joint committees. The Council holds the Cabinet to account through the Overview and Scrutiny function which also provides an opportunity for pre-decision involvement in decisions and policy development for the wider membership.
- 1.10 In performing their various roles, Councillors are supported by the officers who give advice and implement decisions. Some decisions are delegated to officers to ensure that the

Council can act quickly and efficiently. Officers also ensure the Council acts within the law and uses resources efficiently and effectively.

Roles of Councillors

1.11 Councillors will:

- a. collectively be the ultimate policy-makers and carry out several strategic and corporate management functions;
- b. contribute to the good governance of the Council and actively encourage community participation and citizen involvement in decision making;
- c. effectively represent the interests of the communities and individual constituents in their own ward;
- d. respond to constituents' enquiries and representations, fairly and impartially;
- e. participate in the governance and management of the Council;
- f. maintain the highest standards of conduct and ethics and observe the Code of Conduct for Elected and Co-opted Members and the other Codes and Protocols adopted by the Council and set out in Part 8 of this Constitution;
- g. be available to represent the Council on other bodies; and
- h. attend meetings of bodies to which they are appointed.

1.12 Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 8.6 of this Constitution.

The Chair of the Council

1.13 The Chair is elected by the full Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Deputy Chair, who acts as Chair when the Chair is not available. The Chair (and the Deputy Chair) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. If you would like to ask the Chair to visit an event you can contact their office. Details are available on the Council's website.

1.14 Although the Chair is an elected politician and has a vote, they are under a duty to be impartial in the way they carry out the role. They promote public involvement in the Council's activities and act as the conscience of the Council.

1.15 The Chair presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution. Their ruling about this or as to any proceedings of the Council cannot be challenged at any meeting of the Council, although their interpretation must have regard to the purposes of this Constitution and must be reasonable. Neither the Chair nor the Deputy Chair can be the Leader or a member of the Cabinet.

Council Business

1.16 At its Annual Meeting (usually in May) the Council will approve its planned Calendar of Business and Schedule of Meetings but nothing prevents changes being made to the Calendar of Business and Schedule of Meetings during the following 12 months.

1.17 There are three types of Council meeting:

- a. Annual Meetings – take place every year (generally in May) to appoint committees etc;
- b. Ordinary meetings – are scheduled meetings at other times;
- c. Extraordinary meetings – meetings called for specific decisions.

and they are conducted in accordance with the Meeting Procedure Rules in Part 3.2 of this Constitution.

1.18 There are some decisions that can only be taken by the full Council. The Council sets the Budget and the Policy Framework for the Council. All decisions must be taken within the budget and in accordance with the policy set out and only Council can change them. Details of these are in Part 3.

1.19 The Council is responsible for electing (and can remove) the Leader who in turn will appoint a Deputy Leader and a Cabinet. The Council (mainly through the Overview and Scrutiny process and call-in of decisions) is ultimately responsible for holding the Cabinet to account.

How decisions are made

1.20 The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of a Leader appointed by the full Council and between two and nine other Councillors appointed by the Leader.

1.21 When Key Decisions (these are specific significant decisions defined in Part 5) are to be discussed or made, these are published in the Council's Forward Plan and a public notice will be on the Council's website. If these decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where Confidential Matters (defined in Part 5) are being discussed. The Cabinet generally has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not consistent with existing policies and budget, this must usually be referred to the Council as a whole to decide. Individual Cabinet Members may take individual decisions within the parameters set by the Leader.

Overview and Scrutiny function – Part 7

1.22 The Council operates an Overview and Scrutiny function that undertakes a number of roles including monitoring the decisions of the Cabinet, advising the Council on forthcoming decisions, and the development of policy. The function can call-in a decision which has been

made by the Cabinet but not yet implemented. This enables consideration as to whether the decision is appropriate and the function may recommend that the Cabinet reconsiders the decision. Further details of the call-in process are set out in the Overview and Scrutiny Procedure Rules in Part 7.2.

1.23 The Overview and Scrutiny function will develop a work programme as well as supporting policy development, providing pre-decision scrutiny where appropriate, holding decision-makers to account and exercising the formal call-in of executive decisions to review any concerns about the making of the decision. Further details are set out in Part 7. Overview and Scrutiny shall contribute to the work of the Cabinet and the Council as a whole by providing:

- a. robust arrangements for holding the Cabinet to account;
- b. effective scrutiny of cross-cutting issues and other public sector bodies;
- c. clearly defined arrangements and responsibility for scrutiny of strategic and other issues; and
- d. multi-agency scrutiny of local issues within communities.

Community Forums and Boards – Part 4

1.24 The Council may decide to establish Community Forums and Boards. These may be established to respond to a specific issue or on a regular basis to bring forward issues in a local area to the attention of the Council. They can also be based around specific groups or issues across the whole local authority area. The informal nature of the forums allows participation from other local bodies such as parish councillors. Community Forums do not have formal decision-making powers but they are able to make representations to the appropriate Committee, Councillor or officer.

The Council's staff – Part 9

1.25 The Council has employed staff working in many different ways to deliver services. Staff are referred to in this Constitution as officers. They give advice, implement decisions and manage the day-to-day delivery of services. The most senior of these is the Chief Executive who is also the Head of Paid Service. All officers are required to ensure that the Council operates within the law and in addition some officers have more specific duties of monitoring and ensuring that the Council acts within the law and uses its resources wisely. The Protocol which governs the relationships between officers and Members of the Council is in Part 8.4.

Public Participation – Part 2

1.26 Public participation arrangements for members of the public, the residents of the area, businesses, visitors and the people who are the Council's customers are set out in Part 2. Some of these are legal rights whilst others depend on the Council's own processes.

1.27 Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

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PART 2

Public Participation

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2.0 Public Participation

2.1 In West Northamptonshire residents, businesses and visitors are able to get involved in the management of the area. The Council encourages and actively supports people getting involved. Our governance is designed to make it easy for people to give us their views to help influence decision making and the actions the Council takes. To encourage involvement this section has gathered together the key ways in which the public and others outside the Council can get involved.

Councillors

2.2 The area of West Northamptonshire Council is divided into 31 administrative areas, called wards. Each ward has three elected councillors who are elected every four years. There is more information about elections and how to register to vote on the Council's website. Although they have responsibility for the whole of the Council area, councillors also have a particular responsibility to the residents of their ward. Details of who your local councillor is, and how to get in touch with them are available on the Council's website. A councillor may also hold scheduled sessions where residents can meet them face to face to talk about issues and to get advice and ask their councillor to raise matters with the Council on their behalf.

Cabinet

2.3 The Cabinet consists of the Leader and Cabinet Members who are responsible for particular services and activities. You can check who the Cabinet Member is for a particular matter on the Council's website. The Cabinet has developed a Forward Plan which is also published on the Council's website. It indicates the most important decisions (known as Key Decisions) which the Cabinet will be taking in the future and when this is likely to be done, so that anyone can attend the public meetings considering those decisions.

Overview and Scrutiny committees

2.4 The Council has three Overview and Scrutiny Committees which deal with separate parts of the Council's work. These committees help the Council to develop new policy and act as a "critical friend" to hold decision makers to account. Overview and Scrutiny Committees also carry out investigations and reviews, and welcome suggestions from residents and businesses as to areas they could investigate.

Community Forums and Boards

2.5 Community Forums and Boards may take place on specific topics and/or in local areas. They are not formal meetings and this gives them a more relaxed way of working. A Forum or Board can be made up of residents (including sections of residents such as young people), community and voluntary groups, public sector bodies and local businesses.

Can I attend meetings?

- 2.6 Meetings of the Council, the Cabinet and the committees are open to the public. You can also usually watch it live through our website.
- 2.7 There are some occasions when we need to discuss confidential details. We can only do this when there are legal reasons such as personal information being discussed, which means meetings have to go into private session. When this happens a formal decision is made to exclude the press and public from the meeting while these issues are discussed. As soon as the item has been dealt with the public can return to the meeting unless there are other confidential items. If an agenda item is to be considered in private, this will be clearly marked on the agenda for the meeting.
- 2.8 The dates and times of our meetings are published on our website and agendas are made available at least five days ahead of the meeting, so you can see what items will be discussed.

Can I speak at meetings?

- 2.9 You can speak at Council, Cabinet and Overview and Scrutiny Committee meetings. Statements must be relevant to a matter that is on the agenda for the particular meeting.
- 2.10 If you wish to make a statement, you must register to do so at least ten minutes prior to the meeting by contacting Democratic Services. You will normally be expected to attend the meeting to read out your statement. You will have a maximum of 3 minutes in which to make your statement, which will be taken into account during the subsequent debate on the matter.
- 2.11 Up to three speakers are permitted to speak on any agenda item although this may be extended at the Chair's discretion.
- 2.12 You can also put questions (up to a maximum of two) to the Chair of the Council, Members of Cabinet and Chairs of Committees. Because questions are circulated prior to the meeting, they are not generally read out; but if they are, they must be no longer than 3 minutes.
- 2.13 You will need to submit the question in writing which must be received by 10.00am, three clear working days before the meeting of the Council at which it is to be asked. Questions need to be framed so as to elicit information rather than make a statement.
- 2.14 The total time allowed for questions is a maximum of 15 minutes, but there is a discretion of the Chair who, in exercising his/her discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

Petitions

- 2.15 The Council is pleased to accept petitions. The petition must relate to a matter for which the Council has direct responsibility. The petition needs to show clearly what it is about and names and addresses of everyone who signs the petition must be set out in an identifiable way. Some petitions, for example, those asking for the Council to have a different form of

governance, must follow special rules set out in law. The same time limit that applies when making a statement also applies to presenting a petition to a Council meeting. Petitions submitted in this way will be referred to the relevant Portfolio Holder who will respond to the petitioner. An e-petitions facility is available to enable residents to create petitions.

Planning committees and licensing committees

2.16 You can find out how you can attend or speak at our planning or licensing committee or sub-committee meetings on our website. Although special rules apply to speaking at these committees it is also possible to write beforehand with views that you want the Committee to consider. You can find out how to do this on our website.

Budget and Policy Development

2.17 The Council is particularly keen to encourage public participation in the preparation of the Council's budget and in the development of policies so that our residents are able to directly influence the framework of decisions. When setting the budget or agreeing policy we will consider options to ensure the maximum opportunity for contribution before a decision is finally made by all the councillors sitting in full Council.

Public Consultation

2.18 We try to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, we will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.

2.19 We follow principles of good consultation (called Gunning Principles) when we consult. This means that we make sure:

- a. consultation is carried out at a stage when the Council has not made up its mind on any proposals;
- b. we give enough information and reasons for any proposals to enable you to understand their impact and respond;
- c. we give you enough time to consider our proposals and respond to them; and
- d. we will consider all responses to the consultation when finalising the decision.

Wider Engagement

2.20 The Council is keen to engage more generally with the public and in particular with those who are seeking British Citizenship and young people about citizenship and the role of Local Government in the structure of British Democracy. To do this we may run specific engagement sessions or support schools and others in the conduct of their own elections. Details of any sessions will be available on the Council and Democracy Section of our Website or you can contact Democratic Services to request specific involvement.

Social Media

- 2.21 You can also get updates from West Northamptonshire Council on social media and by following the Council's social media.
- 2.22 Many local councillors have their own social media accounts too.

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PART 3

Council

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3.0 Full Council

3.1 Role

3.1.2 The full Council (or the Council) is the term for the assembly of all of the elected members who sit on the Council. There are 93 members on the West Northamptonshire Council and they make some decisions together. The decisions made by Council are those described as non-executive decisions by the law relating to council decision making. Examples of non-executive decisions include:

- Setting the Council's budget;
- Agreeing the overarching policy of the Council – called the policy framework;
- Electing the Leader of the Council;
- Appointing the Council's non-executive committees.

3.1.3 In addition, the Council will deal with matters which are not political but require objective decision making. These include:

- Elections;
- Pensions;
- Planning;
- Licensing ;
- Staff;
- Signing off the accounts.

3.1.4 The majority of the decisions of the Council are decided by the Executive (Cabinet) and further information about the role of the Executive is set out in Part 5.

3.2 Meeting Procedure Rules

Part A –Council meetings

1. Council meetings

Time and place of meetings

- 1.1 All meetings shall start at 6.00pm or such other time as the Chair or the Monitoring Officer shall direct. The place of the meeting will be notified on the agenda for the meeting.

2. Annual Meeting of the Council

Timing

- 2.1 In a year when there is an Ordinary Election of Members, the Annual Meeting shall take place within 21 days from the retirement of the outgoing Members. In any other year, the Annual Meeting shall take place on such a day in the month of May or June as the Council may fix.

Business

- 2.2 At the Annual Meeting the Council will:
- a. elect the Chair of the Council who will then preside;
 - b. elect the Vice-Chair of Council;
 - c. approve the minutes of the last meeting;
 - d. receive any declarations of interest from Councillors;
 - e. receive any apologies for absence from Councillors;
 - f. receive any announcements from the Chair;
 - g. elect the Leader in any year in which the Leader's term of office expires (for a four year term), or if the office of Leader becomes vacant (for the remainder of the four year term of councillors). The term of office of the Leader shall, subject to earlier removal, end on the day of the Annual Meeting following the ordinary election of councillors;
 - h. note the appointments to the role of Deputy Leader and to the Cabinet;
 - i. receive any announcements from the Leader;
 - j. appoint at least one Overview and Scrutiny Committee, a Standards Committee, an Audit Committee and such other Committees as required;
 - k. approve a programme of ordinary meetings of the Council for the year;
 - l. approve the allocation of seats to Political Groups in accordance with the political balance rules;
 - m. delegate to the Monitoring Officer the power to appoint Councillors to committees and sub committees in accordance with the wishes of the Group Leaders except where appointments to those bodies is exercisable only by the Cabinet.

3. Ordinary Meetings of the Council

- 3.1 Ordinary meetings of the Council shall take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:
- a. elect a person to preside if both the Chair and the Vice-Chair of the Council are not present;
 - b. approve the minutes of the last meeting;
 - c. receive any declarations of interest from Members;
 - d. receive any announcements from the Chair and Leader;
 - e. provide for 15 minutes in total to respond to any questions from members of the public who are residents of, or working in West Northamptonshire relating to West Northamptonshire Council;
 - f. provide for 15 minutes in total to respond to any questions from Members;
 - g. receive written reports from Portfolio Holders and provide 45 minutes in total for Portfolio Holders to provide any update required (up to 3 minutes each subject) and receive from and provide responses to questions from Members;
 - h. deal with any business adjourned from the last Council meeting;
 - i. receive reports from the Cabinet and the Council's Committees
 - j. receive a report from the Audit Committee, ordinarily in June and other than in a year of ordinary elections, detailing their activities during the past year and proposed work programme for the following year for approval by the Council;
 - k. consider motions; and
 - l. consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework.

4. Extraordinary Meetings

Calling Extraordinary Meetings

- 4.1 The Monitoring Officer may call and those listed below may request the Monitoring Officer to call extraordinary Council meetings in addition to ordinary meetings:
- a. the Council by resolution;
 - b. the Chair of the Council;
 - c. any five Councillors with a signed request to the Chair of the Council; or
 - d. the Leader of the Council.

Items of Business at Extraordinary Meetings

- 4.2 Only business specified in the summons may be transacted at an extraordinary meeting of the Council.

Motion to remove the Leader

- 4.3 A motion to remove the Leader from office may only be:
- a. made at an extraordinary meeting convened specifically for that purpose not less than 21 days from the submission of the motion;
 - b. submitted in the form of a requisition signed by a majority of the Leading Group where that group holds a majority of seats on the Council.

- 4.4 Where there is no majority on the Council, the requisition must be signed by not less than one third of the members of the Council with members from at least two political groups; and
- 4.5 Where the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office.

5. Budget meetings of the Council

- 5.1 Budget meetings shall:
- a. appoint a person to preside if the Chair and Vice-Chair are not present;
 - b. approve the minutes of the last meeting;
 - c. receive any declarations of interest from councillors;
 - d. receive announcements from the Chair;
 - e. receive any statements from members of the public who are residents of, or working in, West Northamptonshire relating to an item of business on the public part of the agenda of that meeting;
 - f. receive and consider the Council plan, budget and associated reports; and
 - g. any other urgent business as agreed by the Chair.

6. Chair and Vice-Chair of the Council

- 6.1 The Chair of the Council, or in his/her absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings of the Council. Where both the Chair and Vice-Chair are absent, the Council will appoint another Councillor, other than a member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chair.
- 6.2 The Chair is responsible for, and must conduct themselves in accordance with the following:
- a. upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
 - b. presiding over meetings of the Full Council to ensure that business is carried out efficiently, effectively and fairly between the different political groups whilst preserving the rights of Councillors and the interests of members of the public;
 - c. ensuring that at Council meetings, matters of concern to local communities can be debated through the appropriate Councillors;
 - d. ensuring that Councillors who are not on the Cabinet or who do not hold the Chairpersonship of a main Committee are able to hold those office holders to account;
 - e. promoting public involvement in the Council's affairs and acting as a contact between members of the public, organisations and the Council; and
 - f. undertaking such other roles as may be placed upon the office from time to time by the Council.

Out of Order

- 6.3 The Chair may at any time rule out of order and reject any motion, statement, question, representation, answer or written statement which, in consultation with the Monitoring Officer:
- a. does not relate to a matter for which the Council has responsibility;
 - b. is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - c. requires the disclosure of confidential or exempt information;
 - d. names or identifies individual service users, members of staff or members of staff of partner agencies; or
 - e. is otherwise contrary to the law or would place the Council at risk of litigation.

7. Quorum

- 7.1 The quorum of meetings of the Council will be one quarter (rounded up) of the total membership. During any meeting, if the Chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. What the Council can decide

- 8.1 The Council can decide non-executive matters and those matters reserved to full Council. The Council has no power to decide Executive matters. The Council sets the budget and policy framework within which Executive decisions are made.

9. Order of business

- 9.1 Business shall be dealt with in the order in which it is set out in the agenda unless the person presiding at the meeting of the Council decides otherwise.

10. Extension of the meeting

- 10.1 If the business of a Council meeting has not been concluded by 10.30 pm, the Chair will draw the attention of the meeting to the time and to this Rule.
- 10.2 In the case of any motions or recommendations on the agenda that have not been dealt with by 10.30 pm the Chair will decide whether to end the meeting or to deal with the outstanding matters provided that those matters can reasonably be dealt with by 10.45pm:
- 10.3 Where the outstanding matters cannot be dealt with by that time each item will be put to the vote without further debate and a vote will be taken on whether the item should be accepted, rejected, referred, deferred or withdrawn.

11. Urgent business

- 11.1 Business cannot be dealt with at a Council meeting unless it is included in the Summons. The Chair may allow business which is not specified in the Summons to

be dealt with if it is required by law to be dealt with by a certain date or is brought before the Council as a matter of urgency.

12. Confirmation of minutes

- 12.1 Minutes of the last Council meeting shall be confirmed at the next ordinary meeting of the Council.
- 12.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall sign the minutes.

13. Record of Executive Decisions

- 13.1 The Record of Executive Decisions, as well as the reports prepared by the Executive for the Council will be submitted to the next ordinary meeting of the Council.
- 13.2 These will be noted and received by a decision of the Council.
- 13.3 Any question about the accuracy of any matter before the Council from the Executive must be considered and determined by the Executive. It is not a matter for the Council. The Leader is able to make changes on behalf of the Executive but may choose to do so only with the agreement of Cabinet.

14. Matters for decision by the Council

- 14.1 All matters for decision by the Council shall be included with the agenda, other than items of urgency under Rule 11 above.
- 14.2 When the item is reached on the agenda, the Leader, the relevant Portfolio Holder, the Chair of the relevant Committee or another councillor will, where appropriate, move the recommendation or advice of the Cabinet or Committee, or endorsement of a Cabinet or a Committee decision. Another Councillor may second the motion and may reserve the right to speak until later in the debate.
- 14.3 The Chair cannot ask the Council to agree to withdraw a recommendation of the Cabinet or a Committee unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

15. Motions (procedural) which may be moved without notice

- 15.1 The following motions and amendments may be moved at a Council meeting without notice.
 - a. appointment of a Chair of the meeting at which the motion is made;
 - b. motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee;
 - c. that an item of business specified in the summons should have precedence;
 - d. reference to the Council, a Committee, Sub-Committee or the Cabinet;

- e. appointment of or appointment to Committees, Sub-Committees or the Cabinet occasioned by an item mentioned in the summons to the meeting;
- f. receipt of Records of Executive Decisions;
- g. adoption of recommendations of the Cabinet, Committees and Sub- Committees and any consequent resolutions;
- h. that leave is given to withdraw a motion;
- i. that leave is given to alter a motion by the mover of that motion;
- j. receipt of reports of officers and any consequent resolutions;
- k. extending the time limit for speeches;
- l. amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons;
- m. that the Council proceed to the next business;
- n. that the question be now put;
- o. that the debate be now adjourned;
- p. that the Council do now adjourn;
- q. authorising the sealing of documents;
- r. suspending Meeting Procedure Rules, in accordance with Procedure Rule 49;
- s. motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the press and public;
- t. that a Councillor named under Procedure Rule 46 should not be heard further or should leave the meeting; and
- u. giving consent of the Council where consent of the Council is required by these Meeting Procedure Rules.

16. Public participation at Council meetings

- 16.1 The Council welcomes public participation from anyone who lives, works or studies in West Northamptonshire, or who has a direct connection to a service provided by the Council. Public participation can take the form of presenting petitions, making statements or asking questions.
- 16.2 Questions may also be asked at Cabinet and shall be dealt with as set out in these Meeting Procedure Rules

17. Petitions

- 17.1 The Council has adopted a Petitions Scheme and details of this such as: the purpose of a petition, the eligibility criteria and relevant thresholds for making petitions, the procedure and review mechanisms can be found on the Council's website.

18. Statements

- 18.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item although this may be extended at the Chair's discretion.

- 18.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.
- 18.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
- a. be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - b. relate to any non-determined planning or licensing application;
 - c. name or identify individual service users, Members of staff or Members of staff of partner agencies.

19. Public Questions

- 19.1 At ordinary meetings of Full Council, questions can be asked of the Chair of Council, Members of Cabinet and Chair of Committees.
- 19.2 The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chair's discretion.

20. Members' Questions

- 20.1 A Member of the Council may ask the Leader, or any other Member of the Cabinet, the Chair of a Committee or Sub-Committee any question without notice on a report of the Cabinet, Cabinet Member or a Committee or Sub-Committee when that report is being received or under consideration by Full Council.

21. Members' Questions on notice

- 21.1 At ordinary meetings of Full Council, questions can be asked of the Chair of Council, Leader, Members of Cabinet and Chairs of Committees on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area which are not included in a report to the Council.
- 21.2 The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chair's discretion.

22. Notice of questions

- 22.1 No person, organisation or Member may submit more than two questions at any one meeting.
- 22.2 No question may be sub-divided into more than two related parts.
- 22.3 Questions must be delivered in writing or by email to the Monitoring Officer no later than 10 am, three clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
- 22.4 In exceptional circumstances and in cases of urgency the Chair may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
- 22.5 Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

23. Scope of questions

- 23.1 The question must be relevant to the powers and duties of the Council and be clear and concise.
- 23.2 A question will be rejected where it:
- a. does not relate to a matter for which the Council has a responsibility or which affects the Council's administrative area;
 - b. is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - c. relates to any non-determined planning or licensing application;
 - d. requires the disclosure of confidential or exempt information;
 - e. names or identifies individual service users, members of staff or members of staff of partner agencies;
 - f. is considered by the Chair to be inappropriate for the particular meeting.
- 23.3 The Chair's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
- 23.4 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection.

24. At the meeting

- 24.1 Questions will be dealt with in order of receipt subject to the Chair's discretion to group together questions on the same or similar subject.
- 24.2 Questions will be taken as read. However, if a questioner wishes to ask their question at the meeting, he or she will be given up to three minutes to ask the question.
- 24.3 Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting.
- 24.4 The relevant Member of the Council or another Member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.
- 24.5 Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response, sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

25. Supplementary questions

- 25.1 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.
- 25.2 The Chair may reject the supplementary question on the grounds listed in paragraph 23.2 above (reasons for rejection).

- 25.3 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

26. Form of response

- 26.1 A response may take the following forms:
- a. a direct oral answer;
 - b. where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
 - c. a written reply.

27. No debate on questions

- 27.1 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chair may allow discussion. No decision can be made arising from a question other than to refer it to Full Council, Cabinet or a Committee by way of a motion which shall be moved, seconded and voted on without discussion.

28. Questions relating to Portfolio Holder reports (where Portfolios have been allocated)

- 28.1 Cabinet Overviews will be circulated to all Members before the start of the meeting.
- 28.2 A period of up to 45 minutes will be allowed at Council meetings during which Portfolio Holders will be able to give any update required on their report (with a time limit of 3 minutes) upon which Members will be able to ask the relevant portfolio holder questions without notice.
- 28.3 In order to keep to the 45 minute limit and/or maintain fairness between Members, the Chair may limit the number of questions (or further questions) to be asked, either in total or by any one Portfolio Holder.

29. Notices of Motion

Procedure

- 29.1 Notice of every motion (other than a motion which under Procedure Rule 15 may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least five clear working days before the next meeting of the Council, to the Monitoring Officer by whom it shall be dated, in the order in which it is received. Motions received less than 7 clear days before the meeting will not be included on the agenda of the Council but may be put at the meeting (subject to being ruled Out of Order).

Scope

- 29.2 Motions must be about matters for which the Council has direct responsibility or influence.

- 29.3 The Chair, following consultation with the Monitoring Officer, is authorised to reject any motion that appears to be irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper. A motion will not be accepted if it is substantially the same as a question which has been put or an address made by some other person at the same meeting of the Council or at another meeting of the Council in the preceding six months.

Motions to be set out in summons

- 29.4 The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Executive or non-Executive functions but otherwise in the order in which they have been received.

Withdrawal of Motion which is before the Council

- 29.5 Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so.

Motions not moved

- 29.6 If a motion set out in the summons is not moved either by a Councillor who gave notice of it or by some other Councillor on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Deferment of a Notice of Motion

- 29.7 Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chair of the Council indicates, in writing, his/her agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

30. Rules of Debate

- 30.1 The rules of debate to be followed at Council meetings are set out below.

Motions and Amendments

- 30.2 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting. At meetings other than those of the full Council, the Chair of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions which do not require notice.

Secunder's Speech

30.3 When seconding a motion or amendment a Councillor may advise the Chair that he/she will reserve his/her right to speak until a later period in the debate.

Only one Councillor to stand at a time

30.4 When speaking at a Council meeting a Councillor shall if possible stand and address the Chair. While a Councillor is speaking the other Councillors will remain seated, unless rising, if possible, on a point of order or in personal explanation.

Content and length of speeches

30.5 A Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. The speech of the mover of a motion shall not exceed five minutes and all other speeches shall not exceed three minutes.

When a Councillor may speak again

30.6 At a Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Councillor;
- b. if the motion has been amended since he/she last spoke, to move a further amendment;
- c. if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- d. in exercise of a right of reply under these rules;
- e. on a point of order referring to a specific Procedure Rule (which must be cited on rising);
- f. by way of personal explanation; or
- g. to move one of the motions specified as being able to be moved without notice, when the procedure for moving a motion without notice must be followed.

30.7 At Committees or Sub-Committees Councillors may, at the discretion of the Chair, speak more than once.

Amendments

30.8 An amendment must be relevant to the motion and shall be either:

- a. to leave out words;
- b. to leave out words and add others;
- c. to insert and/or add words;

but such amendment shall not have the effect of negating the motion before the Council.

30.9 The Chair, following consultation with the Monitoring Officer, may rule a motion Out of Order under rule 6.3. A motion will not be accepted if it is substantially the same as a motion which has already been submitted to the same meeting of the Council.

Notice of Amendments

30.10 A Councillor who wishes to propose an amendment to a report included with the summons or a motion submitted on the summon shall be required to submit the

amendment in writing to the Monitoring Officer not less than 48 hours before the start of the meeting. Amendments to reports of which notification has been included within the summons of the meeting may be moved without notice.

Number of Amendments

30.11 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

Status of Amendments

30.12 If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alterations to Motions or Amendments

30.13 A Councillor may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the meeting is required. There should be no discussion on whether consent should or should not be given.

Withdrawal of Motion

30.14 A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

Right of Reply

30.15 The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

Motions which may be moved during debate

30.16 When a motion is under debate no other motion shall be moved except the following:

- a. to amend the motion (subject to paragraph 30.8);
- b. to adjourn the meeting;
- c. to adjourn the debate;
- d. to proceed to the next business;
- e. to suspend Procedure Rules;
- f. to refer a matter to the Council, Cabinet, a Committee or Sub- committee for consideration or reconsideration;
- g. that the question be now put;
- h. that a Councillor be not further heard;
- i. by the Chair under Procedure Rule 46 that a Councillor do leave the meeting;

- j. a motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the public.

Closure Motions

- 30.17 A Councillor may move, without comment, at the conclusion of a speech of another Councillor, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:
- a. on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
 - b. on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
 - c. on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of Order

- 30.18 A Councillor may rise (or where necessary, instead raise their hand) on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Councillor shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood or misquoted in the current debate.

Ruling of Chair on a Point of Order/Personal Explanation

- 30.19 The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final. The Chair shall consult on any question of interpretation with the Monitoring Officer or their designated nominee prior to making a ruling.

Respect for the Chair

- 30.20 At the Council meeting whenever the Chair rises during a debate a Councillor then standing shall sit down and the Council shall be silent.

31. Rules of Debate at Budget meetings

31.1 The following rules of debate apply to Budget meetings as defined in Section 5 above.

Order, Content and Length of Speeches

31.2 At a budget meeting of the Council, the following rules shall apply to debate on the annual budget.

31.3 The exact length of speeches for each proposer and management of the debate is at the discretion of the Chair and will be announced before the start of the meeting.

- a. The Chair will call the Leader of the Council, or his or her nominee, to propose the budget. The proposer will move the budget. The seconder will have up to three minutes to second the budget.
- b. Once the budget has been seconded, the Chair will call the group leaders, or their nominees, to speak. Each will be called in order of precedence according to the number of Councillors in each group. Where two groups have the same number of members, the Chair shall exercise their discretion.
- c. The Leader of the principal opposition group, or their nominee, will make a statement or propose an alternative budget or amendment. If an alternative budget or amendment has been proposed, the seconder will have up to three minutes to second the amendment.
- d. The Leaders of each of the minor opposition groups, or their nominees, will make a statement or propose an alternative budget or amendment. If an alternative budget or amendment has been proposed, the seconder will have up to three minutes to second the amendment.
- e. If an opposition group proposes an alternative budget or amendment, then after each amendment has been seconded it shall be debated. The normal rules of debate shall apply. The proposer of the amendment has a right of reply. The proposer of the Administration's budget also has a right of reply prior to the vote. Each alternative budget or amendment will be debated and voted in the order they were proposed. Each vote must be a recorded vote.
- f. After each opposition group alternative budget or amendment has been voted on, the debate will return to the substantive motion - the Administration's Budget - which may or may not have been amended.
- g. Prior to the debate on the substantive motion, the mover of the Administration's budget shall be permitted to propose an amendment that is minor in nature. A minor amendment is an amendment with a financial impact equal to or below the key decision threshold. The normal rules of debate shall apply to the debate on a minor amendment. The normal deadlines for the submission of such an amendment shall not apply. The proposer of the Administration's budget has a right of reply prior to the vote. The vote must be a recorded vote.
- h. Once the vote has been taken on a minor amendment, or if no such amendment has been proposed, the debate on the substantive motion will take place. All members of the Council are allowed to contribute to the debate, except the mover or seconder of original motion (unless the seconder has reserved their right to speak).
- i. No further amendments are allowed at this stage by any of the members of the Council.

- j. After the debate on the substantive motion, the mover of the Administration's budget has a right of reply (up to 5 minutes). A recorded vote must then be taken on the substantive budget (which may have been amended) and the debate is concluded.

Alternative Budgets and Amendments to the Budget

- 31.4 Alternative Budgets and amendments to the budget which are to be debated at a Budget Meeting shall be submitted in the form of an alternative budget or a list of proposed amendments to the budget proposed by the Administration. In either case, each alternative budget or list of proposed amendments shall be proposed, seconded and debated as if they were a single amendment.
- 31.5 The text of all alternative budgets or proposed amendments to the budget must be submitted to the Monitoring Officer by 5pm, five clear working days before the meeting. The Monitoring Officer shall comply with the wishes of the Leader of the relevant political group in determining when to make the documents available to other councillors, the press and public, subject to this being no later than the start of the meeting at which the budget is to be discussed.
- 31.6 Alternative budgets or proposed amendments to the budget will be considered in the order set out above. Only one alternative budget or proposed amendments to the budget may be moved and discussed at any one time unless the Chair decides otherwise.
- 31.7 No further amendment may be moved until the alternative budget or amendment to the budget under discussion has been dealt with.
- 31.8 If an alternative budget or proposed amendments to the budget is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments which have already been notified are moved.

32. Rescission of earlier resolution

- 32.1 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.
- 32.2 Such a motion may be moved if:
- a. it is recommended by the Cabinet or a Committee; or
 - b. notice of such motion has been given under Rule 29 and signed by at least one third of the total number of Councillors (31) who include members from more than one political group.

33. Voting

- 33.1 Each Councillor has one vote.
- 33.2 Voting will be by a show of hands or, where practical and the means are available to those present, by suitable electronic means.
- 33.3 When a Councillor asks for a recorded vote to be taken, and 10 members of the council (or one quarter of a committee) stand in their places to support the request, the vote

will be recorded to show whether each Councillor voted for or against the motion or abstained. If necessary, a Councillor may raise their hand instead of standing in order to indicate their support for a request for a recorded vote.

- 33.4 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 33.5 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 33.6 A Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 33.7 Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

34. Offices and Appointments

- 34.1 If on a vote no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.

35. Election of Chair of Committees and Sub-Committees

- 35.1 The Chair of every Committee and Sub-Committee excluding the Cabinet will be elected at the annual meeting of the Council where possible.
- 35.2 The Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.
- 35.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Committee or Sub-Committee concerned.
- 35.4 Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices.

36. Urgent business – Non-Executive Matters

- 36.1 An item of urgent business which has to be decided before the next meeting of the Council and which does not fall within the Executive's functions and responsibility can be determined by the Head of Paid Service, subject to the procedure set out below.
- 36.2 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that he/she has first consulted the relevant Chair (or Vice-Chair if he/she is not available).
- 36.3 A copy of the consultation document shall be sent to the appropriate Cabinet Member, the Chair of the relevant Overview and Scrutiny Committee, the group leaders and the Councillors for the area concerned, if the matter particularly affects one or more electoral areas.
- 36.4 Any such approval shall be in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.
- 36.5 The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the Head of Paid Service and the Chief Finance Officer.

- 36.6 A report of any action under this Procedure Rule shall be made available by electronic means to all Councillors.

Part B – Committee and Sub-Committee Meetings

37. Programme of meetings

- 37.1 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council under Rule 1.1. Alterations to the date, time and/or venue for meetings, as well as the inclusion of additional meetings, shall be matters the Chair of each committee to determine as set out in paragraph 37.2 below.
- 37.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Monitoring Officer will consult the Chair of the relevant Committee or Sub-Committee before any action is taken. The Chair of the Committee or Sub-Committee will then determine the matter.

38. Chairing

- 38.1 Where a Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Executive members for appointment.
- 38.2 In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

39. Quorum at Committees and Sub-Committees

- 39.1 No item of business will be transacted at a meeting of a committee or sub-committee unless there are at least one quarter of the members of the body present which will in each case be rounded up.
- 39.2 Any variants to Rule 39.1 will be set out in the committee or sub-committees terms of reference.
- 39.3 In the case of the Licensing Committee and its Sub-Committees these Rules are subject to and applied as stated in the Licensing Act 2003 (Hearings) Regulations 2005.

40. Minutes of Committees and Sub-Committees

- 40.1 The minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 40.2 Only matters relating to the accuracy of the minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 40.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.
- 40.4 The Minutes of any Sub-Committee must be submitted to the next suitable meeting of the parent Committee by the Sub-Committee Chair.

- 40.5 Members may ask a question or comment on any minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 40.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.
- 40.7 Any question about the accuracy of any minute of a body must be considered and determined by that body at its next suitable meeting.

41. Requests by Members for items of business to be included on agendas of a committee or Sub-Committee

- 41.1 This rule sets out details of the process by which a Councillor can ask for an item of business to be included on the agenda of a Committee or Sub-Committee meeting.
- 41.2 This Rule does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
- 41.3 A Councillor may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 41.4 A Councillor may not give notice of more than one item of business for anyone meeting. The notice shall state the nature of the business and shall include the signature of that Councillor. A notice may be submitted electronically and bear an electronic signature, provided the notice has been originated by that Councillor.
- 41.5 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 6 months.
- 41.6 Items arising from such notices shall appear on the agenda after the ordinary public or private agenda items accordingly.
- 41.7 A member of an Overview and Scrutiny Committee has a statutory right to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. The restrictions in paragraph 40.4 above on the number of items shall not apply to items submitted under this paragraph.

42. Committee and Sub-Committee Agenda - Urgent items of business

- 42.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears on the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 42.2 The Chair of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

43. Attendance of Councillors at Committees and Sub-Committees of which they are not members

- 43.1 Notwithstanding their rights as a member of the public, a Councillor may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, including when exempt or private and confidential business is transacted.
- 43.2 A Councillor will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under the Access to Information Procedure Rules.
- 43.3 The Councillor has no right to vote but may speak with the consent of the Chair of the meeting.

44. Overview and Scrutiny Committees/Sub-Committees

- 44.1 In applying these Rules to Overview and Scrutiny Committees and Sub-Committees, regard shall be had to the Overview and Scrutiny Procedure Rules which are contained in Part 7 of this Constitution.

Part C – General Provisions

45. Records of attendance

- 45.1 The Monitoring Officer will keep a record of Members attending any meeting of the Council, the Cabinet, and any Committee or Sub-Committee.

46. Disclosure of confidential/exempt matters

- 46.1 No Councillor shall disclose to any person the whole or any part of the contents of any agenda or any matter arising during the proceedings, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee. All Councillors will familiarise themselves and not contravene the Access to Information Rules set out within the Constitution.

47. Disorderly conduct by Members

- 47.1 If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding, or any other Councillor may move “That the Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.
- 47.2 If the Councillor continues the misconduct, the person presiding may: either move “That the Councillor do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 47.3 In the event of general disturbance by Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding will have the power to adjourn the meeting.

48. Disturbance by members of the public

- 48.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall issue a warning to him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared or if necessary immediately adjourn the meeting.

49. Variation and revocation of Procedure Rules

- 49.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

50. Suspension of Procedure Rules

- 50.1 These Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved except where this would be in contravention of statute.
- 50.2 A motion to suspend Procedure Rules shall not be moved without notice unless there shall be present at least one-third of the Members of the Council or that Committee or Sub-Committee respectively.

51. Interpretation of Procedure Rules

- 51.1 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.
- 51.2 The person presiding, shall consult with the Monitoring Officer or their designated nominee on any question of interpretation.

52. Submission of Notices by Members – Electronic Means

- 52.1 A Councillor may communicate, by electronic means, any notice under any of the Council's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

53. Meetings by remote means

- 53.1 During the period of the Coronavirus Restrictions specified in the relevant legislation the provisions of Appendix 1 will apply allowing the Council, its Committees and Sub-Committees to hold meetings using remote technology.
- 53.2 During the period that Appendix 1 applies the remainder of the Council's Constitution, including these procedure rules, is to be interpreted in a manner which gives effect to Appendix 1.
- 53.3 On 7 May 2021 or such other time as the regulations specified in Appendix 1 cease to apply, the provisions of Appendix 1 shall also cease to apply.

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Appendix 1 – Rules applying to remote meetings under Rule 48

1. Introduction

- 1.1 These Procedure Rules provide the means and guidance for the conduct of remote meetings of the Authority and its committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 1.2 The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the Authority's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3 The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially.

2. Notice of Meetings

- 2.1 The Proper Officer will give the requisite notice to the public of the time of the meeting, and the Agenda, together with details of how to view the meeting via the following website:
<https://cmis.northamptonshire.gov.uk/cm5live/Home.aspx>
- 2.2 Councillors will be notified of a remote meeting by email and all agenda papers will be available on the Council's website (see paragraph 2.1).
- 2.3 The 'place' at which the meeting is held may be a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

3. Access to Meetings

- 3.1 Councillors will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.
- 3.2 Remote access for members of the public and members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting.
- 3.3 It is important to note that the public accessing the meeting by remote means, as described in 3.2, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means may render the

meeting incapable of proceeding.

4. Management of Remote Participation

- 4.1 Any Councillor participating in a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by all other Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Councillors participating.
- 4.2 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.3 The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of the full council). Any Councillor participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.
- 4.4 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.
- 4.5 The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.
- 4.6 In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:
 - a. if it is, then the business of the meeting will continue; or
 - b. if there is no quorum, then the meeting shall adjourn for a period specified by the Chair to allow the connection to be re-established.
- 4.7 If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate/possible the relevant cabinet member, shall explore such other means of taking the decision as may be permitted by the Council's constitution.
- 4.8 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the full council). If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 4.9 In the event of connection failure, the Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the

Councillor(s) will be deemed to have returned at the point of re-establishment.

4.10 Etiquette at the meeting is referred to further at paragraph 6.6 below.

5. Remote Attendance by the Public

- 5.1 Any member of the public who has been given permission by the Chair to address a meeting in accordance with the Council's Rules of Procedure must meet the same criteria as Councillors. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.
- 5.2 Access to the meeting will be determined in accordance with the Meeting Procedure Rules set out elsewhere in this constitution. In such instances, an invitation to participate in the remote technology will be sent out.
- 5.3 Members of the public who have been given permission by the Chair to address a meeting may read out their question or written statement, of which prior notice will have been given, when invited to do so by the Chair.
- 5.4 As an alternative, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chair at the appropriate time.
- 5.5 The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 5.6 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

6. Meeting Procedures

- 6.1 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, will control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and member interaction, engagement and connections on the instruction of the Chair.
- 6.2 The Council put in place a technological solution that will enable Councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 6.3 It will greatly assist the meeting if those Councillors who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are encouraged to co-

ordinate this activity where possible, particularly in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if Councillors are unable to participate via video conference.

6.4 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches.

6.5 At the beginning of the meeting, the Chair will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.

6.6 Councillors are asked to adhere to the following etiquette during remote attendance at a meeting:

- a. Members of the committee or body in question are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment and verify identity.
- b. Any camera (video feed) should show a non-descript background or a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- c. Councillors must take care to type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
- d. All Councillors must have their microphones muted when not talking.
- e. Rather than raising one's hand or rising to be recognised or to speak, Councillors should avail themselves of the remote process for requesting to be heard.
- f. Councillors will only speak when invited to by the Chair.
- g. Only one person may speak at any one time.
- h. Councillors should turn on the microphone and also the video-feed (if available) then state their name before speaking.
- i. When referring to a specific report, page, or slide, mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

6.7 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of their introduction, explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

6.8 When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:

- a. a vote by electronic means; or
- b. an officer calling out the name of each member present with:
 - members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called

- the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item
- c. by the general assent of the meeting.

1.2 Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request.

2. Declarations of Interest

2.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

3. Exclusion of Public and Press

3.1 There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

3.2 Each Councillor in remote attendance must ensure and confirm that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

3.3 Any Councillor in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Council’s Code of Conduct.

4. Public Access to Meeting Documentation following the meeting

4.1 Members of the public may access minutes, decision and other relevant documents through the following website: <https://cmis.northamptonshire.gov.uk/cm5live/Home.aspx> Requests for access to the list of background papers and other relevant documents should be by email to the relevant officers.

3.3 Policy Framework

3.3.1. The Council is responsible for setting the budget and policy framework. This sets out the broad financial envelope and the policy framework for the individual decisions made by the Executive.

3.3.2. West Northamptonshire Council has agreed that the following policies will sit within the Council's policy framework:

- Annual Library Plan
- The Corporate Plan
- Children and Young Peoples Plan
- Crime and Disorder Reduction Strategy
- Development Plan and Documents (the Local Plan and associated documents).
- Licensing Authority Policy Statement
- Local Transport Plan
- Minerals and Waste Development Framework, comprising the following Local Development Documents:
 - Minerals and Waste Core Strategy;
 - Locations for Minerals Development;
 - Locations for Waste Development;
 - Control and Management of (Minerals and Waste) Development;
 - Development and Implementation Principles for Minerals and Waste Development (Supplementary Planning Document).
- Youth Justice Plan

3.4 Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in 3.2 above. Once the budget and policy framework is in place, it will be the responsibility of the Cabinet to take implementation decisions in accordance with it.

2. Process for developing the framework

- 2.1 The process by which the budget and policy framework shall be developed is:
- a. the Cabinet will publicise by including in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Overview and Scrutiny Committees will also be notified. The consultation period in each instance shall be not less than 8 weeks unless the Council agrees otherwise.
 - b. if the relevant Overview and Scrutiny Committee wishes to respond to the Cabinet through that consultation process then it may do so. The Overview and Scrutiny Committee may investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
 - c. once the Cabinet has approved firm proposals, the Monitoring Officer will refer them at the earliest opportunity to the Council for decision.
 - d. In reaching a decision, the Council may adopt the Cabinet's proposals. But if the Council has any objections to the Cabinet's proposals, then before it amends, approves or adopts any plan, strategy or budget, it must inform the Leader of those objections and require the Cabinet to reconsider. The Cabinet may, within such reasonable period as the Monitoring Officer may determine (but which shall not be less than 5 working days) submit revised proposals or inform the Council of the Cabinet's disagreement with the Council's objections and the reasons for this. Once that period has expired, the Council in amending, approving or adopting any plan, strategy or budget, must take into account any revised proposals and the views of the Cabinet.
 - e. in the case of budget proposals submitted to the Council after 8 February in any financial year and any budget proposals submitted following designation or nomination by the Secretary of State, then the Council may amend, approve or adopt the Cabinet's proposals and need not require the Cabinet to reconsider.
 - f. all decisions will be made by the Council on the basis of a simple majority of votes cast at the meeting.
 - g. in approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with Rules 5 and 6 (virement

and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget and policy framework

- a. Subject to the provisions of Rule 5 (virement) the Cabinet, committees of the Cabinet and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the policy framework. If any of these bodies or persons wish to make a decision which is contrary to the budget and policy framework, or contrary to, or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to Rule 4 (urgent decisions outside the budget and policy framework) below.
- b. If the Cabinet, a committee of the Cabinet or any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency - in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget and policy framework

- a. The Cabinet, a committee of the Cabinet, or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to, or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - if it is not practical to convene a quorate meeting of the full Council; and
 - if the Chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- b. The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and Scrutiny Committee, the consent of the Chair of the Council, shall be obtained - and in the absence of both the consent of the Vice-Chair of the Council shall be obtained.
- c. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

5.1 The scheme of virement is set out in the Financial Procedure Rules in Part 9.7 below.

6. In-year changes to policy framework

6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy and budget framework may be made by those bodies or individuals except those changes:

- a. necessary to ensure compliance with the law, or ministerial direction; or
- b. in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside the budget and policy framework

- a. Council can only consider call-in decisions or proposed decisions which relate to an executive decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget. Where Councillors are of the opinion that this is the case they shall seek advice from the Monitoring Officer and/or the Chief Finance Officer.
- b. In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer and/or the Chief Finance Officer conclude that the decision was a departure; and to the relevant Overview and Scrutiny Committee if the Monitoring Officer and/or the Chief Finance Officer conclude that the decision was not a departure.
- c. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, Councillors may, in accordance with the call-in procedure set out in the Overview and Scrutiny Procedure Rules, refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by members of the Overview and Scrutiny Committee unless the Leader of the Council, or in their absence the Deputy Leader, agrees that the Council need not necessarily meet within the specified period. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.1 The Council may either:

- 7.1.2 endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- a. amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - b. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or the Chief Finance Officer.

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PART 4

Committees

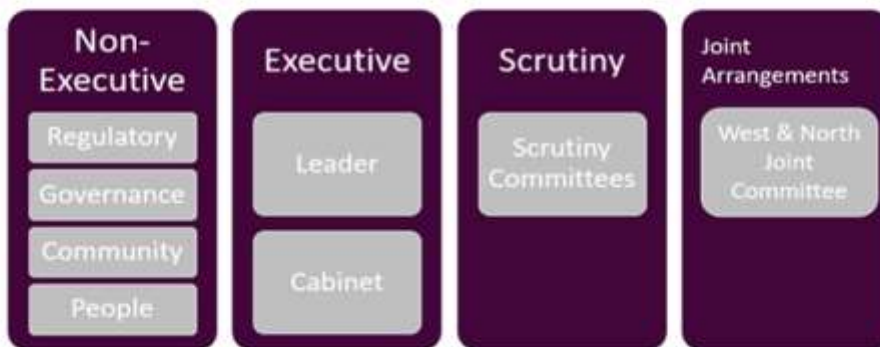
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4.0 Committees

4.1 Committee Structure



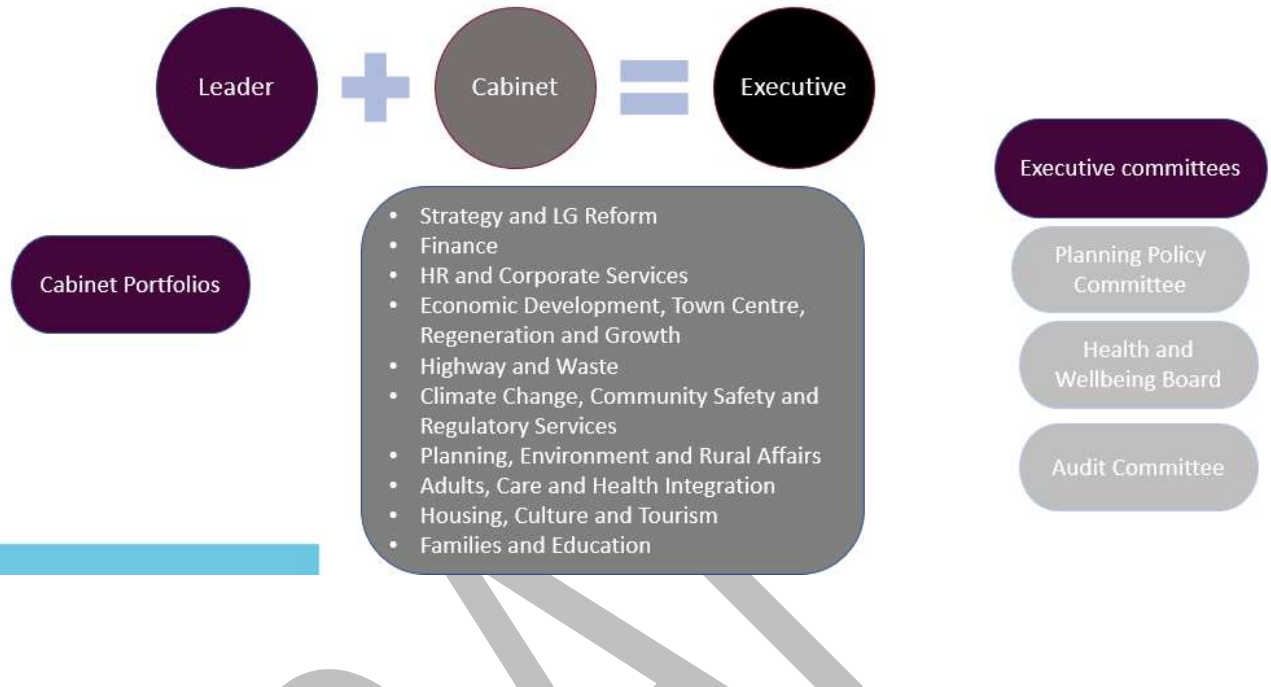
OVERVIEW



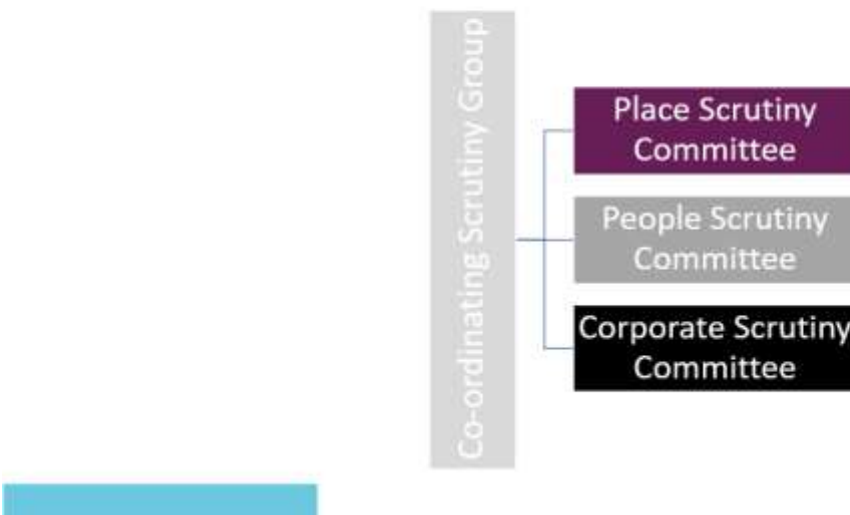
Non-Executive



Executive Arrangements



Scrutiny Arrangements



4.2 Committee Procedure Rules

Please refer to the Meeting Procedure Rules at Part 3.2

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4.3 Regulatory Committees

4.3.1 Licensing Committee

Members 15: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

- a. The Licensing Committee is responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with its Role and functions set out below.
- b. Members shall not participate as Members of the Licensing Committee or any of its sub-committees in relation to Licensing Act and Gambling Act matters until they have received appropriate training in respect of their functions on the committee or sub-committees.

4.3.1.1 Role and Functions

- The Role will include Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.
- For the avoidance of doubt, the Licensing Committee shall exercise an advisory role in relation to executive functions, such as the fixing of fares for hackney carriages.
- To approve licensing policy (except for matters specifically reserved by statute to Council or the Cabinet).
- To deal with all functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all of the Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005 and the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006 any other associated matters and any other similar licensing and registration functions.
- The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005.
- Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.
- Each sub-committee will comprise three Members drawn from the Licensing Committee.

4.3.1.2 Sitting as a sub-committee comprising 3 Members (drawn from the full Committee on an ad-hoc basis):

- to hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 (“the 2003 Act”) and associated regulations;
- to determine applications for a provisional statement or the grant, variation, or transfer of a premises licence under the Gambling Act 2005 (“the 2005 Act”) where a representation has been received or where the Head of Service proposes that the power under Section 169(1)(b) be exercised to exclude certain licence conditions;
- to determine all matters in relation to the review of a premise licence under the 2005 Act;
- to determine applications for club gaming and club machine permits under the 2005 Act where objections have been received and matters relating to the cancellation of club gaming and club machine permits or licensed premises gaming machine permits;
- to determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.

4.3.1.3 Sitting as a Panel comprising 3 Members (drawn from the full Committee on a politically proportionate basis):

- to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation;
- in cases where the Head of Service has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
- to determine all matters relating to street trading consents where representation or objections have been received;
- to determine appeals against officer decisions to reject applications for licences.

4.3.2 Strategic Planning Committee

Members 13: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

- a. Members shall not participate as Members of the Strategic Planning Committee until they have received appropriate training in respect of their functions on the committee.

4.3.2.1 Role and Functions

- Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 including in relation to strategic applications meeting the thresholds set out in (i), (ii) and (iii) below
 - (i) Large-scale major developments defined (by the Government's planning application statistical returns) as those of 200 houses (or 4 hectares) or more or
 - (ii) commercial developments of 10,000 square metres (or 2 hectares) or more or
 - (iii) strategically important developments (as identified by the Assistant Director – Growth and Investment, following consultation with the Chair of the Local Planning Committee for the area in which the development is proposed).
- Applications called in that cross the boundary of two local area committees.
- Any application where the Assistant Director – Growth and Investment considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses.
- There shall be no referral down of applications from Strategic Planning Committee to Local Area Planning Committees.

4.3.3 Local Area Planning Committees

4.3.3.1 There are three Local Area Planning Committees in West Northamptonshire, which reflect the areas of the existing local plans for Daventry, South Northamptonshire and Northampton.

Northampton Local Area Planning Committee

Members 11: Quorum 5. Not politically balanced,

Daventry Local Area Planning Committee

Members 9: Quorum 5. Not politically balanced,

South Northamptonshire Local Area Planning Committee

Members 9: Quorum 5. Not politically balanced,

4.3.3.2 The Local Area Planning Committees are not politically balanced as they fall within the political balance exemption for area committees; but should reflect the political make-up of the relevant area,

4.3.3.3 Members shall not participate as Members of a Local Area Planning Committee until they have received appropriate training in respect of their functions on the committee.

4.3.3.4 Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 that do not fall within the responsibilities of the Strategic Planning Committee.

4.3.3.5 To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Assistant Director – Growth and Investment considers it inappropriate to exercise delegated powers having considered public representations and consultee responses. These include:

- Major Developments below the limits set for the Strategic Planning Committee;
- Applications which do not meet the criteria for Major Development;
- Change of Use;
- Householder Developments;
- Consent to display advertisements under the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended);
- Shop fronts;
- Listed Building Consents;
- Conservation Area Consents;

4.3.3.6 There shall be no referral up of applications from the Local Area Planning Committees to the Strategic Planning Committee

4.3.3.7 The Assistant Director - Growth and Investment, after consultation with the relevant Portfolio Holder, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant Local Area Planning Committee.

4.3.4 Planning Policy Committee

4.3.4.1 Executive Arrangements will need to be determined for:

- Review of and the development of proposals for development framework policies, for approval;
- Approval of proposals that support the development framework policies such as development briefs.

4.3.4.2 To consider matters of local importance within the area such as:

- The designation and amendment of conservation areas;
- Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications.

4.4 Democracy and Standards Committee

Members 9: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

4.4.1 The purpose of the Democracy and Standards Committee is to have overall responsibility for the Council's Constitution and decision making governance; to make necessary decisions in relation to Elections and to have responsibility for Community Governance and Boundary Reviews on behalf of the Council. The Standards responsibilities of the Committee are to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of West Northamptonshire. The Committee will have the roles and functions set out below.

4.4.2 In relation to the Democratic functions of the Committee

- a. To have overall responsibility for reviewing the Council's Constitution and Decision Making Governance and recommending any proposed changes to the Council;
- b. To have delegated responsibility for the conduct of polling station reviews and other election functions which it is necessary for the Council to decide (but not the functions delegated directly by statute to the Returning Officer and Electoral Registration Officer);
- c. To have delegated responsibility for preparing submissions on behalf of the Council to the Local Government Boundary Commission for England in relation to the governance of the area;
- d. To have delegated responsibility for preparing submissions on behalf of the Council to the Parliamentary Boundary Commission for England.

4.4.3 In relation to the Standards functions of the Committee

- a. To promote and maintain high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils;
- b. To keep the Member Code of Conduct and where appropriate the Planning Code of Conduct under review and make recommendations to Council on any amendment or revisions to the Codes when appropriate;
- c. To advise, train or arrange training for Members and co-opted Members of the Council, Parish and Town Councils on matters relating to the Member Code of Conduct and the Planning Code of Practice;
- d. To give general guidance and advice to Members and Co-opted Members of the Council, Parish and Town Councils on Member's interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer and the Register of Gifts and Hospitality;
- e. To grant dispensations to Members and co-opted Members from requirements relating to interests;
- f. To keep the Council's Arrangements for Dealing with Standards Complaints under review and make recommendations to Council on any amendment or revisions to the Arrangements when appropriate;

- g. In accordance with the Council's Arrangements for Dealing with Standards Complaints, to assess and / or refer for investigation allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Council if so requested by the Monitoring Officer;
- h. To determine allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Councils;
- i. To be a consultee in relation to the Council's Officer Code of Conduct;
- j. To make recommendations to Council with regard to the appointment of Independent Persons;
- k. To oversee the Council's Protocol on Member / Officer Relations;
- l. To receive an annual report from the Monitoring Officer detailing complaints received, complaints dealt with and resolutions achieved;
- m. To exercise all the Council's functions, as specified in Regulation 2 of the Local Authority (Functions and Responsibility) (England) Regulations 2000 insofar as such functions are not the responsibility of the Council or any other Committee of the Council.

4.4.1. Hearing Sub-Committee

3 Members

- 4.4.2. To determine, in accordance with the Council's Arrangements for Dealing with Standards Complaints, complaints referred to the sub-committee following completion of an investigation into allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Council.

4.5 Audit and Governance Committee

Members 9: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

Purpose:

- 4.5.1. The purpose of the Audit and Governance Committee is to:
- a. Provide independent assurance as to the Council's governance, risk management framework and associated control environment;
 - b. Provide independent scrutiny of the Council's financial and non-financial performance and oversee the Council's financial reporting process;
 - c. Act as an advisory committee to the Council and the Cabinet on audit and governance issues.

Terms of Reference:

4.5.2. Audit:

- a. To consider the annual report of the internal audit service and to consider a summary of actual and proposed internal audit activity and the levels of assurance over the Council's corporate governance arrangements;
- b. To consider summaries of specific internal audit reports as requested;
- c. To consider and approve the Council's arrangements for the internal audit service;
- d. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- e. To consider any high priority recommendations contained in internal audit reports or 'limited assurance' audit reports;
- f. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- g. To consider specific reports as agreed with the external auditor;
- h. To comment on the scope and depth of external audit work and ensure that it gives the Council good value for money;
- i. Through the Executive Director of Finance liaise with the Audit Commission over the appointment of the council's external auditor;
- j. Through the Executive Director of Finance commission specific pieces of work from internal and external audit if there is a perceived need expressed by Committee members and sufficient funding available for such work.

4.5.3. Corporate Governance

- a. Maintain an overview of all aspects of the Council's Constitution including Finance Reservations in the Scheme of Delegation, contract procedure rules and financial regulations;
- b. Review any issue referred to it within these Terms of Reference by the Chief Executive, Section 151 Officer or any body of the Council;
- c. Monitor the effective development and operation of risk management and corporate governance within the Council;
- d. Approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies;
- e. Review and make recommendations on the Council's Annual Governance Statement;

- f. Consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice;
- g. Monitor the Council's compliance with its own and other published standards and controls;
- h. Consider reports dealing with risk management across the organisation and those reports which identify key risks the Council faces, seeking assurance of appropriate management action;
- i. The Chair of the Audit and Governance Committee shall act as the Member Risk Champion;
- j. To have oversight the Council's Performance Management Framework so far as it relates to the Corporate Governance Functions of the committee;
- k. Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee;
- l. To receive annually statistical reports and details of complaints received and investigated through the Council's Corporate Complaints Procedure which have resulted in payments or other benefits being provided by the Council in cases of maladministration;
- m. Receive on behalf of the Council reports issued by the Local Government Ombudsman into investigations that the Council's actions have amounted to maladministration causing injustice.

4.5.4. Financial Reporting

- a. View the Council's annual statement of accounts and specifically consider whether appropriate accounting policies have been followed, and whether there are any concerns arising from the financial statements, or the audit which should be brought to the attention of the Council;
- b. Consider reports of the external auditor to those in charge of governance on issues arising from the audit of the accounts.

4.6 Pensions Fund Committee

1. The Pension Committee
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
 - d. Membership breakdown
2. The Investment Sub-Committee
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
 - d. Membership breakdown
3. The Joint Committee (of the ACCESS Asset Pool)
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
4. The Local Pension Board

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1. The Pension Committee

a. Role and Function

To be responsible for the Council's statutory function as administering authority under the Local Government Pension Scheme Regulations and associated legislation under Sections 7, 12 and 24 of the Superannuation Act 1972. The Committee will be established under s101 of the Local Government Act 1972.

The Pension Committee will be provided with full delegated powers to discharge the following functions on behalf of the Council to deal with all matters relating to the Northamptonshire Local Government Pension Scheme

b. Membership, Chairing and Quorum

Number of Members	13
Chair and Vice Chair's Term of Office	Term of office will be one year. The appointment /removal of the Chair will be a function of the Council. The appointment of the Vice Chair shall be a function of the Pension Committee. The Chair and Vice Chair of the Pension Committee will represent the Northamptonshire Pension Fund on the Joint Committee of the ACCESS pool.
Substitute Members Permitted	Designated substitutes only due to the skills and knowledge requirements
Political balance rules apply	Yes, within West Northamptonshire Council membership
Restrictions on Membership	None
Quorum	5
Number of ordinary meetings per Council year	A minimum of 4
Voting rights	All representatives have equal voting rights
Training requirements	Members may not take part on the meetings of the Pension Committee unless they are committed to the skills and knowledge requirements set out by the Chair.

c. Terms of Reference

- To deal with all matters relating to the Northamptonshire Pension Fund Local Government Pension Scheme.
- Authority to set the Pension Fund's objectives and determine and maintain appropriate strategies, policies and procedures with ongoing monitoring in the following areas:
 - Funding Strategy – ongoing monitoring and management of the liabilities including ensuring appropriate funding plans are in place for all employers in the Fund.

Overseeing the triennial valuation and interim valuations and working with the actuary in determining the appropriate level of employer contributions for each employer.

- Investment Strategy – to determine the Fund’s investment objectives and to set and review the long term high level investment strategy to ensure these are aligned with the Fund’s specific liability profile and risk appetite
 - Administration Strategy – the administration of the Fund including collecting payments due, calculating and paying benefits, gathering from and providing information to scheme members and employers.
 - Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers.
 - Discretions – determining how the various administering authority discretions are operated for the Fund.
 - Risk Management Strategy – to include regular monitoring of the Fund’s key risks and agreeing how they are managed and/or mitigated.
 - Governance – other key governance documents concerning the management and administration of the Northamptonshire Pension Fund such as strategies, policies and procedures such as the Overpayments of Pension Policy and Reporting Breaches of the Law to the Pensions Regulator.
- Authority to approve and apply the policy on, and to take decisions relating to, employers joining and leaving the Fund and bulk transfers in and out of the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
 - Authority to consider and agree business plans at least annually and monitor progress against them.
 - Authority to develop and maintain a skills and knowledge framework for all Pension Committee and Investment Sub-Committee members and for all officers of the Fund, including:
 - Determining the Fund’s knowledge and skills framework;
 - Identifying training requirements;
 - Developing training plans; and
 - Monitoring attendance at training events.
 - Authority to select, appoint, monitor and where necessary terminate advisers to the Fund not solely relating to investment matters.
 - Authority to agree the Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
 - Authority to consider and determine where necessary, alternative investment strategies for participating employers.
 - Authority to oversee the work of the Investment Sub-Committee and consider any matters put to them by the Investment Sub-Committee.
 - Authority to set up sub-committees and task and finish groups including jointly with other LGPS Administering Authorities.
 - Authority to review and amend the Strategic Investment policies on an appropriate regular basis, in consultation with the Section 151 Officer.
 - Authority to manage any other strategic or key matters pertaining to the Fund not specifically listed above.

- Production of an annual report for consideration by the Council.
- Consider and review the financial accounts in advance of approval by the Audit Committee.
- In relation to pooled asset arrangements under the ACCESS Joint Committee:
 - Providing a representative to sit on the Joint Committee to represent the interests of the Northamptonshire Pension Fund
 - Determining the requirements of the Administering Authority in relation to the provision of services by ACCESS to enable it to execute its investment strategy effectively.
 - Receiving and considering reports from the ACCESS Joint Committee in order to ensure that the Fund's investor rights and views are represented appropriately.
 - Ensuring arrangements are in place to identify and manage the risks and costs associated with investment pooling.

d. Membership breakdown of the Pension Committee

Representing	Number of Representatives	Term of Office	Method of Appointment
West Northamptonshire Council (the administering authority)	7	4 years from Council election	Determined by West Northamptonshire Council
North Northamptonshire Council	2	4 years	Determined by North Northamptonshire Council
All other employers	2	4 years	Nominations to be determined by eligible employers. Details of the selection process to be determined by Chair.
Active Scheme Members	1	4 years	Determined by Unison. Where Unison fails to nominate a representative for any period of 6 months or more, nominations will be requested from all eligible active members and a representative will be picked following interviews. Details of process to be agreed by the Chair.
Deferred and Pensioner Members	1	4 years	Determined by Unison. Where Unison fails to nominate a representative for any period of 6 months or more, nominations will be requested from all eligible active members and a representative will be picked following interviews. Details of process to be agreed by the Chair.
Total	13		

2. Investment Sub-Committee

a. Role and Function

The Investment Sub-Committee undertake the day to day management of the Fund's investments through implementing the investment strategy, reviewing and monitoring the asset allocation and appointing and reviewing the performance of investment managers outside of the ACCESS asset pool.

b. Membership, Chairing and Quorum

Number of Members	7
Chair and Vice Chair's Term of Office	The Chair and Vice Chair of the Board shall also be the Chair and Vice Chair of the Investment Sub-Committee
Substitute Members Permitted	Designated substitutes only due to the skills and knowledge requirements
Political balance rules apply	Yes, within West Northamptonshire membership
Restrictions on Membership	Representatives must be derived from the membership of the Pension Committee
Quorum	4
Number of ordinary meetings per Council year	A minimum of 4
Voting rights	All representatives have equal voting rights
Training requirements	Members may not take part on the meetings of the Investment Sub-Committee unless they are committed to the skills and knowledge requirements set out by the Chair.

c. Terms of Reference

- Authority to implement the Fund's investment strategy including setting benchmarks and targets for the Fund's investment managers and reviewing performance against those benchmarks.
- Authority to review and maintain the asset allocation of the Fund within parameters agreed with the Pension Committee.
- Authority to appoint and terminate investment managers to the Fund, including through divestment from holdings within the ACCESS asset pool, and to monitor the performance of investment managers leading to review and decisions on termination where necessary.
- Authority to appoint and monitor and where necessary terminate external advisors and service providers solely relating to investment matters, for example, the Fund Custodian, independent investment advisers, and investment consultants.
- Authority to monitor the risks inherent in the Fund's investment strategy in relation to the Fund's funding level.
- Authority to monitor and review:
 - Legislative, financial and economic changes relating to investments and their potential impact on the Fund;

- The investment management fees paid by the Fund and to implement any actions deemed necessary;
- The transactions costs incurred by the Fund across its investment mandates and raise relevant issues and concerns with the investment providers as necessary;
- The investment provider's adoption of responsible investment considerations, including carbon benchmarking, corporate governance matters and a review of compliance with the UK Stewardship Code.
- Authority to receive reports from investment providers.
- Authority to undertake any task as delegated by the Pension Committee.
- Authority to refer any matter to the Pension Committee as they consider appropriate and to provide minutes and such other information as they may request from time to time.

d. Membership breakdown of the Investment Sub-Committee

Representing	Number of Representatives	Term of Office	Method of Appointment
West Northamptonshire Council (the administering authority)	4	4 years from Council election	Determined by West Northamptonshire Council
North Northamptonshire Council	1	4 years from Council election	Determined by West Northamptonshire Council
All other employers	1	4 years	Determined by non-West Northamptonshire Council employer representatives on the Committee. Details of process to be agreed by the Chair.
Scheme Members	1	4 years	Determined by Unison. Where Unison fails to nominate a representative for any period of 6 months or more, nominations will be requested from all eligible active members and a representative will be picked following interviews. Details of process to be agreed by the Chair.
Total	7		

3. The Joint Committee (of the ACCESS asset pool)

a. Role and Function

The Joint Committee is the formal decision making body within the ACCESS asset pool. The Joint Committee has been appointed by the 11 administering authorities under s102 of the Local Government Act 1972, with delegated authority from the Full Council of each administering authority within the pool to be responsible for ongoing contract management and budget management in relation to the pooling of LGPS pension fund assets. The Joint Committee is supported by the Officer Working Group and the ACCESS Support Unit. Each administering authority within the ACCESS asset pool has signed and is bound by the terms of an Inter-Authority Agreement.

b. Membership, Chairing and Quorum

The Joint Committee consists of one elected councillor appointed by each Council. The member so appointed must, at the time of the appointment, be an elected councillor serving as a member of the Committee of a Council which discharges the duties the functions of that Council as Local Government Pension Scheme administering authority.

Each Council may appoint a substitute. Any substitute must meet the eligibility requirements above. The substitute may attend any meeting of the Joint Committee or any of its sub-Committees in place of that authority's principal member if notice that the substitute will attend is given to the Secretary of the Joint Committee by the Council concerned.

The Joint Committee meet at least four times each year.

The quorum of a meeting is at least 8 members who are entitled to attend and vote.

Each elected Member has one vote.

Kent County Council provides secretariat support to the Joint Committee and publishes electronic copies of agenda and unrestricted public items on their website.

c. Terms of Reference (as detailed in the Inter-Authority Agreement).

Part 1 – Operating the Pool and taking advice

- The Joint Committee (JC) shall consult with and consider the advice of the Section 151 Officer Group (and, where requested, the Monitoring Officers and from appropriate professional advisers) in discharging its functions, recording, if appropriate, where such advice is not followed and the rationale for not doing so. It may decide to procure such professional advisers on such terms as it thinks fit. Accordingly, any procurement of advisers must comply with the constitution of the

Council designated to undertake the procurement and that Council will enter into a contract with the appointed adviser on behalf of the Councils.

- The JC shall decide which functions shall be performed by the ACCESS Support Unit (ASU).
- The JC shall at all times have regards to the ACCESS Pool's principles of governing and collaboration.

Part 2 – Functions in relation to the Operator(s)

- **Specifying Operator services** – Deciding, in consultation with the Councils, the specification of Services and functions that each Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
- **Procuring an Operator** – Agreeing the method and process for the procurement and selection of one or more Operators.
- **Appointing an Operator** – Making a recommendation to the Councils as to the identity of each Operator and the terms upon which each Operator is to be appointed.
- **Reviewing the Performance of an Operator** – Keeping the performance of each Operator under review and making arrangements to ensure that the JC is provided with regular and sufficient reports from the ASU to enable it to do so including but not limited to:
 - The performance of an Operator against its contractual requirements and any other performance measures such as the Service Level Agreement and Key Performance Indicators and officer recommendations on any remedial action;
 - Sub-fund investment performance;
 - Investment and operational costs including the annual review of investment manager costs;
 - Performance against the strategic business plan agreed by the Councils.
- **Managing the Operator(s) – the JC shall:**
 - Make recommendations to the Councils about the termination or extension of the Operator Agreement(s)
 - Make decisions about any other action to be taken to manage an Operator Agreement including the giving of any instruction or the making of any recommendation to the relevant Operator including but not restricted to recommendations on investment managers (with any regulatory constraints that may apply); and
 - Make recommendations to the Councils about appropriate arrangements to replace an Operator Agreement on its termination.

Part 3 – Functions in relation to management of Pool Assets

- The JC shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

Part 4 – Functions Concerning Pool Aligned Assets

- The JC shall make recommendations to the Councils about Pool Aligned Assets in accordance with this Agreement or any other delegation to the JC by the Councils.
- **Specifying services of Pool Aligned Assets Provider(s)** – Deciding, in consultation with the Councils, the specification of Services which any Pool Aligned Assets Provider will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
- **Procuring a Pool Aligned Assets Provider** – Agreeing the method of and process for the procurement and selection of one or more Pool Aligned Assets Providers.
- **Appointing Pool Aligned Assets Provider** – Making a recommendation to the Councils as to the identity of each Pool Aligned Assets Provider and the terms upon which each Pool Aligned Assets Provider is to be appointed.
- **Reviewing the Performance of a Pool Aligned Assets Provider** – Keeping the performance of each Pool Aligned Assets Provider under review and making arrangements to ensure that the JC is provided with regular and sufficient reports from the ASU to enable it do so including but not limited to:
 - The performance of the Pool Aligned Assets Provider against its contractual requirements and any other performance measures such as any Service Level Agreement and Key Performance Indicators and office recommendations on any remedial action;
 - Investment performance of the Pool Aligned Assets Vehicle(s) or sub-funds, as appropriate;
 - Performance against the strategic business plan agreed by the Councils.

Part 5 – Functions Concerning Business Planning and Budget

- Having taken account of any advice from the Section 151 Officers Group (or, where relevant, recording the rationale for not following such advice), the JC shall:
 - Make recommendations to the Councils about the annual strategic business plan for the Pool;
 - Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by the Councils to the Operator) in accordance with Schedule 5 (Cost Sharing) of the Inter-Authority Agreement.

- Keep the structure created by this agreement under review from time to time and make recommendations to the Councils about:
 - The future of the pool
 - Any changes in Inter-Authority Agreement
 - The respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.

Part 6 – Functions Concerning Communications

- The JC may agree a protocol for communications in respect of the Pool with third parties, including the LGPS Scheme Advisory Board, other LGPS administering authorities, press and relevant Government departments.

Part 7 – Review of this Agreement

- The JC is required to undertake a review of this agreement:
 - To be completed 18 months before the expiry of each and every Operator Agreement, including as a result of the exercise of any option to terminate an Operator Agreement;
 - Whenever a Council gives notice of withdrawal under clause 12 (Withdrawal from Agreement) of the Inter-Authority Agreement; or
 - At such times as a Council may request under Clause 11 (Variation of Agreement) of the Inter-Authority Agreement.

4. The Local Pension Board

The administering authority (West Northamptonshire Council) as scheme manager under Section 4 of the Public Service Pensions Act 2013 is required to establish a Local Pension Board in accordance with Section 5 of that Act and under Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is independent of the Pension Committee and is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to this such committees, sub-committees or officers under the constitution, standing orders or scheme of delegation of the administering authority apply to the Board unless expressly stated.

a. Role and Function

The role of the Local Pension Board is to assist the administering authority (West Northamptonshire Council) in its role as scheme manager of the Northamptonshire Local Government Pension Scheme (LGPS). This covers all aspects of governance

and administration of the LGPS, including funding and investments. The Local Pension Board's responsibilities are:

- To assist the administering authority in securing compliance with:
 - the Local Government Pension Scheme Regulations 2013;
 - other legislation relating to the governance and administration of the LGPS; and
 - the requirements imposed by the Pensions Regulator in relation to the LGPS; and
- To ensure the effective and efficient governance and administration of the LGPS;

b. Membership, Chairing and Quorum

All Local Pension Board members shall have the right to vote in meetings.

The Local Pension Board shall meet a minimum of four times a year. The date, hour and place of meetings shall be fixed by the Board. The Chair may call additional meetings if necessary. Quorum shall be four Local Pension Board members, provided that the employer and member sides are both represented.

No business requiring a formal resolution shall be transacted at any meeting of the Local Pension Board unless the meeting is quorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end and arrange for the completion of the agenda at the next meeting or at a special meeting. Only previously designated substitutes are permitted to attend due to the skills and knowledge requirements of Local Pension Board representatives.

The Chair and Vice-Chair of the Local Pension Board shall be elected by the Board at its annual meeting. The normal term of office for the Chair and Vice-Chair of the Local Pension Board shall be one year, subject to earlier removal by vote of the Local Pension Board.

Members may not be permitted to take part in meetings of the Local Pension Board unless they have complied with the training requirements as set out in the Public Services Pensions Act and in the CIPFA Skills and Knowledge requirements for Local Pension Board representatives.

c. Terms of Reference

The first core function of the Board is to assist the administering authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Pension Regulator's Code of Practice.
- Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.
- Assist with the development of and continually review such documentation as is required by the Regulations including the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement.
- Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- Monitor complaints and performance on the administration and governance of the scheme.
- Review the implementation of revised policies and procedures following changes to the Scheme.
- Review the outcome of internal and external audit reports.
- Review draft accounts and Fund annual report.
- Review the compliance of particular cases, projects or process on request of the Committee.
- Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.

The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- Assist with the development of improved customer services.
- Monitor performance of administration governance and investments against key performance targets and indicators.
- Monitor internal and external audit reports.
- Review the risk register as it relates to the scheme manager function of the authority.
- Assist with the development of improved management, administration and governance structures and policies.
- Review the outcome of actuarial reporting and valuations.
- Assist in the development and monitoring of process improvements on request of Committee.
- Any other area to ensuring effective and efficient governance of the scheme the Board deems appropriate.

d. Membership breakdown of the Local Pension Board

Representatives	Number of seats	Term of appointment	Method of appointment
Scheme Employers	3	4 years	One councillor representative determined by West Northamptonshire Council. One councillor representative determined by North Northamptonshire Council. One representative of any other Scheme Employer that participates in the Northamptonshire Pension Fund appointed via an open selection process.
Scheme Members	3	4 years	Three representatives appointed via an open selection process. Any trade union members so appointed will represent Scheme Members.

4.7 Health and Wellbeing Board Terms of Reference

4.7.1 Accountability

4.7.1.1 The West Northamptonshire Health and Wellbeing Board is a statutory committee of West Northamptonshire Council which:

- Is established in accordance with section 194 of the Health and Social Care Act 2012.
- Is treated as a Committee of the Council under section 102 of the Local Government Act 1972 and provisions of the Local Government and Housing Act 1989.
- Will be subject to any amendment or replacement of regulation or guidance applicable to any legislation relevant to the functions, powers and duties of Health and Wellbeing Boards.

4.7.2 Role

4.7.2.1 The Board is a forum that enables key leaders from across West Northamptonshire and the county to secure better health and wellbeing outcomes for the local population, better quality of care for all patients and care users, better value for the taxpayer and reduce health inequalities by shaping the future of services through a more integrated approach to commissioning health and wellbeing related services.

4.7.2.2 The Board aims to achieve this by:

- Providing a strategic lead for the local health and care system, and improving the commissioning of services across the NHS, local government and its partners.
- Initiating and encouraging the integrated delivery of health, social care and other services with health and wellbeing related responsibilities (such as housing, leisure, planning community activity).
- Holding the Integrated Care System to account through monitoring and assurance.
- Providing a key forum to increase democratic legitimacy in health, along with public and joint accountability of NHS, public health, social care for adults and children, and other commissioned services that the Board agrees are directly linked to health and wellbeing.

4.7.3 Key responsibilities/duties

4.7.3.1 The statutory duties of the Board are:

- The preparation of Joint Strategic Needs Assessments (JSNAs) which assess the current and future health and social care needs of the local population.
- The preparation of the Health and Wellbeing Strategy (HWS).
- To encourage the integration of health and social care services, in particular providing appropriate advice, assistance or support for the purposes of integration of services under section 75 of the National Health Service Act 2006.
- To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- Overseeing the publication of the Directors of Public Health Annual Report.
- To endorse and oversee the successful implementation of Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG) arrangements locally.
- To review NHS Northamptonshire Clinical Commissioning Group and West Northamptonshire Council local commissioning plans to ensure they take due regard of the JHWS and the JSNA, writing formally to the local authority leadership or NHS England as appropriate, if in its opinion the plans do not.
- To advise the Care Quality Commission, NHS England, Trust Development Authority or NHS Improvement (as appropriate), where the Board has concerns about standards of service delivery or financial probity.
- Publication of a Pharmaceutical Needs Assessment.
- To undertake any additional responsibilities as delegated by the West Northamptonshire Council.

4.7.4 Authority

4.7.4.1 The Board may seek any information it requires from any employee of a Constituent Member organisation via a Member and all Constituent Members and Members are directed to co-operate with any reasonable request made by the Board.

4.7.4.2 The Board may obtain independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary. The costs, if any, of obtaining such third party advice shall be shared among the constituent organisations as agreed between them.

4.7.4.3 The Board shall receive written and oral evidence from senior staff, and other partners, as appropriate.

4.7.4.4 The Board shall seek to ensure there is an acceptable balance between the value of the information it receives and the time and other costs it takes to acquire and process it.

4.7.5 Appointments

4.7.5.1 The Chair of the Board will be nominated by the Leader of West Northamptonshire Council. The Chair can be an independent co-opted member. Vice Chairs will be appointed by the Board.

4.7.5.2 The Chair and Vice Chairs term of office shall last for a maximum of two years, where they will be re-appointed or replaced as approved by Full Council.

4.7.6 Membership

4.7.6.1 The following are statutory members of the Board as stipulated in the Health and Social Care Act 2012 section 194:

- At least one elected member of the local authority nominated by the Leader of the local authority.
- The director of adult social services for the local authority.
- The director of children's services for the local authority.
- The director of public health for the local authority.
- A representative of the Local Healthwatch organisation for the local authority.
- A representative of each relevant clinical commissioning group (a person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board).

4.7.6.2 The Board may appoint additional persons to become members of the Board as it thinks appropriate.

4.7.6.3 West Northamptonshire Council must consult the Board before appointing a non-statutory member to the Board.

4.7.6.4 Members of the Board shall each name a deputy who will have the authority to make decisions in the event that they are unable to attend a meeting.

4.6.7.5 In the absence of the Chair then one of the Vice-Chairs shall preside. If all are absent the Board shall appoint, from amongst its members, an Acting Chair for the meeting in question.

4.6.7.6 Individuals may be listed under membership of the Board as Special Advisors by invitation for specific issues and expertise.

4.7.7 Code of Conduct

4.7.7.1 All members of the Board are covered by the West Northamptonshire Council's code of conduct and must adhere to that code of conduct when acting in the capacity of a Board member.

4.7.7.2 Where any Board member has a Disclosable Pecuniary Interest or Non-Statutory Disclosable Interest, which will require them to leave the meeting for the duration of discussion on that item, they must make this known at the commencement of the meeting. They may remain and address the board on the relevant matter but must leave the room prior to any debate, voting or decision-making process.

4.7.8 Quorum

4.7.8.1 A quorum for any meeting shall be one-quarter of the members of the Board including at least one Elected Member, one officer and one representative from the Clinical Commissioning Group. No business requiring a transaction shall take place where the meeting is not quorate, if this arises during a meeting the Chair must either suspend business until the meeting is again quorate or declare the meeting to be at an end.

4.7.9 Voting Arrangements

4.7.9.1 Unless the Council decides otherwise, all full members of the Health and Wellbeing Board have voting rights; only full board members (or nominated deputies in their absence) shall sit at the board room table, or join virtually so that the right to vote is obvious.

4.7.9.2 Decisions shall be made on the basis of a show of hands of a majority of voting members present. The Chair will have a second or casting vote.

4.7.10 Meeting Frequency

4.7.10.1 The Board shall meet on a quarterly basis. The date, hour and place of meetings shall be fixed by the Board.

4.7.10.2 The Chair may convene an extraordinary meeting at short notice to consider matters of urgency, under Schedule 12A of the Local Government Act 1972. The notice must state the business to be transacted and no other business is to be transacted at the meeting.

4.7.10.3 The Chair will be required to consider convening a special meeting of the Board if he/she is in receipt of a written requisition to do so signed by no less than three of the Constituent Members of the Board. Such requisition shall specify the business to be transacted and no other business shall be transacted as such meeting. The meeting, if convened by the Chair, must be held within seven days of the Chair's receipt of the requisition.

4.7.10.4 The Chair of the Board, or majority of those present at a Board meeting can take the decision meetings of the Board may be adjourned at any time to be reconvened at any other day, hour and place, as the Board decides.

4.7.11 Sub Groups

4.7.11.1 The Board can establish sub groups based on the Board's priority areas which will be reviewed on an annual basis. The Sub Groups will be informal officer groups, ensuring that the views of patients and service users are included. The Sub Groups should provide an overview of work undertaken and any issues arising for discussion at alternate Health and Wellbeing Board meetings to be considered by members.

4.7.12 Visitors and Speakers

4.7.12.1 As the Board is a public meeting observers may attend and will be seated in a viewing area or observe via YouTube if the meetings are held virtually.

4.7.12.2 Presenters who are not full Board Members may attend the meeting and should sit in the viewing area, they will be invited to address the floor by the Chair when their agenda item arrives.

4.7.12.3 Members of the public who wish to address the Board on matters listed on

the Agenda for a specific meeting may do so for a period of not exceeding 3-minutes at the commencement of that meeting, only with the agreement of the Chairman, and provided they have given 48 hours notice of the matter to be raised to the Chairman and Secretariat in writing.

4.7.13 Meeting Administration

4.7.13.1 The Board Secretariat shall give at least five clear working days' notice in writing to each member for every ordinary meeting of the Board, to include any agenda of the business to be transacted at the meeting.

4.7.13.2 Papers for each Board meeting will be sent out five clear working days in advance. Late papers will be sent out or tabled only in exceptional circumstances, and not without the prior consent of the Chairman.

4.7.13.3 The Board shall hold meetings, or parts of meetings, in private session when deemed appropriate in view of the nature of business to be discussed. The Board must first pass a resolution for the exclusion of press and public. The following must be stated at this time:

“In respect of the following items the Chairman moves that the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them”.

4.8 Senior Appointments Committee

4.8.1 Membership:

Leader, Deputy Leader, Relevant Portfolio Holder, Leader of the Opposition, and three other councillors.

- The Committee is required to be politically balanced.

4.8.2 Terms of Reference of the Senior Appointments Committee

- To recommend to the Council the appointment of the Chief Executive and where appropriate the dismissal of the Chief Executive in accordance with the Staff Employment Procedure Rules.

4.8.3 To make appointments or dismissals as appropriate of the following roles:

- Executive Director Finance
- Director of Legal and Democratic
- Director of Children's Services
- Director of Transformation
- Executive Director Adults, Communities and Wellbeing
- Executive Director Place, Economy and Environment
- Executive Director Corporate Services
- Assistant Chief Executive
- Director of Public Health

4.8.4 To undertake associated activities including the interview and dismissal processes generally for the roles outlined.

PART 5

Executive

5.0 Executive

5.1 The Role of the Cabinet

- a. The Functions of a local authority are divided into two broad categories: Executive and non-Executive. The Council and its committees decide non-Executive matters and these are described in Parts 3 and 4. All other decisions are made by the Executive.
- b. West Northamptonshire Council is operating a Leader and Cabinet model form of Executive Arrangements. This means that the Council will elect a Leader from among the members of the Council. The Executive will consist of the Leader and at least 2 other members and not more than 9 other members.
- c. The function of determining Executive Portfolios sits with the Leader of the Council and can be varied at the discretion of the Leader.
- d. The Chair and Vice-Chair of the Council may not be members of the Executive. Further details are set out in the Cabinet Procedure Rules below.

5.2 Cabinet Arrangements

Cabinet Decisions

- 1.1 The arrangements for the discharge of executive functions are determined by the Leader. The Leader may provide for executive functions to be discharged by:
- a. the Leader;
 - b. the Cabinet as a whole;
 - c. a Committee of the Cabinet;
 - d. an individual Member of the Cabinet;
 - e. an officer;
 - f. an Area Committee;
 - g. Joint Arrangements including the Community Networks; or
 - h. another Local Authority.

Delegation by the Leader

- 1.2 At the Annual Meeting of the Council, the Leader shall present to the Council their proposals for Cabinet delegations, to the extent that they have been formulated at that time. The Leader shall provide to the Monitoring Officer within ten working days of the Annual Meeting a written record of Cabinet delegations made by them for publication, together with notice of the Portfolios to be established. In discharging these responsibilities, the Leader shall have regard to the recommendations of the Monitoring Officer and Chief Executive as to the scope and formation of the Portfolios.
- 1.3 Any subsequent 'in year' amendments shall, as they occur, be notified by the Leader in writing within one working day to the Monitoring Officer who shall notify all Members in writing of the amendment and maintain a record of them.
- 1.4 The document presented by the Leader shall contain the following information about executive functions in relation to the coming year:
- a. the names, addresses and electoral divisions of the Councillors appointed to the Cabinet by the Leader;
 - b. the nature of the responsibilities attached to the Portfolios allocated to those appointed to the Cabinet;

- c. the extent of any authority delegated to Cabinet Members individually, including details of the limitation(s) on their authority;
- d. the terms of reference and Constitution of such Cabinet sub-committees as the Leader appoints and the names of Cabinet Members appointed to them;
- e. the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- f. the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made. This may simply be the endorsement of the Scheme of Delegation approved by Council.

Sub-Delegation of Executive Functions

- 1.5 Where the Cabinet, a sub-committee of the Cabinet or an individual Member of the Cabinet is responsible for an executive function, they may delegate further to an Area Committee, Joint Arrangements or an officer.
- 1.6 Unless the Leader directs otherwise, functions delegated to the Cabinet may be delegated further to a sub-committee of the Cabinet or to an officer.
- 1.7 Unless the Leader directs otherwise, functions delegated to a subcommittee of the Cabinet may be delegated further to an officer.
- 1.8 The delegation of Cabinet functions does not prevent the discharge of those functions by the person or body who made the delegation or a person or body with a higher right of delegation.

The Council's Scheme of Delegation and Executive Functions

- 1.9 Subject to paragraph 1.10 below, the Council's Scheme of Delegation shall be subject to adoption by the Council and may only be amended by the Council, save for delegations relating to executive functions which may be varied by the Leader or in accordance with the authority delegated to the Monitoring Officer. It shall comprise the details required in Article 9.2, the Responsibility for Functions and Scheme of Delegation to officers in this Constitution and such further delegations as are made in accordance with this Constitution or other powers available to the Council.

- 1.10 If the Leader decides to delegate executive functions they may amend the Scheme of Delegation relating to executive functions accordingly at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Leader shall confirm, through their announcements any changes at the next ordinary meeting of the Council.
- 1.11 Where the Leader seeks to withdraw delegation from a sub-committee, notice shall be deemed to be served on that committee when served on its Chair.

5.3 Cabinet Procedure Rules

1 Meetings of the Cabinet

- 1.1 The Cabinet will meet as indicated in the Council's programme of meetings. The Cabinet or the Leader may agree to change the date or time of any programmed meeting subject to compliance with the requirements of Part 5.4 (Access to Information Procedure Rules) of this Constitution, to cancel a meeting where there is insufficient business to be transacted and/or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.
- 1.2 The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out in this Constitution.
- 1.3 The Leader will chair meetings of the Cabinet or in his/her absence, the Deputy Leader will chair. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Cabinet to chair that meeting.
- 1.4 All Members of the Cabinet shall be entitled to attend meetings of the Cabinet.
- 1.5 Attendance by other Members of the Council or the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.6 below, or as set out in Rules 4.1 to 4.2 below.
- 1.6 The Cabinet may invite any person it considers appropriate, to its meetings to discuss matters of mutual interest or concern, or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer, so as to ensure that the Access to Information Procedure Rules are observed.

2 Quorum at meetings of the Cabinet

- 2.1 No business shall be transacted where at any time during the meeting of the Cabinet, or a committee or sub-committee established by the Cabinet, there are fewer than one third of members of the Cabinet, a committee or sub-committee of the Cabinet present.

3 Taking of decisions by the Cabinet

- 3.1 Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded. Records of Cabinet decisions must be confirmed at the next meeting.

4 Members attending and speaking at Cabinet meetings

- 4.1 The Chairs of the Overview and Scrutiny Committees shall be entitled to attend any formal public meeting of the Cabinet and to speak to any matter on the agenda for that meeting.
- 4.2 Other Members of the Council may also speak at such meetings, subject to the rights of the Leader (or person presiding in his/her absence) to ensure that the business of the Cabinet is discharged efficiently and effectively. Those members shall be required to provide no less than 30 minutes prior notice of their wish to attend and speak.

5 Business at Cabinet meetings

- 5.1 The business to be transacted at meetings of the Cabinet will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 5.2 The agenda may be supported by additional papers prepared by officers or by or on behalf of other bodies, subject to requirements in the Access to Information Procedure Rules and disclosure of confidential or exempt information.
- 5.3 The Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Committee, or by the Full Council. A standing item shall be placed on agendas of public meetings of the Cabinet for this purpose.
- 5.4 The Access to Information Procedure Rules will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure

Rules.

- 5.5 The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6 The Monitoring Officer or his/her nominated officer shall be responsible for preparing and distributing the agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters relating to the application and interpretation of the constitution and recording decisions as required under this Constitution.
- 5.7 In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Monitoring Officer and the Section 151 Officer.
- 5.8 Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.
- 5.9 The Monitoring Officer will ensure that any matters referred to the Cabinet by the Council or the Council's Overview and Scrutiny Committees are placed on the agenda for the next appropriate meeting of the Cabinet.
- 5.10 Any Councillor may request the Leader to place an item on the agenda of a meeting of the Cabinet. The Leader shall have sole discretion as to whether or not to accede to such a request but shall consult the Monitoring Officer prior to making a decision. If such a request is granted, the Leader shall have sole discretion as to whether the Councillor in question can speak to the item at the meeting in question.
- 5.11 The Head of Paid Service, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of a Cabinet meeting. In pursuance of their statutory duties they can require that a special meeting of the Cabinet be convened.
- 5.12 Business cannot be conducted at formal meetings of the Cabinet unless it is included on the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.

- 5.13 The Cabinet will report to the Council as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.
- 5.14 Questions can be submitted by members of the public at meetings of the Cabinet in accordance with Meeting Procedure Rule 19.

6 Voting at Cabinet meetings

- 6.1 Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person chairing will have a second and casting vote.
- 6.2 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with Council Meeting Procedure Rule 34.

7 Cabinet – Committees and Sub-Committees

- 7.1 The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.

8 Motion under Meeting Procedure Rule 29

- 8.1 A mover of a motion under Meeting Procedure Rule 29 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent an electronic copy of the relevant papers.

9 Resolving disputes

- 9.1 In the case of any dispute during the proceedings of the Cabinet the relevant

parts of this Constitution will apply and after considering the application of the relevant provisions, the person chairing the meeting will rule on the issue in question and his/her ruling will be final.

10 Reserves/substitute members

10.1 There shall be no reserve or substitute members of the Cabinet.

11 Approval of urgent business

11.1 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that he/she has first consulted the Leader (or Deputy Leader if he/she is not available). The decision taken shall be reported to the next public meeting of the Cabinet.

12 Conflicts of interest

12.1 Where the Leader or any Cabinet Member has a conflict of interest, he/she will follow the requirements of the Council's Members' Code of Conduct in relation to such interests, including any restrictions on participating in the debate or voting upon the issue in question.

12.2 If all (or a majority) of the Members of the Cabinet present have a conflict of interest, then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Code.

12.3 If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises for that body or individual, then it will fall to the body or individual who delegated the matter to take the decision.

5.4 Access to Information Procedure Rules

A. Access to Information Procedure Rules

1 General

- 1.1 These rules apply to all meetings of the Council, its Committees and Sub-Committees, Joint Committees and to public meetings of the Cabinet.
- 1.2 In these Rules the word “meeting” means a meeting or meetings of any of these bodies unless specified otherwise.
- 1.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.
- 1.4 Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 1.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Council, Committees, Cabinet and Joint Committees, except in circumstances where the press and public have been excluded as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Council on its website or made available at the meeting.

2 Notice of meetings

- 2.1 The Council will give at least five clear working days’ notice of any such meeting by publicising, including by electronic means, relevant details, unless Paragraph 13 (Special Urgency) has been applied.
- 2.2 A copy of the Official Notice will also be published on the Council’s website.

3 Agenda and supporting papers - rights of access

- 3.1 Copies of the agenda and supporting papers will be made available on the Council’s website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an agenda later, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.

3.2 The Council will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item.

3.3 The Council may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 3.2 above.

4 Access to decision records, minutes, agenda and supporting papers after a meeting

4.1 The Council will make electronically available, for a period of six years from the date of the meeting:

- a. the minutes of the meeting where, under these rules or the Constitution minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
- b. the records of decisions taken, together with reasons by the Cabinet excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
- c. where information relating to a decision is considered in private, a summary of the proceedings to provide a reasonably fair and coherent record, excluding any information which is of a confidential or exempt nature; and
- d. the agenda and supporting papers covering items which were considered when the public were entitled to be present.

5 Background documents

5.1 The officer, in whose name an item is to be submitted for decision, will set out in the agenda a list of the background documents which in his/her opinion:

- a. relate to the subject matter of the item in question;
- b. discloses any facts or matters on which the agenda item or an important part of it has been based; and
- c. has been relied upon to a material extent in preparing the agenda item.

5.2 The requirements in Rule 5.1 above do not apply to or include any published

works or any document in whole or in part which would disclose confidential or exempt information.

- 5.3 Background documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made.

6 Definition of confidential and exempt information

- 6.1 For the purposes of these Rules the definitions of confidential and exempt information are set out below.

- 6.2 Confidential Information means information supplied or given to the Council by a government department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public due to a prohibition in any enactment or by Order of the Courts.

- 6.3 Exempt Information is information falling within any of the categories set out in Appendix 1 subject to the conditions noted in that Appendix.

7 Exclusion of the press and public from meetings

Confidential information – requirement to exclude

- 7.1 The press and public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that confidential information, as described in Rule 6.2 above will be disclosed.

Exempt information – discretion to exclude

- 7.2 In the case of exempt information, the press and public may be excluded from a meeting where Rule 6.3 and Appendix 1 applies.

8 No public right of access to agenda papers

- 8.1 The Monitoring Officer, where he/she considers it necessary, may refuse access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 7 above, the

meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Council, including the Cabinet.

9 The Cabinet: application of these rules

- 9.1 Rules 10 to 20 will apply to the Cabinet and any Committees or Sub-Committees which it may establish from time to time.
- 9.2 Where the Cabinet, including a Committee or Sub-Committee of the Cabinet meet to discuss a Key Decision, with an officer or officers present, within 28 days of the date according to the Forward Plan by which it is to be decided, then the Cabinet must comply with Rules 1 to 8 above unless Rule 12 (general exception) or 13 (special urgency) apply. This requirement does not apply where the sole purpose of the meeting is for officers to brief Councillors.

10 Procedure before taking a Key Decision

- 10.1 Subject to Rules 12 or 13, a Key Decision cannot be taken unless:
- a. a notice (“the Forward Plan”) has been published in connection with the matter in question and made available to the public at the main office(s) of the Council;
 - b. at least 28 clear calendar days have elapsed since publication of the Forward Plan; and
 - c. where the decision is to be taken at a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, public notice of the meeting has been given under Rule 2 above.

11 The Forward Plan

- 11.1 The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover a four-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 12 or 13 below will apply.

- 11.2 The Forward Plan will contain such matters as the Leader has reason to believe will be Key Decisions to be taken by the Leader, the Cabinet, a Portfolio Holder, a Committee or Sub-Committee of the Cabinet or an Office Holder in the course of the discharge of a Cabinet function during the period covered by the Forward Plan.
- 11.3 The Forward Plan will describe in respect of each matter the following particulars:
- a. that a key decision is to be made;
 - b. the matter relating to the decision to be made;
 - c. the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
 - d. the date on which, or the period within which, the decision will be taken;
 - e. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - f. the means by which any such consultation is proposed to be undertaken;
 - g. the steps any person might take to make representations to the Cabinet or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
 - h. a list of the documents submitted to the decision taker for consideration in relation to the matter;
 - i. the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
 - j. that other documents relevant to the matter may be submitted to the decision taker; and
 - k. the procedure for requesting details of those documents (if any) as they become available.
- 11.4 Where in relation to any matter where the public may be excluded from a public meeting under Rule 7, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

12 General exception for Key Decisions

12.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 13, the decision may still be taken if:

- a. the decision has to be taken by such a date that it is impracticable to comply with Rule 11;
- b. the Monitoring Officer has informed a Chair of the Overview and Scrutiny Committees, or if there is no such person, each member of the Committee in writing, by notice, of the matter to which the decision is to be made;
- c. the Monitoring Officer has made copies of that notice available to the public at the main office of the Council and published it on the Council's website; and
- d. at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.

12.2 As soon as practicable after complying with Rule 12.1, the Monitoring Officer shall make available at the main office of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 11 is not possible.

12.3 Where such a decision is taken by the Cabinet, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

13 Special urgency for Key Decisions

13.1 If by virtue of the date by which a key decision must be taken, the requirements of Rule 12 above cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body taking the decision, obtains the agreement of a Chair of the Overview and Scrutiny Committees that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee or if he/she is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair will suffice.

13.2 In addition to the requirement for the Chair to agree to the matter being dealt with as urgent business, the Chair and Vice-Chair of an Overview and Scrutiny Committee will be consulted, and may comment, on the subject matter of the decision itself.

14 Report to Council

14.1 If an Overview and Scrutiny Committee is of the opinion that a Key Decision has been taken which was not:

- a. included in the Forward Plan; or
- b. the subject of the general exception procedure under Rule 12 above; or
- c. the subject of an agreement with an Overview and Scrutiny Committee Chair, or the Chair/Vice-Chair of the Council under Rule 13 above;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.

14.2 In response to any requirement under Rule 14.1 above, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of the resolution of the Cabinet, then the report may be submitted to the subsequent meeting. The report to the Council will set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

15 Record of decisions of the Cabinet

15.1 After any meeting of the Cabinet or any of its Committees or Sub Committees, whether held in public or private, the Monitoring Officer or their nominee, or where no officer was present, the person presiding at the meeting, shall produce as soon as practicable a written statement of every decision taken at that meeting. The record will include:

- a. a record of the decision including the date it was made;
- b. a record of the reasons for the decision;
- c. details of any alternative options considered and rejected;
- d. a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
- e. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

15.2 Where an executive decision is taken by an individual member that member shall, as soon as reasonably practicable, produce or instruct the Monitoring Officer or their nominee to produce, a written statement of that decision

including the matters stated in Rule 15.1 (a) to (c) and:

- a. a record of any conflict of interest declared by any executive member who was consulted by the member who made the decision and which relates to that decision; and
- b. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

16 Cabinet meetings relating to matters which are not Key Decisions

16.1 Meetings of the Cabinet at which any decisions are to be taken shall be held in public, subject to the requirements of Paragraphs 7 and 8 above.

17 Meeting of the Cabinet in private

17.1 Where a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, is to be held in private under these Rules, at least 28 clear days before the meeting, the Cabinet shall make available at the main office of the Council a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.

17.2 At least five clear days before the meeting, the Cabinet must make available at the main office of the Council a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details of any representations received by the Cabinet about why the meeting should be open to the public; and a statement of the Cabinet's response to any such representations.

17.3 All members of the Cabinet shall be entitled to be given five clear working days' notice of the meeting, unless the meeting is convened at shorter notice on urgency grounds.

17.4 Copies of the notices required by Rules 17.1 and 17.3 shall be sent to the Chairs of the Overview and Scrutiny Committees.

17.5 Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 impracticable, the meeting may only be held in private where the Cabinet has obtained agreement from:

- a. the Chairs of the Overview and Scrutiny Committees; or

- b. if there is no such person, or if a Chair of an Overview and Scrutiny committee is unable to act, the Chair of the Council; or
- c. where there is no Chair of either an Overview and Scrutiny Committee or of the Council able to act, the Vice-Chair of the Council;

that the meeting is urgent and cannot reasonably be deferred.

- 17.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 17.5 it must make available at the Council's main office and publish on the Council's website a notice setting out why the meeting is urgent and cannot reasonably be deferred.

18 Attendance at private meetings of the Cabinet

- 18.1 Any member of the Cabinet may attend a private meeting of a Committee or Sub-Committee of the Cabinet whether they are members of that body unless the body determines otherwise.
- 18.2 Any Cabinet member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

19 Officer attendance at Cabinet meetings

- 19.1 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Cabinet. The Cabinet cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Cabinet.
- 19.2 A private meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, may only take place in the presence of the Monitoring Officer or his/her nominee, who shall have responsibility for recording and publicising any decisions.

20 Key Decisions by Portfolio Holders

- 20.1 Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least five clear working days after receipt of that

report.

- 20.2 On giving of such a report to a Portfolio Holder, the person who prepared the report will give a copy of it to the relevant Chair of an Overview and Scrutiny Committee as soon as reasonably practicable and make it publicly available at the same time.
- 20.3 As soon as reasonably practicable after a Key Decision has been taken by a Portfolio Holder, a written record of the decision must be produced in accordance with Rule 15.2 above.
- 20.4 The provisions of Rules 4 and 5 will also apply to the making of decisions by Portfolio Holders. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

21 Record of executive and non-executive decisions taken by officers

- 21.1 As soon as reasonably practicable after an officer has made a decision which is an executive decision (i.e. the responsibility of the Cabinet) a written statement will be prepared including:
- a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the officer when making the decision;
 - d. a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
 - e. in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.
- 21.2 Any record prepared in accordance with Rule 21.1 and any report considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.
- 21.3 Rules 21.1 to 21.2 will relate to decisions taken by officers in accordance with their powers and duties set out within the Scheme of Delegation or otherwise under an express delegation from the Council, its Committees, Sub-Committees or any Joint Committee in which the Council is involved. Rules 21.1 to 21.2 shall not apply to day-to-day administrative or operational decisions taken by officers in connection with the discharge of functions which are the

responsibility of the Cabinet.

- 21.4 As soon as reasonably practicable after an officer has made a decision under an express delegation from the Council, its Committees, Sub-Committees or any Joint Committee in which the Council is involved, or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Council's position, a written statement will be prepared including:
- a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the officer when making the decision; and
 - d. a record of the name of any Councillor who has declared an interest (for decisions taken under an express delegation).
- 21.5 Any record prepared in accordance with Rule 21.4 together with any background papers considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.
- 21.6 Rules 21.4 to 21.5 do not apply to:
- a. routine administrative and organisational decisions;
 - b. decisions on operational matters such as day to day variations in services;
 - c. decisions if the whole or part of the record contains confidential or exempt information; and
 - d. decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

22 Access to documents – Overview and Scrutiny Committees

- 22.1 Subject to Rule 22.4 below, any member of an Overview and Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader and/or the Cabinet including its Committees and Sub-Committees and which contains material relating to:
- a. any business transacted at a public or private meeting of the Cabinet

- including any of its Committees and Sub-Committees;
- b. any decision taken by an individual member of the Cabinet; or
- c. any executive decision taken by an officer in accordance with Part 3 of this Constitution.

22.2 Where a member of an Overview and Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 22.1 the Leader must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after the Leader receives the request.

22.3 Subject to Rule 22.4 the Chair of the relevant Overview and Scrutiny Committees is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.

22.4 Where the Leader so determines, a member of an Overview and Scrutiny Committee will not be entitled to:

- a. any document that is in draft form;
- b. any such document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or any review contained in any programme of work of the Committee.

22.5 The Leader must provide the relevant Overview and Scrutiny Committee with a written statement setting out his/her reasons for that decision.

23 Additional rights of access for Councillors

23.1 All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Cabinet including its Committees or Sub-Committees and contains material relating to any business to be transacted at a public meeting; any business previously transacted at a private meeting; any decision made by an individual member; or an executive decision by an officer unless in the opinion of the Monitoring Officer it contains exempt information falling within the categories of exempt information as set out in Appendix 1; or it contains the advice of a political advisor.

23.2 All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Cabinet including its Committees and Sub-Committees which relates to any

Key Decision unless Rule 23.1 above applies.

- 23.3 In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice, in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.
- 23.4 In relation to private meetings, decisions made by an individual member or executive decisions made by an officer, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available within 24 hours of the meeting concluding, or where an executive decision is made by an individual member or an officer, within 24 hours of the decision being made.
- 23.5 These rights of a Councillor are additional to any other right he/she may have.

Appendix 1 - Descriptions of Exempt Information

Exempt information means information falling within the following categories (subject to any qualification):

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5) Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings.
- 6) Information which reveals that the authority proposes
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

Information falling within the above descriptions is not exempt information if it is required to be registered under:

- c. the Companies Acts (as defined in section 2 of the Companies Act 2006);
- d. the Friendly Societies Act 1974;
- e. the Friendly Societies Act 1992;
- f. the Co-operative and Community Benefit Societies Act 2014;
- g. the Building Societies Act 1986; or

h. the Charities Act 2011

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
Information which

a. falls within any of the descriptions above; and

is not prevented from being exempt by the previous two qualifications is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 6

Joint Arrangements

6.0 Joint Arrangements

6.1 Joint Committees

6.1.1 Shared Services Joint Committee (Between West Northamptonshire and North Northamptonshire)

Terms of Reference of the Joint Committee

1. The Joint Committee's role is to oversee the management of those services which are provided on a Northamptonshire wide basis on behalf of North Northamptonshire and West Northamptonshire Councils to ensure effective delivery of such services and to provide strategic direction
2. The Joint Committee is specifically responsible for:
 - a. Developing and agreeing the strategy for each of the services
 - b. Approving the Service Plans for the Specified functions including targets for service quality, performance and efficiency.
 - c. Agreeing the responsibilities of each Council to deliver the Service Plans and agreed strategy, including any specific responsibilities of the Provider Council and that the responsibilities are documented within the Service Plans.
 - d. Ensuring that the services are provided within the policy and budget set by the councils.
 - e. Ensuring that the arrangements ensure that each Council's statutory responsibilities are met
 - f. Reviewing the performance of the services and initiating additional/remedial action where appropriate.
 - g. Ensuring that clear operational policies are in place and that these are complied with
 - h. Ensuring the provision of adequate funds and other resources to enable delivery
 - i. Agreeing the basis for apportioning cost between the two Councils and the amount to be apportioned
 - j. Ensuring that effective risk management arrangements are in place, that the services are subject to adequate and independent audit and that any audit recommendations are acted upon.
 - k. Approving business cases for proposed changes and overseeing the progress of subsequent work
 - l. Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition to new service delivery arrangements.
 - m. Resolving issues that are referred to the Joint Committee by relevant Chief Officers of the Service

- n. Delegating functions of the Joint Committee to officers of either Council under s101 Local Government Act 1972.
- o. Agreeing arrangements to place staff employed by one of the authorities at the disposal of the other authority to carry out the functions of the Joint Committee as described above under s113 Local Government Act 1972.
- p. To take decisions in relation to the commissioning and procurement of services either hosted or under a lead authority arrangement from a third party.
- q. Providing an Annual Report to each of the two Councils on the performance, finances and proposed service improvements including any arrangements for disaggregation.

Rules of Procedure of the Joint Committee

- a. Each of the Councils shall appoint X Members (being Executive members of that Council) as its nominated Members of the Joint Committee. The Members appointed will have full voting rights.
- b. Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from the Executive of that Council subject to notification being given to the Monitoring Officer via the relevant Democratic Services before the start of the meeting. The Member appointed as a substitute shall have full voting rights.
- c. Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- d. Each Member of the Joint Committee shall serve on the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he/she ceases to be a Member of the Executive appointing him/her or if the relevant Council removes him/her from the Joint Committee.
- e. Meetings of the Joint Committee shall be carried out on a rotational basis in the North and West Council areas or by remote means where this is permitted by law.
- f. The Council hosting the first meeting shall appoint one of its nominated members as Chair and that member shall remain Chair until the first meeting taking place after the elapse of 6 months from the time of his/her appointment unless he/she ceases to be a Member of the Joint Committee. On the expiry of the first Chair's term of office as Chair, the Council which did not appoint the first Chair shall appoint one of its nominated

members as Chair for a period of 6 months from the time of his/her appointment. The same procedure shall be followed for the appointment of the Chair in subsequent years.

- g. The Council not appointing the Chair of the Joint Committee in any year shall appoint one of its nominated members as Vice Chair.
- h. Proposed key decisions of the Joint Committee will be published on the Forward Plan for each Council in accordance with their own Access to Information Rules.
- i. Requirements in relation to Overview and Scrutiny will be met in each case by the Overview and Scrutiny Committees of the relevant Council. The relevant Overview and Scrutiny Committee will be the closest to the Corporate Scrutiny Committee for each Council.
- j. Meetings will be governed by the Executive Procedure Rules and the Access to Information Rules for each Council and where they differ by agreement between the Monitoring Officers of the two Councils as to which of the two sets of Rules will be applied.
- k. The Joint Committee shall meet once every two months (bi-monthly) unless otherwise determined by the Joint Committee. Cancellation of meetings shall be agreed by the Joint Committee or both Leaders.
- l. Additional meetings can be called by Monitoring Officer for the Chair by providing at least five clear days' notice to Member of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings. Additional meetings may be called if either Leader requests it.
- m. The Democratic Services for the Chair will send out agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Council.
- n. A meeting of the Joint Committee will require a quorum of at least two members from each Council.
- o. The rules of the Joint Committee will otherwise be the rules of the Council associated with the Chair for the time being, and where there is any conflict or uncertainty the relevant rules will be agreed between the Monitoring Officers for each of Councils.

- p. Public speaking at the Joint Committee will be at the discretion of the Chair but in any event limited to one speaker for or against an item on the agenda for a maximum of two minutes.

6.1.2 Children’s Trust Joint Committee (Between West Northamptonshire and North Northamptonshire).

The terms of reference of the Children’s Trust Shared Arrangements Joint Committee is to follow.

6.1.3 PATROL Adjudication Joint Committee

Representation : currently one Member from each Council

- The PATROL Adjudication Joint Committee has been established to enable all Councils having Civil Enforcement Area Orders, enabling them to carry out civil enforcement of parking contraventions, to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised through the Joint Committee in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

Additional information

[Joint Committee details](#) (from PATROL website)

6.2 Northamptonshire Police, Fire and Crime Panel

Representation: to be determined

- The Police, Fire and Crime Panel is responsible for carrying out the powers and duties of the of the Police and Crime Panel as provided for within the Police Reform & Social Responsibility Act 2011 and the Police, Fire & Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018.

6.3 Joint Arrangement

Joint Arrangements Between the Children’s Trust and West Northamptonshire Council (in accordance with the agreements made by Northamptonshire County Council prior to re-organisation). These agreements are binding on the Council and cannot be altered other than as set out below

- 1.1 The role of the Council's Cabinet will be to:
- (a) provide strategic direction, shape outcomes and allocate resources within approved budgets; and
 - (b) hold the commissioning function of the Council to account, through the Director of Children's Services and the Intelligent Client Function, in respect of the effectiveness of the commissioning and performance management arrangements under the Agreement.
- 1.2 The role of the relevant overview and scrutiny committee of the Council pursuant to the Local Government Act 2000 will be to review or scrutinise decisions made or other actions taken by the Cabinet or the wider Council in connection with the discharge of its statutory functions and to make reports or recommendations to the Cabinet and/or the wider Council with respect to the discharge of any functions that are the responsibility of the Council (including the Cabinet) and for these purposes shall:
- (a) review and scrutinise delivery of strategic outcomes and the overall financial performance of the Council and accordingly holding the Cabinet to account;
 - (b) review the Council's progress in the delivery of its corporate priorities;
 - (c) scrutinise the performance and effectiveness of the Council's commissioning arrangements; and
 - (d) make reports and recommendations on the potential for improvement to policy and improvement of services and use of resources;
- 1.3 The role of the Council's Intelligent Client Function (which shall include the Director of Children's Services) will be to, in accordance with the terms of this Agreement and through the Contract Governance Meetings and Schedule 6 (Performance Framework), review, monitor, assess and take relevant action (where necessary) in respect of the Trust's performance of its obligations under this Agreement (including the Services) to enable the Council to effectively monitor the discharge of its statutory functions.
- 1.4 The Children's Trust's Articles of Association set out Reserved Matters requiring Member approval and neither the Company nor the Board shall pass any resolution or take any action in respect of these Matters unless the prior written approval of the Members has been obtained.
- 1.5 These will be dealt with as set out below:

Nature of Decision	Council	Executive	Conditions
In relation to the Northamptonshire Children's Trust; to approve: a. The appointment and removal of the Chair and Chief Executive, or	X		In accordance with the limitations and consents required under the Articles of Association of the

<p>alterations to their terms of appointment;</p> <p>b. The appointment and removal of a Council Director to the Board of the Trust;</p> <p>c. Any changes to the membership of the Trust;</p> <p>d. Any changes to the Articles of Association;</p> <p>e. The voluntary winding up of the company (of the Trust) or its dissolution;</p> <p>f. Any changes to governance arrangements arising from the annual review thereof.</p>			Trust and the Governance Side Agreement.
<p>In relation to the Northamptonshire Children's Trust, to annually approve the Business Plan and Interim Business Plan and any in year variation to these plans.</p>		X	In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.
<p>In relation to the company of the Children's Trust, to approve the entering into by the company (the Trust) for: any new third party contracts for the provision of services by the Company to third parties which are outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.</p>		X	<p>a) In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.</p> <p>b) Where the value exceeds £500,000.</p>
<p>In relation to the company of the Children's Trust to approve the entering into by the company (the Trust):</p> <p>a. any borrowing, credit facility, or investment arrangements with third parties;</p>		X	In accordance with the limitations and consents required under the Articles of Association of the Trust and the

<ul style="list-style-type: none"> b. any other contractual arrangement with the Council for the provision of other services to the Council; c. any proposal to form any legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction or acquiring shares in any other company; d. participating by the Company in any partnership or joint venture, amalgamation with another company or business undertaking; e. the Company giving any guarantee, suretyship or indemnity outside the ordinary course of its business to secure the liabilities of any person or assume the obligations of any person (other than the Company or a wholly owned subsidiary of the Company); f. the selling or disposing of any part of the business (including assets) of the Company; g. dealing with any surpluses of the Company, other than those surpluses which are agreed, pursuant to the Business Plan or Service Delivery Contract, that may be retained by the Company; h. the Company acquiring, or agreeing to acquire, any freehold or leasehold interest in or licence over land; i. the Company creating any encumbrance over the whole or a significant part of its undertaking or assets; j. any changes to the company name, trading name or registered office of the Company or physically relocating the headquarters of the Company; k. the Company commencing, settling or defending any significant claim, proceedings or other litigation brought by or against it, except where they are a part of the Company's ordinary course of business and/or operations; and 			<p>Governance Side Agreement.</p> <p>In relation to (a) other than trade credit in the ordinary course of business.</p> <p>In relation to (b), and (d) only to the extent that any such arrangement falls outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.</p> <p>In relation to (h), except where the Council is the seller, lessor or licensor of the land in question.</p> <p>In relation to (l), where the amount is more than £100,000.</p>
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I. acquiring assets outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.			
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PART 7

Overview and Scrutiny

7.0 Overview and Scrutiny

7.1 Overview and Scrutiny Arrangements

The Role of Overview and Scrutiny

- 7.1.2 The Council operates an Overview and Scrutiny function that undertakes a number of roles including:
- a. monitoring the decisions of the Cabinet;
 - b. advising the Council on forthcoming decisions;
 - c. the development and review of policy; and
 - d. call-in of a decision which has been made by the Cabinet but not yet implemented.
- 7.1.3 The Overview and Scrutiny function will develop a work plan as well as supporting policy development, providing pre-decision scrutiny where appropriate, holding decision-makers to account and exercising the formal call-in of executive decisions to review any concerns about the making of the decision.
- 7.1.4 Further details are set out in the Overview and Scrutiny Procedure Rules in this Constitution.

7.2 Overview and Scrutiny Procedure Rules

1 The Overview and Scrutiny Committees

- 1.1 The Council will have 3 Overview and Scrutiny Committees.
- 1.2 The Overview and Scrutiny Committees will consult with other parts of the Council as appropriate, including the Cabinet, on the preparation of any work programme.
- 1.3 The Overview and Scrutiny Committees will take into account any views expressed following consultation under Rule 1.2 above in drawing-up any work programme. They should also take into account the resources, both officer and financial, available to support its proposals.
- 1.4 A Co-ordinating Overview and Scrutiny Group, composed of the Chairs and Vice-Chairs of the Overview and Scrutiny Committees, shall be responsible for approving the work programmes prepared by the Overview and Scrutiny Committees.
- 1.5 Once any programme has been approved, a copy will be sent to all Members of the Council and all relevant officers.
- 1.6 The relevant Overview and Scrutiny Committee shall respond, as soon as it may consider it is possible to do so, to requests from the Council and the Cabinet, to review particular areas of Council activities. Where it does so, it will report its findings and any recommendations back to the Cabinet and/or Council in accordance with Rule 4 below.

2 Co-optees

- 2.1 The Overview and Scrutiny Committees shall be entitled to appoint non-councillors as voting or non-voting co-optees as required or permitted by relevant legislation.
- 2.2 The relevant Overview and Scrutiny Committee may make provision for the appointment of voting co-optees in order to assist in fulfilling its responsibilities under the National Health Service Act 2006.
- 2.3 The relevant Overview and Scrutiny Committee shall appoint voting representatives in accordance with the Education Act 1996. These representatives have the right to vote on any question which relates to any education functions which are the responsibility of the Cabinet. Parent Governor Representatives will be appointed in

accordance with the guidance published by the relevant government department.

3 Agenda for meetings of the Overview and Scrutiny Committees

- 3.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.
- 3.2 Any member of the relevant Committee shall be entitled to request, in writing, that an item be included on the agenda. Any such item shall appear on the agenda for the next meeting of the Committee in question. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 3.3 Similarly, the Leader or an individual member of the Cabinet may give notice in writing requesting an item to appear on an agenda of an Overview and Scrutiny Committee, relating to their area of responsibilities. The relevant Overview and Scrutiny Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 3.4 Subject to Procedure Rule 40 of the Meeting Procedure Rules, any other Councillor may give notice in writing to the Monitoring Officer, requesting an item to appear on an agenda of an Overview and Scrutiny Committee. The item shall be included after consulting the Chair of the relevant Overview and Scrutiny Committee.

4 Policy review and development

- 4.1 Notwithstanding any policy review matters set out in the work programme of an Overview and Scrutiny Committee, in accordance with the procedure set out within the Budget and Policy Framework Procedure Rules, Overview and Scrutiny has a key role in policy and budget development.
- 4.2 The relevant Overview and Scrutiny Committee shall consider any matter referred to it by the Leader/Cabinet in accordance with those procedures and, having considered the matter, shall report to the Leader/Cabinet with comments and/or proposals. In the case of cross-cutting matters, the Co-ordinating Overview and Scrutiny Group may recommend a particular Overview and Scrutiny Committee considers such matters.

5 Reports from an Overview and Scrutiny Committee

- 5.1 Once recommendations have been formed, an Overview and Scrutiny Committee may submit a formal report for consideration by the Cabinet (if the proposals relate to an executive function and are consistent with the existing budgetary and policy

framework), or to the Council as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- 5.2 Where an Overview and Scrutiny Committee cannot agree on a single, final report to the Cabinet then one minority report may be submitted to the Cabinet with the majority report.
- 5.3 The Council or the Cabinet shall consider the report of an Overview and Scrutiny Committee at the next available meeting. The Council or the Cabinet shall respond to that Overview and Scrutiny Committee within two months (or following the next available meeting in the case of the Council) of it being submitted.

6 Minority Reports

- 6.1 In order that a minority opinion can be expressed where an Overview and Scrutiny Committee does not achieve a consensus on an issue, these rules make provision for minority reports to be produced by members of such a committee.
- 6.2 This means that although a majority report is issued representing the Committee's majority view, any Member of the Board may propose an alternative view which may then be published in a minority report. In order for a minority report to be produced, no fewer than three voting members of the committee must support such a proposal.
- 6.3 Procedure for dealing with Minority Reports
 - 6.3.1 At the conclusion of an inquiry and at the point of agreeing a final report detailing the Committee's conclusions and recommendations, an Overview and Scrutiny Committee may be unable to reach a general consensus. Members in the minority may wish to express a view different from that of the majority. In these circumstances, Members with a minority view may choose to submit a minority report.
 - 6.3.2 The intention to submit a minority report must be declared within the Overview and Scrutiny Committee meeting at the time the majority report is agreed. Such an intention must be recorded in the minutes of the meeting and referred to in the final report as part of the Committee's resolutions. Where a Committee has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted.
 - 6.3.3 Where the intention to produce a minority report has been recorded in the minutes, Democratic Services will contact the appropriate Member or Members

to confirm submission dates. The minority report should be delivered to the Democratic Services within 5 working days after the Overview and Scrutiny Committee meeting.

- 6.3.4 In order that a minority report is given the opportunity to be noted in context by the Cabinet, where it has been produced within the agreed timescale it will be attached as an appendix to the majority report.
- 6.3.5 The Monitoring Officer will determine if a minority report should be exempt from publication, in which case the usual procedures for the publication of exempt reports apply.
- 6.3.6 The drafting and submission of the minority report remains the responsibility of the Councillors who have proposed it and not Democratic Services. The report will include details of the Councillors who have submitted the minority report, as well as its issues and any alternative recommendations.
- 6.3.7 It is normally expected that an Overview and Scrutiny Committee will have taken into account all the relevant information available and as such a minority report will be based on the same evidence as a majority report.

7 Rights of Overview and Scrutiny Committee members to documents

- 7.1 In addition to their rights as Councillors, members of an Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

8 Councillors and Officers giving account

- 8.1 An Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require the Leader or any Portfolio Holder, to attend before it to explain in relation to matters within their remit:
 - a. any particular decision or series of decisions;
 - b. the extent to which the actions taken implement Council policy; and/or
 - c. their performance,

and it is the duty of those persons to attend if so required.

- 8.2 Where an Overview and Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the Monitoring Officer.
- 8.3 Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain: -
- a. what the policies are;
 - b. the justification and objectives of those policies as the Cabinet sees them;
 - c. the extent to which those objectives have been met; and
 - d. how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 8.4 Officers may be asked to explain and justify advice they have given to the Cabinet prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegated powers from the Cabinet.
- 8.5 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 8.6 The requirements of any protocols on Member/Officer relationships and the Code of Conduct must be adhered to where an officer is attending an Overview and Scrutiny Committee.
- 8.7 Where any Councillor or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer, who will inform the Councillor or Officer in writing giving at least ten clear working days' notice of the meeting. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to an Overview and Scrutiny Committee will require the production of a report, then the Councillor or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.
- 8.8 Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee shall, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

9 Attendance by others

- 9.1 An Overview and Scrutiny Committee may invite individuals other than those referred to in Rules 8.1 and 8.2 to address it, discuss issues of local concern and/or answer questions.

10 Call-in

- 10.1 Call-in is the exercise of an Overview and Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Where a decision is called in and an Overview and Scrutiny Committee decides to refer it back to the Cabinet for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 10.2 Any decision of the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a Key Decision made by an officer under authority delegated by the Cabinet, is subject to call-in. A decision may be called in only once. A recommendation by the Council may not be called in.
- 10.3 The call-in procedure and the powers to refer a decision back for reconsideration may only be exercised by an Overview and Scrutiny Committee, within the remit of their respective terms of reference.
- 10.4 Call-in of decisions which may be contrary to the budget and policy framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules set out elsewhere within this Constitution.
- 10.5 The Call-In Procedure
- 10.5.1 Once made, an Executive decision shall be published, in the form of a decision note, within two working days at the Council's main offices and on its public website. The decisions digest will be sent to all members of the Council within the same timescale.
- 10.5.2 The decisions digest will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decisions digest.
- 10.5.3 Requests for call-in may be made by the submission of a notice in accordance

with paragraph 10.5.4 below. A request shall only be considered to be valid if it is signed by at least 7 members of the Council (5% of the total number of members) who are not members of the Cabinet. One of the requestors must identify themselves as the originator of the request and the request must specify the nature of the grounds relied upon.

10.5.4 A call-in request must be in the form of a written notice submitted to the Monitoring Officer and received before the published deadline. Either one notice containing all required signatures or up to 7 separate e-mails (as appropriate) will be acceptable.

10.5.5 The notice must set out (a) the resolution or resolutions that the member(s) wish to call in; (b) the reasons why they wish the Overview and Scrutiny committee to consider referring it back to the Cabinet, with particular reference to the principles of decision making set out elsewhere within this Constitution and (c) the alternative course of action or recommendations that they wish to propose.

10.5.6 The call-in request will be deemed valid unless either:

- a. The procedures set out in Procedure Rules 10.5.3 to 10.5.5 above have not been properly followed;
- b. A similar decision has been called in to the committee previously;
- c. The Executive decision has been recorded as urgent in accordance with Paragraph 11 below; or
- d. The Monitoring Officer, in consultation with the Chair of the relevant Overview and Scrutiny Committee, considers the call-in to be frivolous, vexatious or clearly outside the call-in provisions;

in which case the Monitoring Officer may reject the call-in request.

10.5.7 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the member(s) concerned.

10.5.8 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the member(s) concerned, the Leader of the Council and relevant Cabinet Member, the Chair and Vice-Chair of the relevant Overview and Scrutiny Committee and the Head of Paid Service.

10.6 Consideration by the Overview and Scrutiny Committee

10.6.1 The Monitoring Officer will ensure that any valid call-in is reported to the next available meeting of the relevant Overview and Scrutiny Committee, or will convene a special meeting if so agreed by the Chair of the relevant Overview and Scrutiny Committee.

10.6.2 The originator of the request for call-in will be expected to attend the meeting of the relevant Overview and Scrutiny committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.

10.6.3 Having considered the call-in and the reasons given, the relevant Overview and Scrutiny Committee may either: -

- a. Refer it back to the decision-making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- b. If it considers that the decision is outside the Council's budget and policy framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules; or
- c. Decide to take no further action, in which case the original Executive decision will be effective immediately.

10.7 Decisions Referred Back to the Decision-Maker

10.7.1 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the relevant Overview and Scrutiny Committee, and make a final decision, amending the decision or not, and give reasons for the decision.

10.7.2 If a decision relates to an Executive function only the Cabinet can ultimately decide the matter, provided that it is in accordance with the Council's budget and policy framework.

11 Call-In and Urgency

11.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:

- a. A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
 - b. Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision-making body or person before the decision is taken.
- 11.2 The decision note shall state whether the decision is an urgent one, and therefore not subject to call-in.
- 11.3 The Chair of the relevant Overview and Scrutiny Committee must agree to the decision being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair of the relevant Overview and Scrutiny Committee's consent shall be required. In the absence of that person, the Chair of the Council's consent shall be required. In the absence of the Chair of the Council, the Vice-Chair of the Council's consent shall be required.
- 11.4 Where the Cabinet has recorded a decision as urgent, the relevant Overview and Scrutiny Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

12 Councillor Call for Action

- 12.1 Any member of the Council may submit a Councillor Call for Action using the appropriate form. The Councillor Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Head of Paid Service or his/her nominee. The Councillor Call for Action will be placed on the agenda of the Overview and Scrutiny Committee. It is for the relevant Overview and Scrutiny Committee to determine how it wishes to respond to the Councillor Call for Action and in the case of refusal to undertake a review then reasons must be provided.

13 The Party Whip

- 13.1 It is generally accepted that the Party Whip should be suspended in respect of Overview and Scrutiny matters. However, when considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the

meeting.

14 Task and Finish Panels

- 14.1 An Overview and Scrutiny Committee may appoint such task and finish panels as it considers appropriate to undertake specific tasks on its behalf. Whilst these will be on a task and finish basis in most cases, the Committee is not precluded from establishing such Panels on a more permanent basis subject to regular review. Task and finish panel members do not have to be members of an Overview and Scrutiny Committee but may not be members of the Cabinet.
- 14.2 Where a Committee establishes any Panel under Rule 14.1 above, it will set out the name of the Panel, its membership (including the Chair and, if appropriate, the Vice-Chair) and the terms of reference including relevant dates for completion of the task or review.
- 14.3 Any such Task and Finish Panel shall have the powers set out in Paragraph 8 above in relation to councillors and officers giving account.
- 14.4 Any report prepared by a Task and Finish Panel shall be subject to review by the relevant Overview and Scrutiny Committee prior to being submitted for consideration by Council or the Cabinet.

15 Procedure at Overview and Scrutiny Committee meetings

- 15.1 An Overview and Scrutiny Committee shall consider the following business:
- a. record of the last meeting;
 - b. consideration of any matter referred to the Committee by the Council or by the Cabinet;
 - c. consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
 - d. responses of the Cabinet on reports of that Overview and Scrutiny Committee; and
 - e. the business otherwise set out on the agenda for the meeting.
- 15.2 Where an Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

- a. the investigation be conducted fairly, and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - b. those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - c. the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 15.3 Following any investigation or review, the relevant Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.

PART 8

Councillors

8.0 Councillors

8.1 Roles of Councillors and Officer Holders

Part A All Councillors

8.1.1 Responsibilities

1. Be at the centre of community life:

- Spend time out and about, learning about the communities that you represent, supporting your residents, working with local organisations (such as GPs, schools, police, local businesses and voluntary organisations) developing a shared understanding of local issues and ensuring that communities make the most of all the opportunities available to them.
- Build good working relationships and earn the trust and respect of local partners, other members and council officers
- Be an active member of local networks and partnerships, for example by acting as a school governor.
- Communicate regularly with your community including communicating council policy and decisions.

2. Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.

3. Represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.

4. Represent the Council on outside bodies as required.

5. Participate constructively in the good governance of the Council.

6. Fulfil the statutory and locally determined requirements of an elected Member of a local authority, including compliance with all relevant codes of conduct, regulations, protocols and procedures, and participation in those decisions and activities reserved for the full Council.

8.1.2 Key Tasks

1. Attend and participate effectively as a Member of any committee to which the Councillor is appointed.
2. Participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
3. Participate in the scrutiny or performance review of the services of the Authority including where the Council so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.
4. Participate in any advisory group to which the Councillor is appointed, as convened by the Cabinet from time to time.
5. Participate, as appropriate, in consultation with the community and with other organisations.
6. Develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers/duties, and constraints.
7. Contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the West Northamptonshire area.
8. Maintain professional working relationships with all Members and Officers.
9. Identify and participate in opportunities for further development and training as a Councillor and keep abreast of developments in national and local government.

8.1.3 Additional Responsibilities and Tasks for Cabinet Councillors

These role profiles should be read in conjunction with the role profile for all councillors.

Part B Cabinet Leader

8.1.4 Responsibilities

1. Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of the West Northamptonshire Council, in the short, medium and long term.
2. Provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
3. Lead the Cabinet in its work to develop the policy framework and budget and take overall political control of the Council within the agreed policy framework.
4. Lead the development of local and regional strategic partnerships.
5. Ensure the appropriate representation of the Council on key outside bodies.

8.1.5 Key Tasks

1. Provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council.
2. Represent the Council's political and strategic decision-making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
3. Appoint Members of the Cabinet and allocate Cabinet portfolios.
4. Develop and maintain good working relations and effective channels of communication with the Chair of each Scrutiny Committee
5. Direct, manage and chair meetings of the Cabinet and to take responsibility, individually and/or collectively for any specific portfolio, including providing a political

lead in proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesperson for the Council.

6. Direct and manage the Chief Executive, and to meet regularly (with or without the Cabinet) with the Chief Executive and other relevant senior officers to consider and recommend action within approved policies and strategies.
7. Consider the development and training needs of the Cabinet and members generally and arrange for training sessions or suitable briefings as appropriate.
8. Receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.

Part C All Cabinet Councillors with Portfolio

8.1.6 Responsibilities

1. Take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a portfolio of services or functions of the Council.
2. Input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
3. Contribute actively through the portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

8.1.7 Key Tasks

1. Participate in the Cabinet and to implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
2. Develop a clear understanding and in depth knowledge of the respective portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.

3. Consult and communicate with all members, council officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
4. Ensure that the Council is briefed at the appropriate time on significant issues within the respective portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
5. Act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
6. Work closely with the Chief Executive, Director and other senior officers responsible for the services within the portfolio and the relevant Overview Committee Chair.
7. Work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Cabinet of progress and performance.
8. Participate in scrutiny or performance reviews of services as requested by a Scrutiny Committee.
9. Represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

8.1.8 Additional Responsibilities and Tasks for Non-Cabinet Councillors

Part D Chair of the Council

8.1.9 Responsibilities

1. Uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
2. Preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
3. Ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the Cabinet to account.
4. Promote public involvement in the Council's activities.
5. Be the conscience of the Council, and act impartially.
6. Attend such civic and ceremonial functions as the Council and/or he/she determines appropriate and take precedence at formal occasions.
7. Ensure that the dignity of the office and Council is maintained at all times.

8.1.10 Key Tasks

1. Chair all meetings of the full Council.
2. Chair major consultation meetings organised by the Council, as appropriate.
3. Set the standard of conduct to be expected from all Councillors.
4. Help represent the Council in the community and in discussions with regional, national and international organisations and others.
5. Attend functions appropriate to the position of Chair of the Council.
6. Act as host to visiting Royalty, civic dignitaries and other important visitors.

7. Meet with relevant officers to ensure the receipt of appropriate advice to enable effective decisions.

8.2 Code of Conduct

PART 1: THE CODE

SECTION 1: INTRODUCTION

The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors of West Northamptonshire Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be adhered to when interpreting the meaning of the Code. Councillors should behave with:

1. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
2. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
4. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** – and should promote and support these principles by leadership and example.

SECTION 2: GENERAL PROVISIONS

1. Introduction and Interpretation

1.1 This Code applies to all Councillors of West Northamptonshire Council. It is your responsibility to comply with the provisions of this Code.

1.2 In this Code:

- a) “the Council” refers to West Northamptonshire Council.
- b) “Councillor” means any person being a Member of West Northamptonshire Council.
- c) “Meeting” means any meeting of:
 - the Council
 - the Cabinet
 - any of the Council’s or the Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees
 - any of the Council’s advisory groups and executive boards, working parties and panels.

2. Scope

2.1 This Code applies to you whenever you are acting in the capacity as a Member of the Council: not only when attending meetings. For example, it will also include but is not limited to Members’ dealings with officers, Members’ dealings with the public, when Members represent the Council on outside bodies, any statements made by a Member on behalf of the Council.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must not do anything which may cause the Council to fall foul of UK equalities legislation.

3.3 You must not bully or intimidate any person or do anything which compromises the independence of those who work for the Council.

3.4 For the purposes of this paragraph, bullying is defined as: “offensive, intimidating,

malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples of bullying include, but are not limited to:

- spreading malicious rumours, or insulting someone by word or behaviour.
- copying communications that are critical about someone to others who do not need to know.
- ridiculing or demeaning someone – picking on them or setting them up to fail.
- exclusion or victimization.
- unfair treatment.
- overbearing supervision or other misuse of power or position.
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation.
- deliberately undermining a competent worker by overloading and constant criticism.
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.5 You must not intimidate or attempt to intimidate any person who is or may be:

- a complainant;
- a witness; or
- involved in the administration of this Code.

3.6 You must not make trivial or malicious allegations against others.

3.7 You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council.

- 3.8 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 3.9 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity.
- 3.10 You must not pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
- you have the consent of a person authorised to give it
 - you are required by law to do so
 - the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
 - the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Council.
- 3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 3.12 You must not use or attempt to use your position as a Councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.
- 3.13 You must, when using, or authorising the use by others of, the resources of the Council:
- act in accordance with the Council's reasonable requirements
 - ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.14 You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

- 3.15 You must comply with any formal standards investigation into your conduct or the conduct of another Councillor.
- 3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:
- the Council's Chief Finance Officer; or
 - the Council's Monitoring Officer
 - where that officer is acting in that role.
- 3.17 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

SECTION 3: INTERESTS

1. Registration of Interests

- 1.1 Within 28 days of this Code being adopted by your Council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).
- 1.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer.

2. Disclosable Pecuniary Interests

- 2.1 Where a matter arises at a meeting in which you have an interest in Appendix A, you must declare the interest (unless it is sensitive- see section 5 below), not participate, or participate further, in any discussion or vote further on the matter and must not remain in the room unless granted a dispensation.

3. Other registerable interests

- 3.1 Where a matter arises at a meeting in which you have an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

4. Non-registerable interests

- 4.1 Where a matter arises at a meeting which relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4.2 Where a matter arises at a meeting which affects your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B you must disclose the interest;
- 4.3 Where the matter referred to in paragraph 4.2 affects the financial interest to a greater

extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

5. Sensitive Interests

5.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

6. Single Member Action

6.1 If you are empowered to discharge functions of the Council acting alone (for example, as a Member of the Cabinet), and:

- have and are aware that you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in that role, you must not take any action, or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means);
- have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B ('Other Registerable Interest'), you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);
- the matter to be dealt with by you in that role relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must not take any action or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means) and you must notify the Monitoring Officer;
- the matter to be dealt with by you in that role affects your own financial interest or a financial interest of a relative, friend close associate or body covered by Appendix B, you must notify the Monitoring Officer before taking any action or further action, and if the Monitoring Officer determines that the matter affects the financial interest to a

greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not take any action or further action.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
 - 2.1 it is an interest of yours, or
 - 2.2 it is an interest of:
 - your spouse or civil partner
 - a person with whom you are living as husband and wife, or
 - a person with whom you are living as if you were civil partners
 - and you are aware that that other person has the interest.
3. Disclosable Pecuniary Interests are:

<u>INTEREST</u>	<u>DESCRIPTION</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your 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 which is made between you (or a body in which you have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is a body in which you have a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the area of the Council; and (b) either <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) where 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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“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.

APPENDIX B - OTHER REGISTERABLE INTERESTS

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Council;
2. Any body-
 - exercising functions of a public nature;
 - directed to charitable purposes; or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;
3. Any gifts or hospitality worth more than an estimated value of £10 which you have received by virtue of your office, or a series of gifts or hospitality, from the same source within any 12-month period which together are worth more than an estimated value of £10.

PART 2: GIFTS AND HOSPITALITY OFFERED TO COUNCILLORS

1. General Principals

- 1.1 Councillors should treat with caution any offer of a gift, favour or hospitality that is made to them. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is doing business, or seeking to do business with the Council. Councillors should ask themselves “Would I have been given this if I was not on the Council?”
- 1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, Councillors should be particularly sensitive as to their timing in relation to decisions which the Council may be taking. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.
- 1.3 Councillors may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to Councillors with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, Councillors should ensure that such offers are advised to appropriate officers.
- 1.4 As with all other aspects of this Code, Councillors should be confident that whatever they do should be seen to be an example to the community of proper conduct and behaviour.

2. Registering Gifts and Hospitality

- 2.1 This Code of Conduct sets out the requirement for Councillors to register the receipt of any gift or hospitality worth £10 or over that they receive in connection with their official duties as a Councillor. If in doubt as to the value, the Councillor should register the offer anyway. An accumulation of gifts from the same source over a short period that adds up to £10 or more should also be registered. The Member must register the gift or hospitality and its source by completing a written declaration within 28 days of receiving it.
- 2.2 The Council will maintain a register of gifts and hospitality received by Councillors where the value is £10 or more in value. The register is maintained by Democratic Services on behalf of the Monitoring Officer. Members should immediately notify Democratic Services of any such gifts or hospitality received and enter the relevant

details in the register. The register will be made available to the public via the Council's website. It will be updated at least quarterly.

- 2.3 Councillors do not need to register gifts and hospitality that are not related to their role as a Councillor.

8.3 Member Complaints Procedure

1. Context

- 1.1 These “Arrangements” set out how you may make a complaint that a Member of this Council has failed to comply with the Council’s Members’ Code of Conduct, or in the case of a Parish or Town Councillor, that Parish or Town Council’s Code of Conduct, and sets out how the Council will deal with it.
- 1.2 These Arrangements include the appointment of at least two Independent Persons, whose views must be sought by the Council before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2. The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members, which is set out elsewhere within the constitution.

3. Making a complaint

- 3.1 If you wish to make a complaint, please write to:

The Monitoring Officer
West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

or e-mail the Monitoring Officer at: catherine.whitehead@westnorthants.gov.uk

- 3.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.
- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which is available on request or can be downloaded from the Council’s website, next to the Code of Conduct.

3.4 You are required to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

3.5 The Monitoring Officer will acknowledge receipt of your complaint as soon as possible after receiving it and will keep you informed of the progress of your complaint.

4. Initial Assessment of Complaints Received

4.1 The Monitoring Officer will review all complaints received by the Council and must consult with at least one of the Independent Persons (see section 13 below) at this stage. In assessing the complaint, the Monitoring Officer will apply the following 'public interest' test:

'CAN' we investigate your complaint?

- Is the person you are complaining about a Councillor?
- Did the conduct occur within the last six months?
- Is the conduct something that is covered by the code?

4.2 If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter.

4.3 If the Monitoring Officer determines the complaint can be investigated, the following test will be applied:

'SHOULD' we investigate your complaint?

- Is there evidence which supports the complaint?
- Is the conduct something which it is possible to investigate?
- Would an investigation be proportionate and in the public interest?

4.4 If the Monitoring Officer determines the complaint should be investigated, they will then decide whether the complaint:

a. warrants investigation or,

- b. may be suitable for alternative resolution without investigation,
- 4.5 For the complaint to be admissible it must be in a legible format and relate to an existing Member of the Council.
- 4.6 In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Persons will have regard to a range of factors including the following:-
- a. Whether there is sufficient information upon which to base a decision;
 - b. How serious is the alleged complaint;
 - c. Is the complaint politically motivated, vexatious or tit for tat;
 - d. Did the action complained about occur recently or not;
 - e. Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
 - f. Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.
- 4.7 The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer. You will be informed on progress throughout the process.
- 4.8 Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.
- 4.9 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.10 If, during the assessment of the initial complaint, it becomes clear that either the Monitoring Officer or the Independent Persons have a conflict of interest in relation to the complaint, they will not play any further role in the assessment of the complaint. In order that the complaint can be assessed, steps will be taken to appoint a

Monitoring Officer (or suitably qualified person) or an Independent Person from another authority to assess the complaint and take any further steps required under this procedure.

5. Alternative Resolution

- 5.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer must consult with the Independent Persons about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member or the Council makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Persons) will take account of this in deciding whether the complaint warrants a formal investigation.
- 5.2 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

6. If the Complaint is referred for Investigation how is the investigation conducted?

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer will consult with the Independent Persons about the need for a formal investigation.
- 6.2 The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events. The Investigating Officer will identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

6.3 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

6.4 Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

7. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

7.1 The Monitoring Officer will, in consultation with the Independent Persons, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

8.1 The Monitoring Officer will, in consultation with the Independent Persons, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel made up of Councillors from the Council's Standards Committee or seek an alternative resolution.

8.2 Local Resolution

The Monitoring Officer and Independent Persons may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

8.3 Local Hearing

If the Monitoring Officer and Independent Persons consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a “pre-hearing process”, requiring the Member to give their response to the Investigating Officer’s report. This is in order to identify what is likely to be agreed and what is likely to be contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Persons, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Persons.

If the Member wishes to make representations to the Panel and/or consult with the Independent Persons the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Persons, the decision of the Panel will stand as announced.

9. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

9.1 The Hearings Panel must publish its findings in respect of the Member’s conduct;

9.2 The Hearings Panel may:

- a. Report its findings to the Council for information;
- b. Recommend that the Leader/Group Leader or Town/Parish Council, as

applicable, remove the Member from Special Responsibilities – i.e. Cabinet/Committees/Outside Bodies;

- c. Instruct the Monitoring Officer to arrange training for the Member;
 - d. Instruct the Monitoring Officer to mediate between the complainant and the Member;
 - e. Recommend to Full Council or a Town or Parish Council as applicable, that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the Council where the complaint relates to that appointment and for a specified period of time;
 - f. Recommend to Full Council or a Town or Parish Council as applicable, the withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or
 - g. Recommend to Full Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
 - h. Recommend that the member concerned makes a formal written or verbal or written and verbal apology to the Full Council.
- 9.3 There are no powers that allow the Council or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although, removing a Member from the Cabinet or other Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension).

10. What happens at the end of the hearing?

- 10.1 At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.
- 10.2 As soon as reasonably practicable thereafter and subject to any adjournment as set out in 8.3 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection after 20 working days have elapsed from the date the decision notice was issued (provided

there has not been a request for a review under paragraph 11 of these Arrangements) and the decision reported to the next convenient meetings of the Standards Committee and of the Council.

11. Appeals and Reviews

- 11.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer.
- 11.2 However, a review of the decision of the Hearings Panel may be sought by you or the Member concerned in the following circumstances:
- a. where you or the Member concerned consider that the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice (see below); or
 - b. where significant new evidence is available which has not been considered by the Hearings Panel.
- 11.3 Any such request for a review should be made to the Monitoring Officer in writing (by letter or e-mail) within 20 working days from the date the decision notice was issued to the parties and:
- a. if made pursuant to paragraph a) above, must set out specifically how it is considered the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice; or
 - b. if made pursuant to paragraph b) above, must include copies of the new evidence or explain what the evidence is.
- 11.4 The Monitoring Officer may reject the request for a review if after consultation with the Independent Persons they conclude that substantive reasons have not been provided to support the request or the further evidence provided is insufficient to support a request for a review. Simply expressing disagreement with the Hearings Panel's decision or repeating the original complaint will result in the request for review being rejected. If the request for review is rejected you and the Member will be advised in writing of the reasons for rejection.
- 11.5 If a request for a review is received (provided it is not rejected), the Monitoring Officer will notify the complainant and Member concerned and convene a meeting of the Review Panel.

- 11.6 The Review Panel will review the Hearings Panel's decision. The Review Panel will have the documentation considered by the Hearings Panel and the decision notice of the Hearings Panel before it. It will not conduct a re-hearing. It will only consider the request for the review, (including any new evidence presented with the request for review) together with the complainant or subject Member's response to the request for the review and response to any new evidence. The Review Panel will also have the discretion to re-hear any of the original evidence if it considers this necessary.
- 11.7 The Review Panel will either:
- a. confirm the original decision of the Hearings Panel; or
 - b. disagree with the original decision of the Hearings Panel and substitute its own decision (which may only be a decision that was open to the Hearings Panel).
- 11.8 At the end of the review, the Chair of the Review Panel will explain the Review Panel's reasons for its decision. Within 5 working days of the decision of the Review Panel, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Review Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and will be reported to the next convenient meeting of the Standards Committee and the Council.
- 11.9 Unless in the opinion of the Monitoring Officer in consultation with the Independent Person(s) exceptional circumstances exist, the Review Panel must make a decision within two calendar months of the receipt of the request for a review.
- 11.10 There is no right of appeal of the decision of the Review Panel which is final.
- 11.11 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

12. Who are the Hearings Panel?

- 12.1 The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee.
- 12.2 The Independent Persons are invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel

takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

13. Who are the Review Panel?

13.1 The Review Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee who did not sit on the Hearings Panel, have not previously been involved in the matter concerned and who do not otherwise have any conflict of interest.

13.2 The Independent Persons are invited to attend all meetings of the Review Panel and their views are sought and taken into consideration before the Review Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

14. Who are the Independent Persons?

14.1 The Council has two Independent Persons.

14.2 A person cannot be "independent" if they:

- a. are, or have been within the past five years, a Member, co-opted Member or officer of the Council or of a parish council within the Council's area; or
- b. are a relative or close friend of a person within paragraph 13.1. For this purpose, "relative" means:
 - (i) the other person's spouse or civil partner;
 - (ii) living with the other person as husband and wife or as if they were civil partners;
 - (iii) a grandparent of the other person;
 - (iv) a lineal descendant of a grandparent of the other person;
 - (v) a parent, sibling or child of a person within paragraphs (i) or (ii);
 - (vi) the spouse or civil partner of a person within paragraph (iii), (iv) or (v); or
 - (vii) living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they were civil partners.

15. Being accompanied at a Local Hearing or Review Panel meeting

15.1 Both you and the Member you complained about may choose to bring another person

with them to the Local Hearing and any Review Panel meeting (if one takes place) to support them. It shall be a matter for the Chair of the Hearings Panel and the Chair of the Review Panel to issue directions as to the manner in which a supporting person may participate in the Local Hearing/Review Panel meeting, to ensure there is a balance between a party's need to be supported and the need for the Hearings Panel and/Review Panel to conduct its business fairly and efficiently.

16. Principles of Natural Justice

- 16.1 For the avoidance of doubt, it is expressly stated that the procedures in these Arrangements must be conducted in accordance with the principles of natural justice. In summary, in the context of these Arrangements, the principles of natural justice mean that each party has the right to a fair hearing, the right to make their case to an impartial person/group of people, and that the decision makers in this process act without bias or apparent bias, act impartially and do not create any procedural irregularities.

17. Service

- 17.1 Where it is necessary for any documentation to be sent to a member against whom an allegation of breach of the Code has been made, those documents may be sent by recorded delivery post to that members usual address and/or by e-mail to the e-mail address notified to the Council. Any documents sent by such a method are deemed to be served for the purpose of these arrangements.

18. Revision of these arrangements

- 18.1 The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel (and the Chair of the Review Panel in cases where there is a review), the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

8.4 Member/Officer Protocol

1. Introduction

- 1.1 A good relationship between councillors and officers is characterised by mutual respect and trust and is essential to the successful working of the organisation. Councillors and officers should speak to each other openly and honestly; they are indispensable to each other. Nothing in this Protocol is intended to change that relationship.
- 1.2 The purpose of this Protocol is to help councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. It is intended to promote clarity and the smooth running of the Council, and ensure that impartial and objective advice is obtained.
- 1.3 The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Chief Executive of the Council and the Monitoring Officer.
- 1.4 The Protocol must be read and operated in the context of all relevant legislation, national and local Codes of Conduct, the Council's Codes of Conduct and other supporting procedures such as the Complaints and Whistleblowing procedures, commissioning and procedure for confidential reporting. Breach of this protocol may also constitute a breach of the Councillor, and the Employee, Codes of Conduct.

2. Roles of Councillors and Officers

- 2.1 Councillors and officers are servants of the public and they are indispensable to one another. Their responsibilities are distinct. Councillors are responsible to the electorate and set policy and direction. They are elected to serve a term of office. Officers are employed by and responsible to the whole Council. An officer's job is to give advice to the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant Committees, etc. Mutual respect and co-operation between councillors and officers are essential to good local government.

2.2 Councillors

Councillors have the following main areas of responsibility:

- a. contributing to determining the policy of the Council and giving it leadership;

- b. monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
 - c. representing the Council in their local areas and externally;
 - d. acting on behalf of their constituents.
- 2.3 All councillors must respect the impartiality of officers' information and advice, must not ask them to undertake work of a party-political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.
- 2.4 Councillors must recognise that no officer should be expected to give political advice, and those that are in 'politically restricted' posts are specifically debarred from engaging in active political work.
- 2.5 When dealing with Council business, councillors must be mindful of the provisions relating to interests in the Councillor Code of Conduct and avoid involvement in matters that could be deemed to be breaches of these provisions. Councillors should also be aware of legislative constraints on their behaviour. For example, they should not visit certain Council establishments without the appropriate checks having been completed.
- 2.6 Members of the Cabinet and Committee Chairs
- 2.7 Members of the Cabinet and Chairs and Vice Chairs of Committees, Boards, Panels etc. have additional responsibilities and their relationships with officers whilst carrying out those roles may be different from, and more complex than those of councillors without those responsibilities.
- 2.8 Officers
- 2.9 An officer's role is:
- a) to give advice and information to all councillors on an impartial basis, using their professional expertise and
 - b) to implement the policies determined by the Council, provided the policies are within the law.
- 2.10 In all advice, including reports, it is the responsibility of the officer to express his/her own advice in an objective and professional manner, and make recommendations

based on this. An officer may report the views of individual councillors on an issue. If the councillor wishes to express a view contrary to the recommendation, he/she must not pressure the officer to make a recommendation contrary to the officer's professional view.

2.11 Certain officers e.g. Chief Executive of the Council, Monitoring Officer and Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and to individual councillors. These obligations should be respected. These officers must not be obstructed in the discharge of these responsibilities, and/or be victimised for discharging these responsibilities.

2.12 Officers who are professionally qualified may be bound to observe professional standards in giving advice and councillors must respect this. Officers will also be bound by the limits of their authority in the Council.

3. Expectations

3.1 Councillors can expect from officers:

- a. A commitment to the Council as a whole, and not to any political group;
- b. A working partnership;
- c. An understanding of and support for respective roles, workloads and pressures;
- d. Timely response to enquiries and complaints;
- e. Objective advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
- f. Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- g. Awareness of and sensitivity to the political environment;
- h. Respect, courtesy and dignified behaviour appropriate to the occasion;
- i. Training and development in order to carry out their role effectively;
- j. A high level of integrity and confidentiality, appropriate to the situation;

- k. Not to have officers' personal issues raised with them outside the agreed procedures;
 - l. That they will not attempt to influence improperly any councillor to advance officers' personal interests, those of others, or influence improperly a decision;
 - m. At all times compliance with the Code of Conduct for Officers;
 - n. Support for the role of councillors as the local representatives of the Council, within any scheme of support for councillors, which may be approved by the Council.
- 3.2 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the ward or wards affected should, as a matter of course, be invited to attend the meeting unless a lead Councillor has been agreed. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward councillors should be notified at the outset of the exercise.
- 3.3 Correspondence between an individual councillor and an officer should not normally be copied by the officer to any other councillor without that councillor's consent. Officers should not be copied into political group correspondence.
- 3.4 Officers can expect from councillors:
- a. A working partnership;
 - b. An understanding of and support for respective roles, workloads and pressures; and of officer work/life balance;
 - c. Leadership and direction;
 - d. Respect, courtesy and dignified behaviour appropriate to the occasion;
 - e. A high level of integrity and confidentiality, appropriate to the situation;
 - f. Not to be subject to intimidation, harassment or bullying;
 - g. Not to have councillors' personal issues raised with them outside the agreed procedures;

- h. Not attempt to influence improperly any officer to advance their personal interests, or those of others, or influence improperly a decision;
- i. That councillors will at all times comply with the Council's Councillors Code of Conduct;
- j. That councillors will not comment adversely on the conduct or capability of an individual Council employee or officer at meetings held in public;
- k. The councillors will not ask for support other than to assist in carrying out their roles in the Council.

4. Limitations on Behaviour

- 4.1 The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:
- a. Close personal relationships between councillors and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment for themselves, their group or otherwise. Where close personal relationships do exist, it is necessary to ensure that confidential knowledge is respected and not discussed inappropriately;
 - b. The need to maintain these separate roles means that there are limits to the matters on which officers should be expected to give advice. Officers are unlikely to be able to give advice on personal matters and should not give advice on party political matters;
 - c. Relationships with particular individuals or party groups should not be such as to give cause for suspicion that an officer favours that councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

5. Political Groups

- 5.1 The operation of political groups is an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Council. It is in the interests of the Council to support the effective operation of political groups, but the operation of political groups can pose

difficulties in terms of the impartiality of officers (note: the Cabinet is not a political group even if all members are from a single party).

6. Officer Attendance

- 6.1 Any political group may request the Statutory Officers, Corporate Directors or Service Directors to attend a meeting of the group to advise on any particular matter relating to the Council.
- 6.2 An officer may decline a request to attend if he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 6.3 Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Council. Advice will not deal with any political implications of the matter or any option, and officers will not make any political recommendation to a political group.
- 6.4 Where an officer attends a political group, the Chief Executive of the Council will advise all other groups that the officer has attended and the subject upon which he/she has advised and ensure that other groups are afforded the same opportunity.
- 6.5 Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet, relevant Committee or Sub-Committee where the matter in question is concerned.
- 6.6 Officers will respect the confidentiality of any lawful matter, which they hear in the course of attending a political group meeting.

7. When Things go Wrong

- 7.1 From time to time the relationship between councillors and officers may break down or become strained. If this is the case, matters may be resolved informally, or through conciliation by an appropriate senior manager or councillor. It is hoped that most issues will be dealt with informally where possible.
- 7.2 Procedure for Officers
 - a. Complaints against councillors must follow the Code of Conduct processes found elsewhere in the Constitution.

- b. Before an officer initiates a formal complaint under the Code of Conduct, he/she should consider raising their concerns about the behaviour of a given councillor with the Monitoring Officer. Officers also have recourse to the Whistleblowing Procedure, or to the Council's Monitoring Officer, as appropriate to the circumstances. Complaints will be taken through the appropriate process, including investigation, under the Council's arrangements for Code of Conduct complaints.

7.3 Procedure for Councillors

- a. Prior to a councillor approaching the relevant Corporate Director, the councillor should consider discussing the issue informally with the Leader or Deputy Leader of the Council or another appropriate Corporate Director.
- b. In the event that a councillor remains dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with an appropriate Corporate Director, usually one with authority over the officer concerned. Where the officer concerned is a Corporate Director, the matter should be raised with the Chief Executive.
- c. Where the officer concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

8.5 Planning Protocol

1 Background and Scope

- 1.1 This Planning Protocol should be read in conjunction with the terms of reference provided for the Strategic Planning Committee and the Local Area Planning Committees.
- 1.2 The Planning Protocol takes into account the ethical framework introduced by the Localism Act 2011, the National Planning Policy Framework and relevant planning practice guidance, and the Code of Conduct for Members adopted by West Northamptonshire Council.
- 1.3 The aim of this Protocol is to ensure that:
 - a. Planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons; and
 - b. Throughout the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.
- 1.4 The Planning Protocol applies to Members of the Planning Committees and officers.

2 Introduction

- 2.1 The Planning Committees operate in a quasi-judicial manner. There is recourse through the courts and the Planning Inspectorate if a decision on a regulatory planning matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Planning Committees.
- 2.2 The role of a Member on a Planning Committee involves balancing representing the needs and interests of the council area as a whole, with the need to maintain the ethic of impartial decision making on what can be highly controversial proposals. This Protocol has therefore been established to provide guidance for Members and officers in dealing with planning matters to avoid grounds for allegations of malpractice.
- 2.3 All Members serving on a Planning Committee are required to abide by this Protocol.

3. General Roles and Conduct

- 3.1 The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group or locality; nor put themselves in a position where they appear to do so. Decisions should clearly be based upon the development plan and material planning considerations.
- 3.2 The role of Members at a Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their constituents.
- 3.3 Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.
- 3.4 Members whose business or other interests bring them into frequent contact with the planning system should consider whether it is appropriate or practical to accept appointment to a Planning Committee: nor should other Members seek to appoint such a Member to a Planning Committee.
- 3.5 The role of officers at Planning Committee is to advise the Members on professional matters, and to assist in the smooth running of the meeting.
- 3.6 If Members have questions about a development proposal, they are encouraged to contact the case officer in advance. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

4. Training

- 4.1 No Member shall attend any meeting of a Planning Committee as a Committee Member or a substitute for a Committee Member unless he or she has undergone such mandatory training in planning procedures as the Council requires.
- 4.2 Members should endeavour to attend any other specialised training or informal briefing sessions provided, to improve and keep up-to-date knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above.

5. General Principles for Dealing with Planning Matters

- 5.1 A Member should consider the interests of local residents and businesses as a whole and should not favour any individuals or groups. He or she should also act in the interests of the whole Council area.
- 5.2 A Member shall not accept a nomination to serve on a Planning Committee unless he/she agrees to abide by the terms of the Planning Protocol.
- 5.3 Members (and officers) should not act as paid agents or consultants on planning matters within the jurisdiction of the Council as local planning authority.
- 5.4 Planning applications will be determined in a transparent, fair and open manner and Members should have regard only to the development plan and material planning considerations and should disregard all other factors.
- 5.5 Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Member misses part of an item being discussed then they must not vote.
- 5.6 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
- 5.7 Members should pay full regard to officers' professional recommendations, relevant national/regional planning statements and guidance, and relevant Development Plan Policies.
- 5.8 Members are recommended to be cautious of social contact with applicants and agents.
- 5.9 Members should not disclose to a third party information submitted to them or a committee on a confidential basis.

6. Determination of Planning Applications

- 6.1 Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.

- 6.2 In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
- 6.3 Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Development Plan Policies.
- 6.4 Members can always ask for clarification from officers. However, if there are issues which require factual clarification, preferably these should be directed to the case officer before the committee meeting, not at the meeting itself.
- 6.5 Members will then debate the application, including giving an indication of how they intend to vote.
- 6.6 After Members have debated the application, a vote will be taken.
- 6.7 Whilst officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Members, acting in the interests of the whole Council, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Members may decide to apply different weight to certain issues and can of course, reach a decision contrary to officer advice.
- 6.8 If in moving contrary to the advice and/or recommendation in an officer's report Members require further advice about the details of the motion, the meeting can be adjourned for a short time to allow Members and officers to draft the motion. This can include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged.
- 6.9 Where Members propose to determine a planning matter contrary to officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 6.10 Members may move that any vote should be recorded at any meeting of the Planning Committee. This means that a formal record is taken of how each individual Member voted (For, Against, or Abstain).

7. Officer Reports to Committee

- 7.1 Reports should be accurate and cover, among other things, the relevant planning matters of objections and the relevant planning matters raised by people who have been consulted in respect of an application.
- 7.2 Relevant points will include a clear exposition of the site or related history, the relevant Development Plan Policies and all other relevant material planning considerations.
- 7.3 Reports should include a clear written recommendation of action.
- 7.4 Reports should list the topics that will be addressed by conditions and if possible also include draft Heads of Terms (where applicable) to a legal agreement, if the recommendation is to grant planning permission.
- 7.5 Reports should contain a technical appraisal which clearly justifies the recommendation made by the officer.
- 7.6 If the recommendation in the report is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 7.7 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.

8. Disclosable Pecuniary and Personal Interests

- 8.1 The Code of Conduct sets out requirements for Members on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Members should review their situation regularly.
- 8.2 Members should avoid membership of the Planning Committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
- 8.3 A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The Member may in their personal capacity and if registered to speak make representations and answer questions prior to any debate on the matter but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the Monitoring Officer or legal advisor to the committee at the earliest opportunity if in any doubt.

- 8.4 Ward Members who are also members of the Planning Committee may participate in the Committee debate on an application in their ward and subject to any disclosable pecuniary interest will normally be allowed to vote on the application.
- 8.5 A Member who has a disclosable interest in a planning matter is still able to represent the interests of his or her Ward constituents at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

9. Pre-determination and Predisposition

- 9.1 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.
- 9.2 Members must not prejudice their ability to participate in planning decisions at a Planning Committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning Committee and hearing the officer's presentation and evidence and arguments on both sides.
- 9.3 Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 9.4 If a Member has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter.
- 9.5 Members who are members of a Planning Committee and who in that capacity attend any ancillary meeting or committee/sub-committee need to avoid any appearance of

bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Member in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Member was biased.

- 9.6 Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting.
- 9.7 Members must be aware that they are likely to have pre-determined a matter where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal.
- 9.8 For advice on predetermination and predisposition, Members should seek the advice of the Monitoring Officer.

10. Lobbying of Councillors

- 10.1 Lobbying is a normal part of the planning process. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of a Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.
- 10.2 Members of a Planning Committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view Members of a Planning Committee should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Members should restrict themselves to giving procedural advice,

including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the Committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.

- 10.3 Members can raise issues which have been raised by their constituents, with officers. It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning Committee.
- 10.4 If a Member of the Planning Committee responds to lobbying by deciding to go public in support of a particular outcome; or actively campaigns for it, they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a Member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias they may in the interests of maintaining public confidence decide not to participate in a decision.
- 10.5 If any Member, whether or not a committee member speaks on behalf of a lobby group at the decision making committee, they must withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.
- 10.6 If a Member requires advice about being lobbied, they should seek advice from the Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

11. Political Influence

- 11.1 Given that the point at which a decision on a planning application is made cannot occur before a Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how Members should vote and political whips must not be used.
- 11.2 Members of the planning committees should avoid organising support for or against a planning application and avoid lobbying other Members. Such actions can easily

be misunderstood by parties to the application and by the general public. Where a member of a Planning Committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they will need to absent themselves from the vote on that particular application when it was being considered

12. Pre-application Discussions

- 12.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should take place within clear guidelines.
- 12.2 Where Members are involved in pre-application discussions, at least one officer should attend any meetings and a follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all meetings.
- 12.3 All officers taking part in such discussions should make clear whether or not they are the decision-maker.
- 12.4 Any advice that is given should not be partial, nor seen to be partial, by any party involved. It should always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional. Advice and observations should be based on the adopted plan and material considerations.
- 12.5 The following terms of engagement shall apply:
- Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
 - Members should maintain an impartial listening and questioning role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.

- If the applicant requests the views of the authority, these will be communicated subsequently and in writing by officers. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.
- A written note of the proceedings should be kept - to include a record of officer attendance and follow up.
- Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- A note should also be taken of any potentially contentious telephone discussions in respect of an application.

13. Site Visits

- 13.1 When deciding whether a site visit is appropriate prior to the meeting at which the Planning Application is to be considered, all circumstances should be considered including whether:
- Matters of judgement are involved on the context of the site such as the effect on landscape, impact on character, residential amenity, or highway considerations rather than purely on principle;
 - It is a finely balanced case; or
 - It is a contentious application where there are strong local views.
- 13.2 Members are expected to register their request for a site inspection in connection with a particular application or proposal with the Assistant Director: Growth and Investment within 25 days of notification of receipt of a planning application.
- 13.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning Committee.
- 13.4 Where visits are arranged, they must be undertaken in a consistent manner, and Members should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.

- 13.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.
- 13.6 The primary aim of a site visit is to enable Members to judge for themselves the likely impacts of the proposed development and appreciate the issues involved. All members of the Planning Committee are encouraged to attend the site visits.
- 13.7 Site visits should only be attended by Members and officers. No representations will be permitted during the site visit from parishes, members of the public, applicants or agents.
- 13.8 Ward Members should be invited to attend all site visits and invited to attend the Planning Committee meeting in respect of applications within or affecting their wards.
- 13.9 Where a Member proposes deferral of a planning application at a Planning Committee meeting in order that a site inspection may be carried out, the planning reason for conducting such an inspection should be clearly stated.
- 13.10 Any of the Members responsible for calling an application into Planning Committee may wish to attend the site visit to explain why they called the application in to Planning Committee.

14. Call-ins

- 14.1 Planning applications can be 'called-in' to Planning Committee for determination.
- 14.2 Applications can be called in by any three Members of the Council.
- 14.3 Call-in requests must be submitted to the Assistant Director: Growth and Investment in writing within 25 days from the beginning of the consultation period.
- 14.4 Call-ins have to be based on valid and relevant planning grounds. Any issue relating to the propriety of the specified planning grounds will be determined by the Monitoring Officer.

15. Where a Member Represents Two Councils

- 15.1 A Member is able to take part in the debate on a proposal by a consultee body (for example as a member of a parish council) provided:

- The proposal does not substantially affect the wellbeing or financial standing of the consultee body;
- The Member makes it clear to the consultee body that:
 - Their views are expressed on the limited information before them only;
 - They must reserve judgement and the independence to make up their own mind based on their overriding duty to the whole community and not just to the people in that area, ward or parish.

15.2 Members will disclose the interest regarding their membership or role when the relevant Planning Committee comes to consider the proposal.

15.3 Members may take the opportunity to exercise their separate speaking rights as a local Member.

15.4 When exercising this right, they should:

- Advise the committee that they wish to speak in this capacity in accordance with the Public Speaking Arrangements;
- Remove themselves from the Member seating area for the duration of that item; and
- Ensure that their actions are recorded.

16. Conduct of Ward Members (non-members of the Planning Committee)

16.1 Ward Members have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Members may therefore become involved in discussions with officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with officers should be seen to be open and above board. Officers should make a note on the file of any such discussions.

16.2 Ward Members who are not members of a Planning Committee can make representations on planning applications in their Ward and may attend meetings of the Planning Committee and, with the Chair of Planning Committee's agreement, can

address the Planning Committee on such applications in accordance with the rules on public speaking.

- 16.3 Any representations or address should relate to the planning merits of a planning application. This will not apply if the Member is also a Parish/Town Councillor and the Parish/Town Council is the applicant. In that circumstance, if the Member wishes to address the Committee directly, they should register to speak in their capacity as the applicant.
- 16.4 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not their own that are being expressed. Furthermore, any representations on behalf of constituents must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 16.5 If a Ward Member speaks on behalf of a lobby group at the decision making committee, they should withdraw from the meeting once any public or Ward Member speaking opportunities have been completed.
- 16.6 A Member who has declared a prejudicial interest in a planning application, and is therefore unable to represent the interests of his or her Ward in respect of that application, should advise constituents to address their representations to another Member who is not so affected.
- 16.7 Being a Member of another Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the Planning Committee. However the Member should approach the decision making process afresh and not express a final view in advance of the committee meeting or act as an advocate for another Council. To do so would give an appearance of bias.

17. Development Proposals submitted by Councillors and Officers

- 17.1 A Member who acts as an agent to people pursuing a planning matter or who has submitted, or intends to submit, or is closely connected with someone (e.g. a spouse, close relative or close social acquaintance) who has submitted, or intends to submit, a planning application should play no part in the decision making process for that proposal. This includes refraining from any form of lobbying of other Members. Nor should such a Member:

- Use his or her position to gain access to officers to pursue his or her interest;
or

- Bring improper pressure to bear on officers.
- 17.2 He or she should preferably appoint an agent to act on his or her behalf in negotiations or discussions, particularly in respect of major or controversial developments.
- 17.3 Members should notify the Assistant Director: Growth and Investment and/or the Monitoring Officer of any application with which they are connected directly or indirectly before it is submitted to the Council.
- 17.4 Where a Member or officer or their agent submits an application in a personal capacity (either as an individual or through a company, firm or body with which they are connected) it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified of the application and confirm in the report to Committee that the application has been dealt with in accordance with this Protocol.
- 17.5 A Member of a Planning Committee contemplating making a planning application for development which is clearly contrary to approved planning policies should consider whether he or she should resign from the committee before submitting it.
- 17.6 A Member who has received (or is closely connected with someone who has received) a planning permission should ensure that the terms of that planning permission are scrupulously observed, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

18. Planning Applications by the Council

- 18.1 The Council itself requires planning permission to carry out or authorise certain types of development on land it owns. Where these are major applications, they will be determined by the relevant Planning Committee. Proposals for the Council's own development will be treated with the same transparency and impartiality as those by private developers.

19. Regular Review of Decisions

- 19.1 Members should visit a sample of implemented planning permissions on a regular basis to assess the quality of the decisions made. Such a review should be undertaken at least annually.

8.6 Scheme of Member Allowances

(to be inserted once approved).

PART 9

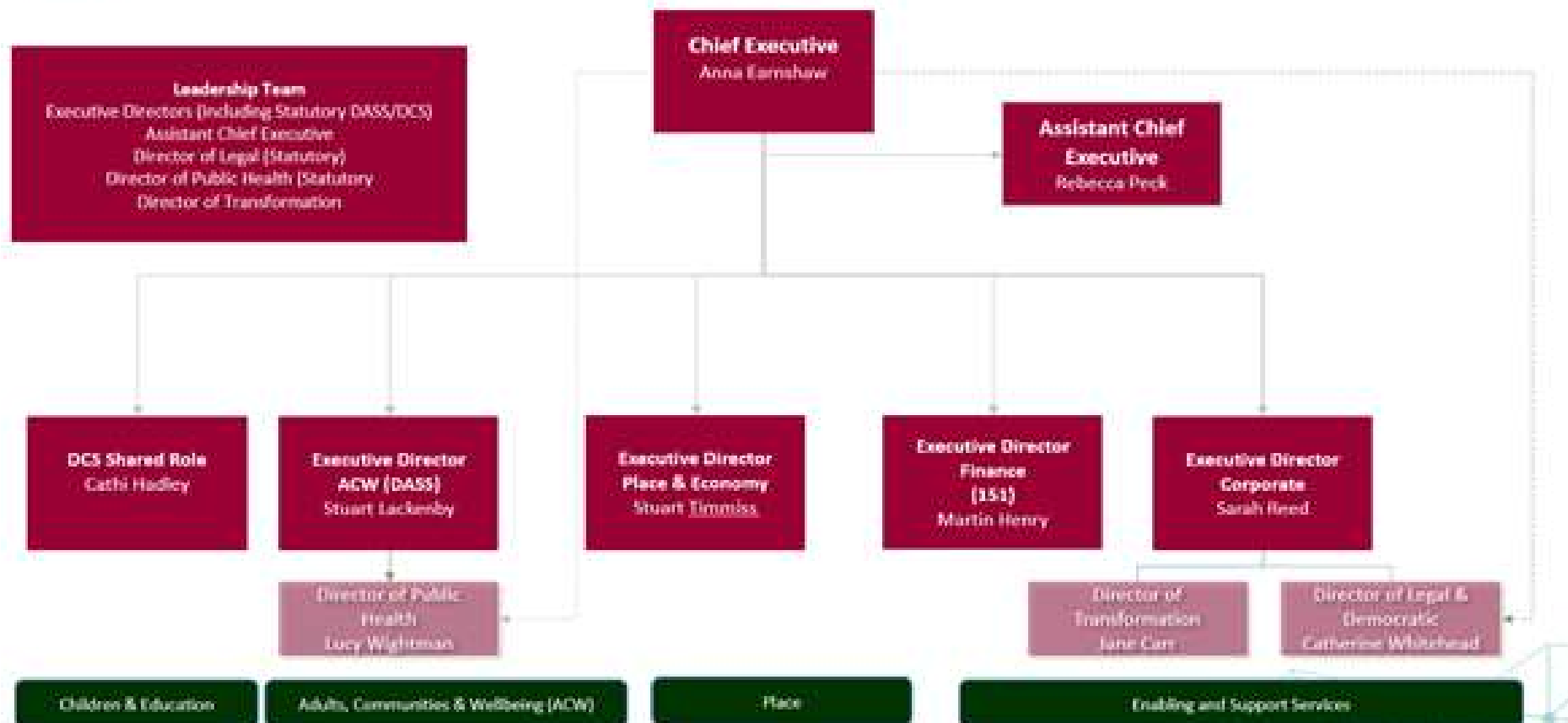
Officers

9.0 Officers

9.1 Management Structure

West Northamptonshire Proposed high level operational structure

Executive Leadership team



Adults, Communities & Wellbeing Directorate

**Executive Director
ACW (DASS)**
Stuart Lackenby

**Assistant Director
Commissioning &
Performance**

- Commissioning
- Quality & Assurance
- Adults Brokerage
- Quality & Assurance
- Financial & Operations
- PBSS
- Business Support

**Assistant Director
Adults Services**

- Community Services
- CHC & Care Homes
- Inclusion (Mental health & PD)
- Learning Disability
- Business Support

**Assistant Director
Safeguarding &
wellbeing**

- Safeguarding
- Health & Care Partnership
- Prevention & Occupational Therapy
- Provider services/ Shaw PFI
- Business Support
- Call Care

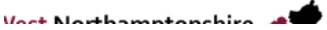
**Director of Public
Health**

- Intelligence & STP
- Management & Commissioning
- Wellbeing Advisors
- Adults Learning

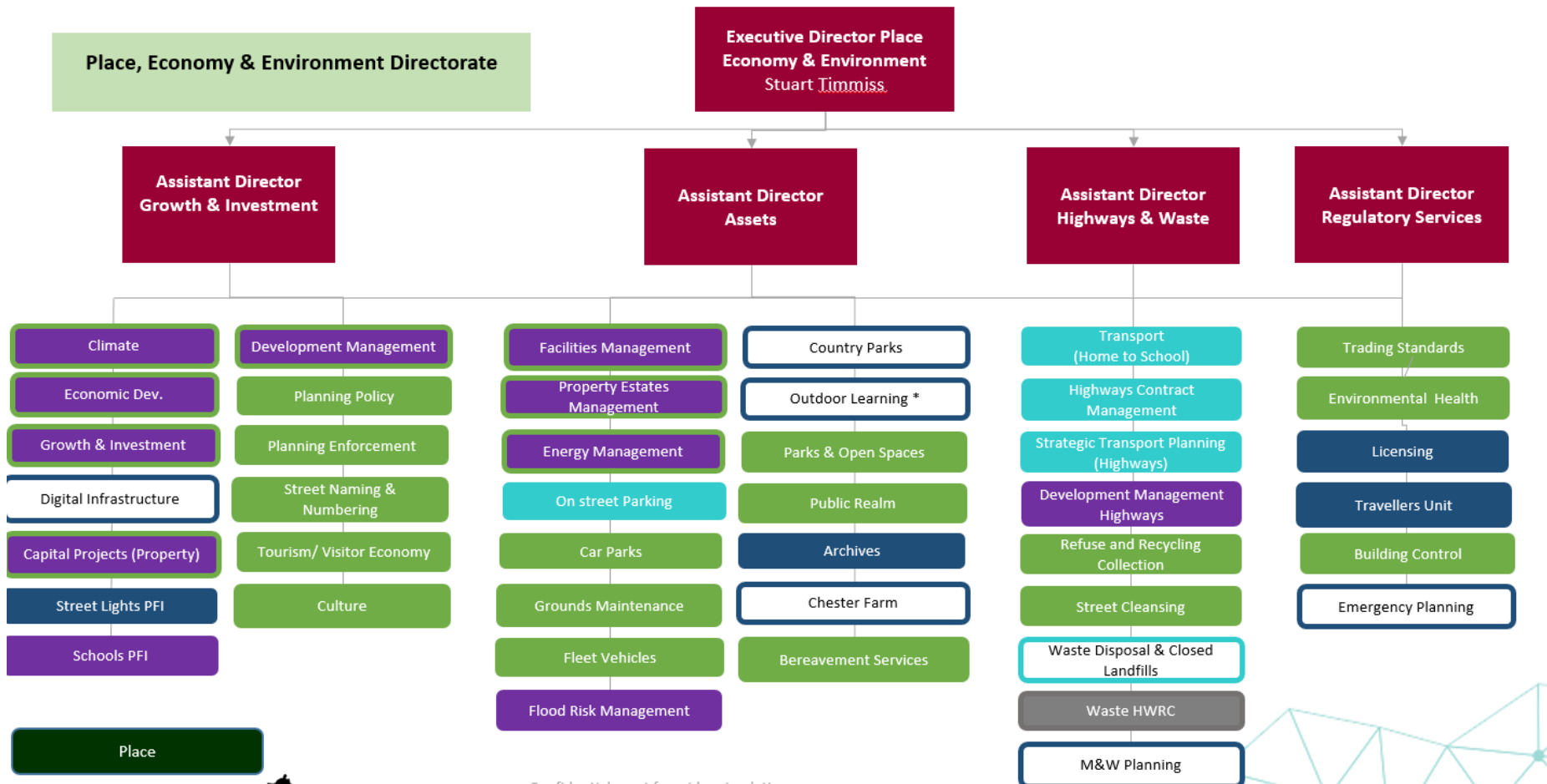
**Assistant Director
Housing &
Communities**

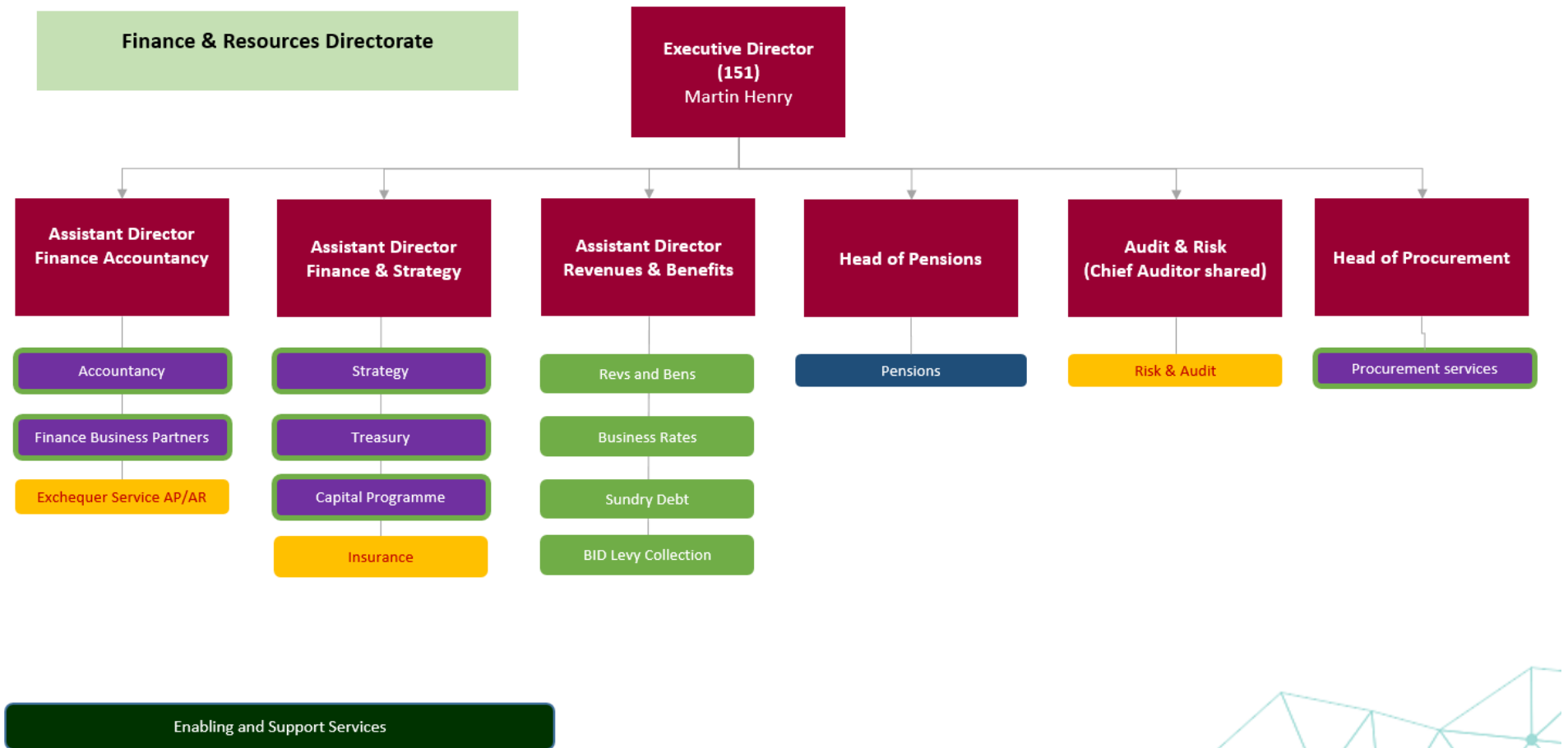
- Housing
- Homelessness
- Disabled Facilities Grant
- Community & Leisure
- Northamptonshire Sport
- Voluntary sector
- Libraries
- Libraries Support
- Town & Parish Councils
- Community Safety

Adults, Communities & Wellbeing (ACW)



Confidential – not for wider circulation





Corporate Services Directorate

**Executive Director
Corporate Services**
Sarah Reed

**Assistant Director
Human Resources**

- HR Policy & Procedures
- HR operations
- Apprenticeships
- Learning & Develop
- Corporate Health & Safety

**Transformation
Director**
Jane Carr

- Business Transformation
- Strategic Partnerships

**Assistant Director
Customer Services**

- Customer Services
- Complaints

**Director of Legal and
Democratic**
Catherine Whitehead

- LGSS Law
- Legal Services
- Information Governance
- Electoral Services
- Democratic Services
- Registration Service

**Assistant Director IT
& Digital**

- IT Operations
- IT Service Delivery
- IT Strategy & Programmes
- IT Business Systems (ERP)
- IT Digital

Enabling and Support Services



9.2 Scheme of Delegation to Officers

9.2.1 The Scheme:

- Introduction
- Member Consultation
- Reservations
- Restrictions
- Permissions

9.2.2 Areas of Responsibility

9.2.3 Exceptions:

- Contractual and Property
- Financial
- Employee and Staff Management
- Legal Action and Prosecuting Acts

9.2.4 Statutory Officer and Proper Officer Powers

INTRODUCTIONS AND PERMISSIONS

Introduction

1. The West Northants Council has adopted a vision and values. To support the delivery of the vision, managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the budget and policy framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team.

Overall Limitations

2. Any exercise of delegated powers is subject to the following overriding limitations.

Member Consultation

3. Officers set out in the scheme are expected to:-
 - a. maintain a close liaison with the appropriate portfolio holder or in their absence the Deputy Portfolio Holder or Leader;
 - b. consult relevant portfolio holders when exercising temporary or project specific delegations;
 - c. ensure the Ward Councillor(s) is/are consulted or advised of the exercise of delegated powers relevant to their area; and
 - d. ensure that the Chief Executive (Head of Paid Service), Executive Director of Finance (s151 Officer) and the Director of the Legal and Democratic (Monitoring Officer) are consulted and advised of any decisions as necessary.
4. Portfolio holders for the relevant area should be consulted on the exercise of a delegated power in all cases where :-
 - a. there is likely to be opposition from members of the public;
 - b. where there are political sensitivities;
 - c. there is likely to be media (including social media) interest or
 - d. expenditure is unusual for the budget area.

5. Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.
6. The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.
7. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant ward members, scrutiny chairs and interested groups in reaching decisions.

Reservations

8. The scheme does not delegate to officers:-
 - a. any matter reserved to full Council;
 - b. any matter which by law may not be delegated to an officer;
 - c. any Key Decision; or
 - d. any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet.

Restrictions

9. Any exercise of delegated powers is subject to
 - a. any statutory restrictions;
 - b. the budget and policy framework;
 - c. any provision contained in this Constitution including the Procedure Rules;
 - d. any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
 - e. any policy set by the Council or its committees, the Cabinet or the Chief Executive; and
 - f. the Code of Conduct for Employees.

Permissions

10. This scheme delegates to the Assistant Chief Executive, Executive Directors and Directors all the powers and duties relevant to those areas of responsibility detailed within the areas of responsibility below that rest with the Council or which have been delegated or granted to the Council, subject to the limitations, restrictions, reservations and requirements for consultation set out above. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

- a. **Powers in relation to staff**

Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.

- b. **Powers in relation to contracts and property**

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to property to acquire, dispose of, let and licence except as detailed in the Contracts and Property Exceptions Charts.

- c. **Powers in relation to planning**

Powers to determine applications, grant permission, refuse permission, to publicise applications, to comment or make representations on applications, notifications and consultations, to raise objections, to require documentation and information, to take appropriate action on enforcement, to negotiate, complete, vary, discharge or amend planning obligations and agreements, process and determine all decisions relating to neighbourhood planning under the Localism Act 2011, other than as detailed in the Legal Exceptions Chart.

- d. **Powers in relation to finance**

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.

e. Powers in relation to legal action

Powers to authorise, appoint or nominate officers and to investigate, prosecute, enforce, lay summons, require individuals to disclose information, serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licenses and license applications, issue permits, refuse, vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend, extend, vary and revoke orders, impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant, make, vary or revoke and in relation to land relevant to service functions to note applications for licences, planning, consents and approvals, a declaration and grant, vary, revoke and attach conditions to consents except as detailed in the Legal Exceptions Chart.

The Chief Executive

11. The Chief Executive may carry out the powers and duties of the Assistant Chief Executive and Executive Directors and Director of Legal and Democratic in their absence or in consultation with them and will also have the following additional powers:
 - a. to carry out the powers and duties of any of the officers in their absence or in consultation with them;
 - b. to incur expenditure in the event of a civil emergency;
 - c. in cases of emergency to take any decision which could be taken by the Council, the Cabinet or a committee, in consultation with the Leader; emergency to include cases which fall short of a declared emergency but are nevertheless situations in which there will be a risk of significant detriment to the wellbeing of residents if action is not taken.
 - d. to alter the areas of responsibility of the Assistant Chief Executive, Executive Directors and Directors set out in the Areas of Responsibility section of this scheme;
 - e. to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles.
 - f. to agree the Human Resources Policies following relevant consultation.

- g. to make any changes necessary to the Employee Code of Conduct following relevant consultation.

The Monitoring Officer

12. In addition to any powers delegated under section 2.10 above the Monitoring Officer has delegated authority to:
 - a. grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Standards and General Purposes Committee.

The Section 151 Officer

13. In addition to any powers delegated under section 2.10 above the Section 151 Officer has delegated authority to carry out those responsibilities set out as delegated to him/her in the Financial Procedure Regulations within this Constitution.

Assistant Chief Executive and Executive Directors and Director

14. The Assistant Chief Executive, Executive Directors and Directors may carry out the powers and duties of any direct reports within their area of responsibility in their absence or in consultation with them.

Officer Delegation

15. Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

Written Records and Publicity

15. An Officer making a decision under delegation, will need to publish a written record of :-
 - a. any decision which is sufficiently important or sensitive that the public would expect that decision to have been taken by an Elected-Member decision-making body, such as Cabinet rather than an Officer using delegated powers;
 - b. any decision which :-
 - is a specific expressed power rather than general delegation;

- grants a permission or licence;
 - affects the right of an individual; or
 - awards a contract, or incurs expenditure which, in either case, materially affects the Council's financial position.
16. If a written decision record of a decision is required, it must be completed as soon as is reasonably practicable after the decision has been made. The decision must be publicly available for inspection and posted on the Council's website (together with any background papers). The decision record must include, the date of the decision, the reasons, details of any alternative options considered and rejected and details of any conflict of interest declared (for instance of a Cabinet Member who may have been consulted).
17. A pro-forma decision record is available for use.

AREAS OF RESPONSIBILITY

(a) Chief Officers

Post	Main Functions and Areas of Responsibility
Assistant Chief Executive	<ul style="list-style-type: none"> • Communications and Engagement • Policy and Performance • Business Intelligence • Executive Support • Lord Lieutenant Support
Executive Director Adults, Communities and Wellbeing (DASS)	<ul style="list-style-type: none"> • Commissioning and Performance • Adults Services • Safeguarding and Wellbeing • Housing and Communities • Public Health
Director of Children's Services (DCS)	<ul style="list-style-type: none"> • Children's Social Care • Education • Commissioning and Partnerships
Executive Director of Corporate	<ul style="list-style-type: none"> • Human Resources • Transformation • Customer and Corporate Services • Information Technology and Data Management
Executive Director Finance	<ul style="list-style-type: none"> • Finance and Accountancy • Finance and Strategy • Audit and Risk • Revenues and Benefits • Procurement • Pensions

Director of Legal and Democratic	<ul style="list-style-type: none"> • Registration of Births, Marriages and Deaths • Elections Administration • Legal and Democratic Services • Information Governance
Executive Director Place and Economy	<ul style="list-style-type: none"> • Regulatory Services • Highways and Waste • Assets and Environment • Growth, Climate & Regeneration
Director of Transformation	<ul style="list-style-type: none"> • Business Transformation • Strategic Partnerships

Exceptions

EXCEPTIONS – CONTRACTING				
(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)				
All contracts and procurement must be in accordance with the Contract Rules in Part 9.6				
*Contract value is over the whole contract and any extension provision not the annual spend				
Process	Over the Regulations Threshold*	£100,000 to Regulations Threshold	£25,000 - £100,000	Over £5,000 - £25,000
Pre-Procurement Authorisation	Officer and Procurement Team. PGG Group. Executive Process if Key Decision	Officer and the Procurement Team. Executive Process if Key Decision	Officer. Executive Process if Key Decision.	Officer. Executive Process if Key Decision
Advertising	Assistant Director Procurement through the Procurement Team	Assistant Director Procurement through the Procurement Team	None	None
Procurement Process	Assistant Director Procurement through the Procurement Team must be consulted	Assistant Director Procurement through the Procurement Team must be consulted	Officer	Officer
Contract Execution	Written contract signed/ sealed. Terms approved by Director of Legal and Democratic.	Written contract signed/ sealed. Terms approved by Director of Legal and Democratic.	Written contract signed by one (1) Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Director of Legal and Democratic.	Officer Contract terms issued via purchase order.
Contract Register	Officer or Assistant Director Procurement through the Procurement Team if leading procurement.	Officer or Assistant Director Procurement through the Procurement Team if leading procurement.	Officer	Officer

Framework Agreements or DPSs	Assistant Director Procurement through the Procurement Team. Executive Process if Key Decision	Assistant Director Procurement through the Procurement Team. Executive Process if Key Decision	Officer. Executive Process if Key Decision	Officer Executive Process if Key Decision
Process	Over the Regulations Threshold*	£100,000 to the Regulations Threshold	£25,000 - £100,000	Over £5,000 - £25,000
Waive Contract Procedure Rules	Chief Officer, Head of Procurement, S151 Officer and Monitoring Officer. Executive Process if Key Decision	Chief Officer, Assistant Director Procurement, S151 Officer and Monitoring Officer. Executive Process if Key Decision	Chief Officer, Assistant Director of Procurement, S151 Officer. Executive Process if Key Decision	Chief Officer Approval Executive Process if Key Decision
Emergencies	Chief Officer on advice of Head of Procurement, S151 Officer and Monitoring Officer. If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, S151 Officer and Monitoring Officer. If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, S151 Officer and Monitoring Officer. If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, S151 Officer and Monitoring Officer. If Key Decision Executive Process.
Apply an exemption – use of negotiated procedure	Officer on advice of Assistant Director Procurement through the Procurement Team and if Key Decision Cabinet	Officer on advice of Assistant Director Procurement through the Procurement Team and if Key Decision Cabinet	Officer on advice of Assistant Director of Procurement through the Procurement Team	Officer on advice of Assistant Director Procurement through the Procurement Team
Notification of Award	Officer on advice of Assistant Director Procurement through the Procurement Team	Officer on advice of Assistant Director Procurement through the Procurement Team	Officer	Officer
Contract Variations (material change)	Not permitted. A new Procurement is required.	Officer with the agreement of	Officer with the agreement of Director of	Officer with the agreement of

		Director of Legal and Democratic	Legal and Democratic	Director of Legal and Democratic
Non recovery of liquidated damages/settlement of formal claims	Director of Legal and Democratic and with the approval of s151 Officer.	Director of Legal and Democratic and with the approval of s151 Officer.	Officer with the approval of s151 Officer and Monitoring Officer.	With the agreement of the Executive Director
Extension of Fixed Term Contracts with option to extend	In consultation with relevant Cabinet Member and with the agreement of Assistant Director of Procurement and Director of Legal and Democratic.	In consultation with relevant Cabinet Member and with the agreement of Assistant Director of Procurement and Director of Legal and Democratic.	In consultation with relevant Cabinet Member and with the agreement of Assistant Director of Procurement and Director of Legal and Democratic.	With the agreement of Assistant Director of Procurement and Director of Legal and Democratic.
Termination of Contract	Termination prior to its expiry date without first obtaining advice from Assistant Director of Procurement and Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.

EXCEPTIONS PROPERTY				
(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.) NB The term Property/Land includes all interests in Land including (wayleaves, easements, buildings). Values relate to 'the interest disposed of value' not 'the unrestricted value' of the land).				
Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Disposal and Acquisition of Land				
Asset Management Plan	No	Yes	No	No
Acquisition over £500,000	No	Yes and a key decision	Where it exceeds the Capital or Revenue Budget	No
Acquisition under £500,000	Assistant Director Assets in consultation with the s151 Officer and Portfolio Holder	Not unless required by the Portfolio Holder	No	No
Disposal where the estimated value of the combined properties is over £500,000	No	Yes and a key decision	No	No unless required by law
Disposal at an undervalue	No (unless already set out in agreed policy)	Yes and a key decision	No	No unless required by law
Disposal of or allowing the occupation of or sharing the use of any property under £500,000	Assistant Director Assets in consultation with s151 Officer over £100k.	No	No	No
Leases	Grant of leases up to 10 years or with discretion to break not exceeding 10 years	Grant of leases over 10 years	No	No
Non-Land Based Asset Disposal	Yes in accordance with the Finance Procedure Rules	No	No	No

EXCEPTIONS FINANCE					
(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)					
	Over £500K	Up to £500K	Up to £100K	Up to £25,000	Up to £1000

Capital Expenditure outside the Capital Programme	Council	Council	Cabinet	Cabinet	Cabinet
Unbudgeted Revenue Expenditure	Council	Cabinet	CFO	Budget Manager	Budget Manager
Virements	Cabinet	CFO in consultation with Cabinet Portfolio	CFO	CFO	CFO
Ex gratia payments	N/A	N/A	N/A	N/A	CFO
Write off debts	Cabinet	Cabinet	Cabinet	CFO	CFO
Negotiate and Approve Borrowing Limits	Council	Cabinet	Cabinet	Cabinet	Cabinet
Submit bids for funding to the relevant body	Executive Director in consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO
To agree conditions and approve agreements in relation to grant funding to be received by the Council	CFO	CFO	CFO	CFO	CFO
Write off any surplus or deficiencies in respect of items of stock	Cabinet	CFO	CFO	CFO	Budget Manager

Negotiate leasing arrangements	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy	Executive Director Place and Economy
Invest any temporary surplus of monies until such monies are required	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement
Effect necessary insurances	CFO	CFO	CFO	CFO	CFO
Settle insurance claims	CFO and MO	CFO and MO	CFO and MO	CFO and MO	CFO
To vary the scale of fees and charges within year to reflect market conditions	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager
To set new fees and charges within year	Council (Except where delegated)	Cabinet	Cabinet	CFO	CFO

EXCEPTIONS – STAFF AND EMPLOYMENT

	Officer Delegation	Statutory Cabinet Member Consultation	Member Decision	Council Decision
NB This element of the scheme is dictated by 2 LGHA 1989 and the Standing Orders Regulations				
The appointment of the Chief Executive	No (cannot be carried out by officers.	Yes, through the MO	Yes must be made by Full Council	On recommendation from Senior Appointments Committee
The appointment of Chief Officers (Executive Directors)	No (possible exception where there is change management and the appointment is internal.)	Yes, through the MO	Senior Appointments Committee	Only if required by Council
The appointment of Deputy Chief Officers (Service Directors)	Yes	No	No	No
Appointment below Deputy Chief Officer (DCO)	Yes	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO
The dismissal of the Chief Executive (as Head of Paid Service)	Cannot be delegated to officers	Yes	An independent report must be prepared before a decision can be made	Special Meeting of Council must be convened
Dismissal of Statutory Chief Officers	Cannot be delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
The dismissal of non-Statutory Chief Officer	Not delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
Dismissal by way of redundancy or voluntary redundancy for Chief Officers	No	No	In accordance with prescribed procedure	In accordance with prescribed procedure
Dismissal of staff below Chief Officer	Chief Executive for DCOs, and Executive Directors below DCO	No	No	No

Determine Appeals against final written warnings below DCO	Relevant authorised managers.	No	No	No
Issue HR1 notices in respect of potential redundancies	Assistant Director HR	No	No	No
To carry out powers and duties under the Health and Safety at Work Act	Chief Executive	No	No	No
Issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity	Assistant Director HR	No	No	No

EXCEPTIONS - LEGAL EXCEPTIONS

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

Planning

Function	Officer
Determine all applications made under powers and duties of the local planning authority and planning legislation in relation to applications and enforcement	Executive Director Place and Economy except where: <ul style="list-style-type: none"> a) The decision would lead to a significant departure from the local plan b) Where called in by at least 1 members c) Major applications to develop the Council's own land d) Applications by relevant officers employed by the Council e) Applications deemed by the Executive Director to require a member decision.

Determine details required by conditions imposed on any permission.	Executive Director of Place and Economy
Determine minor amendments to approved plans where these do not materially alter the form of the approved development	Executive Director of Place and Economy
All powers and functions of the Authority in respect hackney carriage and private hire licensing matters	Except where: an applicant has relevant convictions/cautions or a current licence holder is similarly convicted/cautioned and/or where an applicant for, or the current holder of a Hackney Carriage/Private Hire drivers

	licence has nine or more points on their DVLA driving licence Executive Director of Adults, Communities and Wellbeing
All powers and functions in respect of the Scrap Metal Dealers Act 2013.	Executive Director of Adults, Communities and Wellbeing

Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Executive Director of Adults, Communities and Wellbeing
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Executive Director of Adults, Communities and Wellbeing
Carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999	Executive Director of Adults, Communities and Wellbeing
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates	Executive Director of Finance
Defend and/or settle all claims made against the Council up to £100,000	Director Legal and Democratic

To approve Public Spaces Protection Orders (PSPO's), unless they are likely to be considered to be sensitive or significant.	Executive Director of Adults, Communities and Wellbeing Assistant Director Housing and Communities
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Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council	Director Legal and Democratic
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce.	Director and Legal and Democratic

	Officer
Authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in,	Director and Legal and Democratic

proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972	
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Director and Legal and Democratic
Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate	Director and Legal and Democratic

Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation).	Director of Legal and Democratic In the case of contested matters, or Matters which require oral representation or an inquiry, an Independent Inspector shall be appointed to determine the application.
To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.	Powers to determine whether an asset should be placed on the list – Executive Director of Place and Economy Powers to determine reviews – Director of Legal and Democratic

EXCEPTIONS - PENSIONS EXCEPTIONS

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

Chief Finance Officer (Section 151 Officer)

(Further delegations to Head of Pensions can be found in the administering authority's discretions or within individual policy or strategy documents published on the Pension Fund's website as approved by the Pension Committee).

Management and administration of the Local Government Pension Scheme

Authority to maintain West Northamptonshire Council's responsibility for the management and administration of the Local Government Pension Scheme Regulations with regard to overriding legislation and guidance including statutory guidance, including the exercise of the administering authority's discretions.

Membership of the ACCESS Asset Pool Section 151 Officers Group

In relation to the Joint Committee (JC), a s102 committee of the Local Government Act 1972, of the ACCESS Asset Pool, the Section 151 Officer shall be bound by the terms of reference for the Section 151 Officer Group as detailed in the Inter-Authority Agreement:

Part 1 – Governing Principles

- The Section 151 Officers will co-operate to support the activities of the Pool in providing advice to or in consultation with the JC and they shall always act in line with the Governing Principle and Principles of Collaboration as set out in the Inter-Authority Agreement except to the extent that it is inconsistent with the discharge of their personal statutory duties.

Part 2 - Functions in relation to the Pool

- In response to decisions made by the JC, the Section 151 Officers shall (in addition and without prejudice to their existing statutory responsibilities in relation to the proper administration of the financial affairs of their own Councils) ensure the appropriate resourcing, support, advice and facilitation to the JC including, without limitation, in the following ways:

Discharging Section 151 Officer Functions

- **Staffing and Resourcing:** in relation to the provision of staff and resources to assist the JC in the exercise of its functions under this Agreement.

	<ul style="list-style-type: none">○ Cost Sharing: in accordance with any local arrangements within their Councils, ensuring that their Councils' share of costs is provided to the relevant parties, whether under the business plan, budget or otherwise under Schedule 5 from time to time.○ Pool Aligned Assets: providing the JC, the ASU (ACCESS Support Unit) and any other relevant staff resources with such support as is reasonably required to engage with Pool Aligned Assets Providers. <p>Advising the Joint Committee</p> <ul style="list-style-type: none">○ Budget and Business Planning: making recommendations to the JC on budget and business plan matters, following input from the ASU in accordance with Schedule 5 of the Inter-Authority Agreement (Cost Sharing).○ Reviewing and advising on budget variations throughout each financial year.○ Risk and Performance: advising the JC on the identification of, and mitigation of any risk to the operation or success of the Pool.○ Host Authority and Procurement Lead Authority Roles: making recommendations to the JC regarding the Host Authority and Procurement Lead Authority roles from time to time as necessary.○ Amendments to the Inter-Authority Agreement: reviewing, in consultation with their respective Councils' Monitoring Officers, any material changes to the Inter-Authority Agreement, in accordance with provisions of clause 11 of the Inter-Authority Agreement (Variation of Agreement).
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9.3 List of Proper Officers

SCHEDULE OF APPOINTMENTS

AGRICULTURE ACT 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Assistant Director: Regulatory Services

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Brief Details of Responsibility	Proper Officer
6 (A1)	Director of Adult Social Services	Executive Director: Adults, Communities and Wellbeing

LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
13 (3)	Parish Trustee where no Parish Council	Director of Legal and Democratic
All appointments under sections 83, 84, 86, 88(2), 89((1)(b), 99 and sch 12, 100 A to F	To witness and receive declarations of acceptance of office of Chair, Vice-Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Director of Legal and Democratic
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance
146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance

All appointments 191, 210(6) and (7), 223, 225 (1), 229 (5), 233, 234,238, 248, Sch 12 para 4 (2) (b) and 4 (3) and Schedule 14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Director of Legal and Democratic
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 1974

Section	Brief Details of Responsibility	Proper Officer
30	Provides that the Proper Officer must give public notice of the ombudsman's reports	Director of Legal and Democratic

LOCAL ELECTIONS (PRINCIPAL AREA) RULES

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer (Chief Executive)

LOCAL LAND CHARGES ACT 1975

Section	Brief Details of Responsibility	Proper Officer
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the "Proper Officer"	Executive Director of Place, Economy and Environment
19	The officer to act as Local Registrar as defined in Section 3	Executive Director of Place, Economy and Environment

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Brief Details of Responsibility	Proper Officer
16	Notices requiring details of interest in land	Any Chief Officer of the Council
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Director of Legal and Democratic

LOCAL AUTHORITIES CEMETRIES ORDER 1977

Regulation	Brief Details of Responsibility	Proper Officer
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10	To sign exclusive rights of burial	Executive Director of Place, Economy and Environment
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HIGHWAYS ACT 1980

Section	Brief Details of Responsibility	Proper Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Assistant Director: Highways and Waste
193 (1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Assistant Director: Highways and Waste
205 (3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Assistant Director: Highways and Waste
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Assistant Director: Highways and Waste
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Assistant Director: Highways and Waste
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Assistant Director: Highways and Waste
321	Authenticate notices and other documents	Assistant Director: Highways and Waste
Sch 9 para 4	Sign plans showing proposed prescribed improvement or building lines	Assistant Director: Highways and Waste

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Brief Details of Responsibility	Proper Officer
67 (7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall	Returning Officer

	be sent to proper officer who shall publish it in the local authority area	
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BUILDING ACT 1984

Section	Brief Details of Responsibility	Proper Officer
61	Provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain	Executive Director of Place, Economy and Environment
78	To take action in relation to dangerous buildings and structures	Executive Director of Place, Economy and Environment
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by him in writing	Executive Director of Place, Economy and Environment

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Section	Brief Details of Responsibility	Proper Officer
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health
61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health

WEIGHTS AND MEASURES ACT 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Assistant Director: Regulatory Services

LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115 and 115A	Responsibility for Chief Financial Officer Reports	Executive Director of Finance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance
139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Executive Director of Finance
Schedule 4 (10)(1) Paragraphs 6 - 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: <ul style="list-style-type: none"> The acquisition of way leaves over Council - owned land The felling and lopping of trees etc. 	Executive Director of Place, Economy and Environment
Schedule 8 36 (8) Paragraph 1 36(8) Paragraph 2	Where applications have to be made for consent to construct generating stations on Council - owned land Where applications for consent have to be served on the local planning authority	Executive Director of Place, Economy and Environment

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 -17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (Committees and Political Groups) Regulations 1990	Director of Legal and Democratic

FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director: Regulatory Services

CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Director of Legal and Democratic

EDUCATION ACT 1996

Section	Brief Details of Responsibility	Proper Officer
532	Appointment as Chief Education Officer	Director of Children's Services

PARTY WALL ETC. ACT 1996

Section	Brief Details of Responsibility	Proper Officer
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place, Economy and Environment

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Section	Brief Details of Responsibility	Proper Officer
	Certification of relevant powers to enter into contracts	Executive Director of Finance

CRIME AND DISORDER ACT 1998

Section	Brief Details of Responsibility	Proper Officer
12	To apply for the discharge or variation of a Child Safety Order	Director of Children's Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children's Services

LOCAL GOVERNMENT ACT 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Director of Legal and Democratic
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic
6	Making available for inspection a list of background papers	Director of Legal and Democratic
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public	Director of Legal and Democratic
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed	Director of Legal and Democratic
81	Establish and maintain a Register of Interests	Director of Legal and Democratic

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000

Regulation	Brief Details of Responsibility	Proper Officer
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Legal and Democratic

**REGULATION OF INVESTIGATORY POWERS ACT 2000 SECTION 30
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITION) ORDER 2000**

Regulation	Brief Details of Responsibility	Proper Officer
2	Authorise the carrying out of directed surveillance of the conduct of a covert human intelligence source	Executive Directors, Director of Legal and Democratic, Chief Executive in accordance with Council's RIPA policy

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2)
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010 THE REGULATION OF INVESTIGATORY POWERS (COVERT**

SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010
THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010

Regulation	Brief Details of Responsibility	Proper Officer
Sch 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Director of Legal and Democratic

FREEDOM OF INFORMATION ACT 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Legal and Democratic

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Section	Brief Details of Responsibility	Proper Officer
Sch 1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Director of Legal and Democratic

CHILDREN ACT 2004

Section	Brief Details of Responsibility	Proper Officer
18	Director of Children's Services	Director of Children's Services

HEALTH ACT 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, "authorised officer", in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services

10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence	Authorised Officer
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SMOKE-FREE (PREMISES AND ENFORCEMENT) REGULATIONS 2006

Regulation	Brief Details of Responsibility	Proper Officer
3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Regulation	Brief Details of Responsibility	Proper Officer
4 (3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director Housing and Communities

LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009

Section	Brief Details of Responsibility	Proper Officer
31	Statutory Scrutiny Officer	Director of Legal and Democratic

HEALTH AND SOCIAL CARE ACT 2012

Section	Brief Details of Responsibility	Proper Officer
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Legal and Democratic
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public	Director of Public Health

	health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations	
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State	Director of Public Health
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority's role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health
73A(1)(f) -	Other public health functions that the Secretary of State may specific in regulations	Director of Public Health

COUNTER-TERRORISM AND SECURITY ACT 2015

Section	Brief Details of Responsibility	Proper Officer
	The Officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Executive Director Adults, Communities and Wellbeing

LANDLORD AND TENANTS ACTS

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954	Executive Director of Place, Economy and Environment

OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
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	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee
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WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

Section	Brief Details of Responsibility	Proper Officer
	Local Authority Designated Officer (LADO)	Director of Children's Services
	Designated Caldicott Guardian	Executive Director Adults, Communities and Wellbeing

GENERAL DATA PROTECTION REGULATIONS

	Brief Details of Responsibility	Proper Officer
	Designated Senior Information Risk Owner (SIRO)	Director of Legal and Democratic
	Data Protection Officer	Director of Legal and Democratic
	Information Asset Owners	Director of Legal and Democratic

IN THE ABSENCE OF THE DESIGNATED PROPER OFFICER:

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

9.4 Employee Code of Conduct.

Code of conduct

The Council Code of Conduct sets out the general standards expected of all employees; these are in addition to any rules which apply in Service areas. The Code is not exhaustive and should be read in conjunction with other Council policies.

It is your responsibility to read this Code and to make sure your conduct meets its provisions at all times.

Some service areas will have their own service specific rules about behaviour, usually in relation to their service users. Employees must ensure that they understand the service specific rules, and discuss them with their line manager if they do not understand how they apply.

1. What are the principles?

The public have the right to expect the highest standards of integrity from our employees.

Employees should:

- always conduct themselves in a proper manner
 - not allow personal or private interests to influence their conduct
 - not do anything as an employee which they could not justify to the Council
 - tell management of any breach of standards or procedure without fear of reprimand. If appropriate employees should use the Whistleblowing policy
 - engage in any investigations about actual or potential breaches of this code
- If employees fail to follow this code they may be liable to disciplinary action which could lead to termination of employment.

2. What are the rules about gifts and hospitality?

There are no hard and fast rules about accepting hospitality or gifts offered on a personal basis. However, employees should treat any offers with extreme caution. The person or organisation making the offer may be:

- doing, or hoping to do, business with the Council; or
- applying to the Council for some kind of decision

In some cases, accepting the offer may constitute a criminal offence.

Employees should seek permission before any offers of gifts or hospitality above the value of £25 are accepted.

It is important that such offers of a gift or hospitality are recorded, even where the employee or their line manager, has decided to decline the offer. As a public service there is a need to demonstrate impartiality and merit in remaining totally open about anything received and understand the perception of the general public regarding offers of gifts or hospitality. Please note that if there have been separate or previous offers from the same organisation

or individual within the past three months which combined would total over £25.00 it is appropriate to declare the cumulative total.

If employees have any doubts about whether to accept a gift below £25, they should talk to their line manager. Guidance is provided in the Gifts and Hospitality Form. Managers should maintain a record of gifts and hospitalities received by their staff.

Hospitality or Gifts over the value of £25 should be declared through the Gifts and Hospitality form.

3. What are the rules about use of Council facilities?

Employees should only use Council premises, facilities or other resources for Council business, unless you have been given prior approval through your line manager. This includes:

- transport
- stationery
- secretarial services

4. What are the rules about the use of Information Technology?

Employees should use information technology in compliance with the Council's relevant Use of IT Policy. In addition to this policy, employees should make sure they understand and comply with the Council's guidance on Information Technology.

5. What are the rules about confidential and private information?

Employees may come into contact with confidential information during the course of their work and have a responsibility to maintain confidentiality and ensure their actions comply with the Data Protection Act and General Data Protection Regulation (GDPR).

Confidential information includes, but is not limited to; any information regarding other employees, service users, financial information, information regarding business plans or other commercially sensitive information and any information or matter which relates to the affairs and/or services of the Council that should not be in the public domain.

Employees must never:

- disclose or share such information (oral, written or electronic) given in confidence or, information acquired during the course of their work to other people without a clear, legal basis for doing so e.g. safeguarding or crime prevention, and only when the identity of the individual requesting has been verified.
- access or use any information obtained in the course of their employment for personal gain or, to disadvantage or discredit the Council or anyone else.

The Council has specific rules on data security, outlined in the relevant Information Security Policy which you need to read and familiarise yourself with. You are required to comply with these rules when handling information. There are set procedures for releasing personal information and guidance for relevant Information Sharing. It is essential that

employees follow these procedures and must seek advice from their line manager if unsure before releasing information or personal data.

6. What are the rules about financial conduct?

Employees must ensure that they use funds and resources entrusted to them for the purpose intended, and in a responsible and lawful manner. They should seek to safeguard such funds and resources from abuse, theft or waste and should strive to ensure value for money for the Council, service users and any public or charitable funds.

Employees should be aware that it is a serious criminal and disciplinary offence to corruptly receive or give any gift, loan, fee, reward or other advantage in return for doing (or not doing) anything, or showing favour (or disfavour) to any person or organisation. If an allegation of corrupt behaviour is made, this will be fully investigated.

Any form of bribery, either direct or indirect, is prohibited. Allegations of bribery or wrongdoing can be reported confidentially through the Whistleblowing policy. See also the Anti-Fraud policy.

Employees should manage the organisation's finances in compliance with the Council's financial procedure rules. This sets out individual financial responsibilities, and provides more information on the Whistleblowing and Anti-Fraud policy.

7. What are the rules about declaring financial/personal interests in other organisations Which deal with the Council?

Employees must declare any financial/personal interest that they or their partner have or may have in any contract or proposed contract with the Council or its partners, including any interest they may have in tendering for a contract from the Service Area/Group – this interest may be direct or indirect.

Employees should also consider declaring non-financial interests. For example, they may do voluntary work for an organisation in receipt of grant aid from the Council.

An employee wishing to make a declaration should complete the Declaration of Conflict of Interest form providing as much detail as possible and submit this to their line manager.

See section 21 – Making a Declaration.

8. What are the rules about buying goods for personal use?

Employee should not use an official order, or the Council's name to buy goods for their personal use. To do so could lead to prosecution under the Theft Act and disciplinary action being taken which could result in termination of employment.

9. What are the rules about discount schemes offered to employees?

Employees should take care before accepting discounts or special terms from someone:

- who normally supplies the Council and,
- who is not offering this discount to members of the public

This does not apply if the supplier has an agreement with the Unions or the Council to supply goods or services on special terms. If an employee has doubts as to how to proceed, they should refer to their line manager in the first instance who will then discuss with their Executive Director who may refer to Legal Services where necessary.

10. What are the rules about equality issues?

Employees must ensure that they follow the Council's Equality, Inclusion and Diversity policies and conduct themselves in accordance with expected practice.

Managers must ensure that employees are aware of these policies, expected practice and how this applies to the work that the employee undertakes.

11. What are the rules about employees having other jobs?

Some contracts specify that an employee cannot undertake other jobs without written permission or, there are service specific or other circumstances that would prevent undertaking other jobs.

Where this does not apply, employees should make sure that any additional work they undertake does not:

- relate to their duties as an employee
- impact or affect the hours of work in their role with the Council and does not contravene any provisions under the Working Time Regulations or, their health and safety
- impact on their duties and effectiveness
- conflict with the interests of the Council (are they a competitor organisation, engaged in similar business or a customer of the Council. Do they provide or receive goods or services from the Council and is there any contractual arrangement with the Council.)
- weaken public confidence in the Council.

If you have any doubt as to whether a conflict exists you should complete a Declaration of conflict of interest form and submit this to your line manager.

In order to sustain service delivery and core functions, employees may be asked to curtail any other private work they have been carrying out when the Critical Incident Policy is invoked.

See section 21 – Making a Declaration

12. What are the rules about employee conduct outside work?

Generally, what employees do outside work is their own concern. However, they should avoid doing anything which might adversely affect the reputation of the Council, this includes comments on social media.

Further information and guidance is provided in the Council's relevant Use of IT Policy which covers Facebook, Social Media and use of mobile devices.

13. What are the rules about political impartiality?

Employees must be politically neutral when carrying out their work. This does not affect their right to be a member of a political party, unless they work within a specified politically restricted post.

Politically restricted posts fall into two categories - 'specified posts', and 'sensitive posts'. Specified posts include Tier 2 and above, and Political Assistants. Sensitive posts apply in Democratic Services and the Communications and Marketing team, based on their link to journalists and broadcasters. Further information and guidance is provided in the Council's document Politically restricted posts.

Employees can stand for election to local authorities, other than Northamptonshire County Council. They should complete a Declaration of conflict of interest form and submit this to their line manager to resolve any potential conflicts of interest and consideration of any requirements for time off.

See section 21 – Making a Declaration.

If an employee holds a politically restricted post, they can only be a member of a parish council.

14. What are the rules about employment of people who are relatives, partners, or have a close relationship?

Employees should not be involved in taking significant decisions where it involves a relative, partner or close friend.

This includes:

- recruitment or appointment
- disciplinary situations
- promotional opportunities
- pay related adjustments

Employees are expected to maintain professional relationships with colleagues. The general principle is that an outsider should not be able to detect any difference in the professional working relationship of people who have a close relationship to those who are not.

15. What are the rules about how employees interact with customers?

Employees should never allow any personal relationship with a customer to conflict with the duties of their employment, or the best interests of any customer or service user. They must never allow themselves to be compromised by, or take advantage of, their relationship with a customer.

Some service areas will have their own service specific rules about behaviour in relation to their service users. This may be underpinned by professional Codes of Conduct or Guidance in relation to client group needs. Employees must ensure that they understand such service specific rules, and discuss them with their line manager if they do not understand how they apply.

16. What are the rules about employees' relationships with colleagues or Elected Members?

Mutual respect and trust between employees and councillors is essential to the effective operation of the Council. Any close personal familiarity can damage the relationship. It can also prove embarrassing to other employees and therefore, such familiarity should be avoided.

Any personal relationships that develop, which may conflict with the impartial performance of your duties, should be declared by completing a Declaration of conflict of interest form and submitting this to your line manager for consideration.

See section 21 – Making a Declaration.

17. What are the rules about media activities?

If an employee is contacted by the media, they should not respond individually, as media inquiries need to be directed immediately to the communications team.

Media includes any kind of published or broadcast material, including items published on the internet. Employees should contact the Communications Team for clarification if they are unsure about the rules regarding speaking to the media or sharing information externally.

In addition, employees should be aware of relevant Guidance on Social Networking Sites and Personal Internet Presence. The aim of this Guidance is:

- to protect the reputation of the Council and its employees from intended or unintended abuse via personal employee usage of social networking and personal internet sites, and:
- ensure that employees are aware of the potential legal implications of material which could be considered abusive or defamatory.

18. What are the rules about smoking?

In order to help support the health of our staff, deliver our services and maintain legal compliance the Council has a Smoke-free policy. For reputational and health reasons, smoking is prohibited within, or on Council controlled sites, including areas outside and around buildings where smokers should not be visible to the public and customers visiting council buildings, or be identifiable by their lanyards or ID badges. More information is provided in the relevant Smoke-free policy.

19. What are the rules about clothing and appearance?

Employees are expected to dress in a manner that is appropriate to the job role they undertake, and the environment in which they work. All employees are ambassadors for the organisation and therefore need to maintain a professional appearance, appropriate to their role. There are a variety of settings and roles within the organisation; for some areas health and safety issues will determine what constitutes appropriate dress, therefore employees should refer to any service specific rules, including those on personal protective clothing where relevant.

Managers are responsible for applying this in their specific setting; should an employee wear clothing that is inappropriate for the role they are undertaking, they can reasonably expect their manager to point this out to them. Managers can get support from the HR Advisory Team on what constitutes inappropriate clothing.

20. What are my responsibilities as a line manager?

As a line manager it is your responsibility to read this Code and to make sure you and your employees conduct meets its provision at all times. You are responsible for:

- making sure that your staff are aware of the Code of Conduct
- abide by the Code and thereby set your staff an example
- taking appropriate action if any member of staff fails to follow this Code
- seeking the advice of your HR Advisor if you have any doubt about how to proceed
- keeping a record of gifts or hospitality received by your staff
- reviewing any Declaration of conflict of interest form (whether at recruitment stage or following employment), escalating to your Executive Director
- advising the employee of the outcome and retaining the information

It is also the line manager's responsibility to review the information and ensure:

- where circumstances have changed and no longer relevant for the role the employee is undertaking or their involvement has ceased - the form should no longer be retained
- If the employee moves to another role or service area, the information should be reviewed to ensure no conflict exists and where this remains relevant it is transferred and retained within that new role/service area
- If the line manager leaves or moves to another role or service area, the information must be provided to the new manager where this remains relevant

For employees working in a social care setting – please also refer to the Adult Social Care and Healthcare Support Workers Code of Conduct – Skills for Care.

21. Making a Declaration

There are two instances in which a Declaration can be made;

- (i) New recruits – as part of the recruitment process and,
- (ii) Where a conflict or potential conflict has been identified by an existing employee

Declarations will normally be made in circumstances of;

- Financial/personal interests in other organisations which deal with the Council
- Undertaking other jobs or engaging in other jobs or business
- Political impartiality
- Personal relationships

Conflict identified by existing employee

Where a conflict or potential conflict has been identified by an existing employee they should complete a Declaration of conflict of interest form and submit this to their line manager.

The employee’s line manager will assess the contents of the form to ensure that sufficient information has been provided in order to determine whether the request is likely to be in conflict with or have a detrimental impact on the employee’s or the Council’s work.

The line manager may seek to consult their HR Advisor as required and then refer to the Executive Director for consideration. In circumstances that relate to financial/personal interests in other organisations the Executive Director will refer this to the Council’s Monitoring Officer at X location.

Declaration and levels of approval

Employees	Line Manager	Executive Director (and Monitoring Officer if involves Financial/Personal interests)
Assistant Director or Head of Service	Line Manage	Executive Director (and Monitoring Officer if involves Financial/Personal interests)
Director/Executive appointment	HR Assistant Director	Monitoring Officer

Failure to disclose a Conflict of Interest

If you fail to inform the Council of a possible conflict of interest could result in disciplinary action being taken and your employment being terminated.

22. Potential outcome of a Declaration

Any outcome as a result of a declaration being made must be advised and discussed with the employee to ensure they understand any implications and agreed actions where necessary.

Where it is found that the employees involvement or actions are deemed unacceptable to continue, the employee may be asked to withdraw from that interest or the responsibilities may need to be changed.

Declaration of Conflict of Interest Form

Subject	Make a Declaration	Responsibility
Gifts & Hospitality	Record on Gifts & Hospitality form	Line Manager
Council facilities	No	Line Manager
Confidential & private information	No	Line Manager
Financial/Personal interests	Yes	Line Manager, Executive Director and Monitoring Officer
Buying Goods	No	Line Manager
Discount Schemes	No	Line Manager
Equality	No	Line Manager
Other jobs	Yes	Line Manager, Executive Director
Conduct outside work	No	Line Manager
Political Impartiality	Yes	Line Manager, Executive Director
Employment of relatives	No	Line Manager
Personal relationships	Yes	Line Manager, Executive Director

9.5 Staff Employment Procedure Rules

Staff Procedure Rules

1. Recruitment and appointment

- 1.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have **any** relationship with any councillor or officer of the Council;
- 1.2 No candidate so related to a Councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by the Chief Officer.
- 1.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.4 No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Chief Executive and Chief Officers

- 2.1 Where the Council proposes to appoint a Chief Executive or a chief officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:
 - a. draw up a statement including the following:
 - the duties of the Officer concerned; and
 - any qualifications or qualities to be sought in the person to be appointed;
 - b. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - c. make arrangements for a copy of the procedures mentioned in paragraph (1) to be sent to any person on request.

3. Appointments and Dismissals

- 3.1 In this paragraph –

“the Committee” means the Senior Appointments Committee.

“Chief Officers” means the

- Executive Director Finance
- Director of Legal and Democratic
- Director of Children’s Services
- Executive Director Adults, Communities and Wellbeing
- Executive Director Place, Economy and Environment
- Executive Director Corporate Services
- Assistant Chief Executive
- Director of Public Health

“the proper officer” means the Monitoring Officer

The Leader – means the Leader of the Council

3.2 The appointment and dismissal of the Chief Executive and Chief Officers is the responsibility of the Committee.

Appointments

3.3 At least one member of the Cabinet must be a member of the Committee.

3.4 Where the Committee is proposing to appoint the Chief Executive, the Council must approve that appointment before the offer of appointment is made.

3.5 The Committee shall not make an offer of appointment in relation to any of the Chief Officers (apart from an assistant for political groups) until;

- a. The Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
- b. The proper officer has notified every member of the Cabinet of the authority of:
 - The name of the person to whom the Committee wishes to make the offer;
 - Any other particulars relevant to the appointment which the Committee has notified to the proper officer; and
 - The period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- c. Either:

- The Leader has, within the period specified, notified the Proper Officer that neither they nor any other member of the Cabinet has any objection to the making of the offer;
- The Proper Officer has notified the Committee that no objection was received by them within that period from the Leader; or
- The Proper Officer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

Dismissals

- d. The Council's suite of HR procedures set out the procedures for managing Disciplinary; Capability; Health and Attendance; Redundancy and the expiry of Fixed Term Contract matters in compliance with The Local Authorities (Standing Orders)(England) Regulations 2001 & Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which set out some particular matters with relation to employment processes for Chief Officers.

4. Director of Public Health

- 4.1 The appointment of the Director of Public Health who is appointed in pursuance of Section 73A (7) of the National Health Service Act 2006 (inserted by section 30 of the Health and Social Care Act 2012) is the responsibility of the Senior Appointments Committee, subject to the approval of the appointment by the Secretary of State for Health.
- 4.2 The Senior Appointments Committee may terminate the appointment of the Director of Public Health having followed the relevant procedures and following prior consultation with the Secretary of State for Health.

5. Other Officers

- 5.1 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive or their nominee and will not be undertaken by councillors.
- 5.2 Councillors will not be involved in disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

9.6 Contract Procedure Rule

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Part 1 – Introduction, Scope and Responsibilities

1. Introduction

- 1.1. These Rules are part of the Council's Constitution and apply to all procurement activities (the purchase of goods, services and works) undertaken by the Council. They must be read in conjunction with any other relevant laws, regulations, policies and/or procedures.
- 1.2. Anyone making procurement decisions on behalf of the Council must be familiar with these Rules.
- 1.3. These Rules are required by law and failure to comply with them could lead to disciplinary action. Officers have a duty to report breaches of these Rules to their line manager and/or the Monitoring Officer.
- 1.4. Any change to English or European law must be observed until these Rules are revised. If there is any conflict between these Rules and English or European law, the legislation shall take precedence. The Council also reserves the right to consider the application of intervening government guidance when making decisions about the application of these Rules.

2. Basic Principles

- 2.1. Whether or not a procurement is subject to the UK Procurement Regulations, it must be conducted in accordance with the Agreement on Government Procurement (GPA). This means all procurements must be carried out in a fair, open and transparent way.
- 2.2. These Rules are designed to ensure that procurements:
 - Achieve Value for Money for public money spent;
 - Are consistent with the highest standards of integrity;
 - Ensure fairness and transparency;
 - Ensure that the Council complies with all legal requirements and established government and commercial codes of conduct;
 - Comply with the Council's associated policies;
 - Manage the Council's risk effectively;
 - Are proportionate in regard to value and risk; and
 - Ensure that non-commercial considerations e.g. prior knowledge of contractors do not influence any contracting decision.

3. Advice and Guidance

- 3.1. It is a mandatory requirement that advice and guidance on all procurement activities equal to and above £100,000 must be sought, in the first instance, from the Purchasing Gateway Group (PGG).
- 3.2. Notwithstanding 3.1 above, advice and guidance can be obtained from the PGG by any Officer who wishes to participate in a procurement activity of any value.
- 3.3. Advice on compliance with legislative requirements may be obtained from the Director of Legal and Democratic who will liaise with the Head of Procurement as necessary.

4. Responsibilities

4.1. Chief Officers

- a. Chief Officers are responsible for all procurement activity in their Directorates. They must ensure sufficient oversight and governance is in place to satisfy themselves of compliance with these Rules;
- b. Chief Officers must ensure that procurement activities are undertaken by authorised Officers who can demonstrate knowledge and understanding of these Rules and have the skills appropriate to the task.
- c. Chief Officers must ensure that:
 - staff within their Directorates are adequately trained and that their procurements are in compliance with these Rules;
 - they have in place a scheme of delegation that records in writing what action Officers in their Directorates are authorised to take under these Rules;
 - there is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the procurement process;
 - Value for Money is achieved in all procurements within their Directorates;
 - They keep a register of contracts completed by signature (rather than by the Council's Seal) within their Directorate and arrange for their safe keeping; and
 - They maintain records of all waivers or exemptions of these Rules.

4.2. Officers

- a. The Officer responsible for the procurement must comply with these Rules, the Financial Regulations and English or European Legislation;
- b. The Officer is responsible for ensuring that agents acting on behalf of the Council agree in writing that they will also comply with these Rules;
- c. Officers must keep records of all Quotations, Tender documentation and contracts, including those documents relating to unsuccessful bids and quotes in accordance with the relevant legislation and the Council's policy on the retention of documents;
- d. Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure that they deliver the requirement as intended;
- e. When any employee of the Council or of an external service provider may be affected by the transfer arrangement, the Officer must ensure that TUPE issues are considered and obtain advice from Director of Legal and Democratic before proceeding with any procurement;
- f. Where an Officer has a potential conflict of interest with a Supplier from whom a Quotation/ Tender is being sought, the Officer must declare this immediately to

the Monitoring Officer. The Officer may be required to withdraw from the procurement process;

- g. Any Officer who fails to declare a conflict of interest may be subject to disciplinary proceedings and sanctions and risks being prosecuted under the Bribery Act 2010; and
- h. Officers must ensure that no contract commences without a purchase order being raised for the goods, services and/or works in accordance with the provisions detailed in the Financial Procedure Rules.

5. Amendments to these Rules

- 5.1. The Monitoring Officer in consultation with the Head of Procurement shall have the power to make incidental amendments from time to time to these Rules, to ensure that they remain consistent with legislation, the Council's organisational structure and generally with best practice.

6. Exemptions to the Rules

- 6.1. These Rules do not apply to the following transactions:

- a. Any contracts entered through collaboration with another contracting authority and/or public body, where the person awarding the contract (the lead authority) can demonstrate the arrangements comply with the requirements for Value for Money and other applicable legislation, including where relevant UK Procurement Regulations;
- b. Employment contracts;
- c. Land transactions to acquire or dispose of some interest in land;
- d. Lending or borrowing of money; and
- e. For existing goods, services or works where there is no genuine satisfactory alternative available such as public utility infrastructure providers, e.g. Gas mains, sewage and water supply.

7. Exceptions for Care Placements

- 7.1. Exceptions are granted for Adult Social Care and Children Care Placements when underpinned by the following tiered placing of contractual arrangements. This must be approved by the Chief Officer of the relevant Directorate:
 - a. Tier 1: Placements from Block Contracts – when a Supplier is procured with guaranteed service levels and pre-agreed prices;
 - b. Tier 2: Placements made from a Dynamic Purchasing System (DPS) or Framework Agreement – must contain fixed or average rates. Tier 2 is utilised only when Tier 1 is unable to meet the required needs; or

- c. Tier 3: Spot Placements – may be awarded when the required needs cannot be met by Tier 1 or Tier 2 and if the placement is urgent, complex and unique to the receiver of the care. Tier 3 Placements must be reviewed by the Chief Officer and will form part of a quarterly report to the relevant Member detailing the following:
- The nature, extent and value of spot contracts entered into in the previous quarter;
 - The specific rationale for utilising Rule 7.1; and
 - Append a summary of the previous instances where this Rule is used in the current financial year.

8. Requesting A Waiver from these Rules

- 8.1. Subject to the UK Procurement Regulations and any other relevant legislation, an Officer may seek a waiver where they are unable to comply with these Rules.
- 8.2. Officers must follow the procedure for obtaining a waiver detailed in Appendix 3.
- 8.3. A waiver will only be granted in exceptional or unavoidable circumstances. Lack of appropriate planning will not be considered as sufficient justification to be granted a waiver.
- 8.4. In cases of emergency and where there is a significant risk of danger to life, or damage to property or a major impact on the Council or its service users, the Monitoring Officer, or their nominated deputy may choose to waive these Rules.
- 8.5. Where a waiver is to be used, the waiver must be formally completed and signed prior to entering into any contract for goods, services and/or works.

9. Prevention of Corruption and Conflict of Interest

- 9.1. The Officer responsible for the procurement must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 9.2. Where Officers wish to report a potential instance of fraud or corruption, they must refer to the Council's Whistleblowing Policy on the appropriate way to do so.
- 9.3. Officers must have regard to and comply with the Council's Anti-Fraud and Corruption Policy when undertaking a procurement exercise.

9.4. Officers are advised that any inappropriate behaviour that is deemed contrary to the Bribery Act 2010 could result in dismissal and the matter may be reported to the police.

10. Recommended Reading

10.1. It is strongly recommended that Officers and Chief Officers read the following documents in conjunction with these Rules:

- a. Financial Procedure Rules;
- b. Procurement Best Practice Guide;
- c. The Council's policies and processes relevant to the procurement; and
- d. Contract Register guidance, system instructions and protocol.

Part 2 – Pre-Procurement

1. Competition Requirements

- 1.1. Officers must establish the Total Value of the procurement for the life of the contract, including any potential extension periods which may be awarded.
- 1.2. Officers shall not sub-divide goods, services and/or works that could reasonably be treated as a single contract to avoid these Rules, thresholds, or any legal requirements.
- 1.3. Based on the Total Value, Quotations or Tenders must then be invited in line with the financial thresholds detailed in Appendix 2.

2. Steps Prior to Procurement

- 2.1. Where a procurement is required, the Officer must establish:
 - a. The contract term, this must not exceed four (4) years in total (including any optional extension period(s)) unless otherwise agreed by the Monitoring Officer in advance of the procurement commencing.
 - b. The size, scope, term and specification of the goods, services and/or works required;
 - c. the duration of the contract that will provide the most economically advantageous outcome for the Council. This decision must be made in advance of the procurement process and done in accordance with these Rules;
 - d. That they have the appropriate authority to start the procurement activity under the scheme of delegation;
 - e. That they have the relevant budget approval to cover the Total Value of the contract; and
 - f. A project plan to allow sufficient time for Bidders to prepare and submit Tenders or Quotations to maximise the opportunity for Value for Money to be achieved.
- 2.2. The Officer must consult Finance, where the procurement is of a specialist nature or poses a new potential risk to the Council to discuss the potential risks to ensure they are adequately mitigated.

3. Pre-Tender Market Research and Consultation

- 3.1. The Officer responsible for the procurement may consult potential Suppliers in general terms about the nature, level and standard of the contract packaging and other relevant matters, provided this does not prejudice any potential Bidder.

- 3.2. The Officer must not adopt any technical advice in the preparation of an Invitation to Tender or Quotations from anyone where this may prejudice the equal treatment of all potential Bidders or distort competition.
- 3.3. Pre-tender consultation with service users on what is being procured is encouraged and is considered good practice to ensure the Specification correctly addresses what is required.
- 3.4. When considering undertaking any of these activities, the Officer must seek advice from the Procurement Team.

4. Public Services (Social Value) Act 2012

- 4.1. The Public Services (Social Value) Act 2012 requires the Council to consider at the pre-procurement stage:
 - a. How the proposed procurement might improve the economic, social, and environmental well-being of the area;
 - b. How the Council may act with a view to securing that improvement in conducting the process of the procurement; and
 - c. Whether it should undertake any community consultation on the above.
- 4.2. Officers must consult the Procurement Team for advice on specifying requirements under Social Value and how to evaluate this as a part of any bids received.

5. Corporate Contracts and Corporate Frameworks

- 5.1. The Council has a selection of Corporate Contracts, Frameworks and Dynamic Purchasing Systems (DPSs) created by the Procurement Team for goods, services and works where the prices and terms have been negotiated to achieve Value for Money for the Council as a whole.
- 5.2. Before undertaking a procurement exercise, Officers must check if a Corporate Contract, Framework or DPS exists, and where they do, the Officer must use the relevant contract.
- 5.3. Where the Officer is conducting a collaborative procurement, the Council's sole financial value alone will be the amount the Officer must use to determine the Key Decision threshold.

6. Framework Agreements

6.1. Any Officer intending on using an externally let Framework Agreement must ensure that they have approval from the Procurement Team and Director of Legal and Democratic before they call-off any goods, services and/or works from the framework.

7. Contracts Reserved for Social Enterprises and Mutuals

7.1. Officers must contact the Procurement Team and Director of Legal and Democratic for advice where they are considering using this procedure.

8. Consultants and/or External Subject Matter Experts

8.1. Officers must follow the Council's HR Consultancy policy published on the Council's intranet when considering the appointment of consultants or external subject matter experts to assist in the preparation of procurement documents and/or providing advice throughout the procurement process. The procurement of consultants and/or external subject matter experts must be conducted in accordance with the appropriate procurement rules, as determined by cost threshold.

9. Setting up a Dynamic Purchasing System (DPS)

9.1. Officers must contact the Procurement Team and Director of Legal and Democratic for support and advice if they intend to create a DPS.

10. Electronic Auctions

10.1. Officers must contact the Procurement Team and Director of Legal and Democratic for support and advice if they intend to enter into an Electronic Auction.

11. Concession Contracts

11.1. The Council may wish to enter into contracts where the Supplier receives payment from a third party, or where the Supplier receives non-monetary benefits. Such contracts must be let in accordance with these Rules and where relevant the Concession Contracts Regulations 2016.

11.2. Officers must contact Director of Legal and Democratic for advice if they intend to enter into such contracts.

Part 3 – Procurement Thresholds

1. General Requirements

- 1.1. Please see Appendix 2 for the procurement thresholds and the process to be followed.

2. Purchases over the Regulation Threshold

- 2.1. All goods, services and/or works over the Regulation Threshold are covered by the Public Contracts Regulations 2015. These Regulations govern the processes for advertising, timetabling and Supplier selection.
- 2.2. The latest thresholds and regulations can be found at the following site <https://www.ojec.com/Thresholds.aspx>.
- 2.3. Officers must consult with the Procurement Team and Director of Legal and Democratic before commencing the procurement or any soft market testing over the Regulation Threshold.
- 2.4. The Officer, in collaboration with the Procurement Team, shall decide the procurement process which is most appropriate (e.g. quotation or another compliant competitive model) where the procurement is identified as falling in the scope of the Light Touch Regime in the Public Contracts Regulations 2015 and is under the Light Touch Regime threshold.

Part 4 – Procurement Documents

1. Invitations to Tender and Quotations

1.1. All Invitations to Tender or Quote must:

- a. Clearly specify the goods, services or works that are required. The specification must describe the requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared;
- b. Include evaluation methodology, such as the selection and award criteria which details the cost and quality split;
- c. Clearly and unambiguously specify the award procedure on which Tenders or Quotations will be evaluated, such as on the most economically advantageous tender;
- d. Attach a copy of the contract terms and conditions that will apply;
- e. Ensure that the same information is issued to Bidders at the same time and on the same terms; and
- f. Any additional information or amendments must be provided to the Bidders on the same basis.

2. Local Providers

- 2.1. For requirements up to £100,000, the Officer must obtain at least one (1) quote from a Local provider.

3. Advertising Requirements

- 3.1. Under these Rules it is not mandatory for procurements valued below £100,000 to be advertised unless the Officer decides that the procurement would benefit from this. If the opportunity is advertised anywhere, it must also be advertised on Contracts Finder.
- 3.2. Procurements over £100,000 must be advertised on Contracts Finder and any other relevant media portal.
- 3.3. Procurements above the Regulation Threshold must be advertised in accordance with the UK Procurement Regulations.
- 3.4. Contracts valued over £5,000 must be recorded on the Contract Register.

4. Submission of Tenders or Quotations

- 4.1. Bidders must be given sufficient time to prepare and submit a proper Tender or Quotation, consistent with the urgency and complexity of the contract requirements.

5. Late Tenders

- 5.1. Late Tenders or Tenders that are not submitted in accordance with these Rules will be disqualified unless approved by the Monitoring Officer.

6. Evaluation

- 6.1. Tenders and Quotations must be evaluated in accordance with the pre-determined evaluation criteria set out in the procurement documents.
- 6.2. The evaluation must be carried out by a panel consisting of the Officer and at least one (1) other officer of appropriate seniority, supported and moderated by the Procurement Team.
- 6.3. If, despite all reasonable efforts having been made to obtain the required minimum number of responses, fewer respond to the Council's requirement, then the procurement may progress with the Bidders who have provided a valid response.
- 6.4. The Officer must keep a record of the efforts made to obtain the minimum number of responses.
- 6.5. The Officer must retain the results of the Tender evaluation.
- 6.6. Officers shall ensure the successful Bidder has any required insurance cover in place before performance of the contract begins, and shall further ensure, at appropriate intervals, that such cover is maintained by the Supplier throughout the contract period.

7. Clarification Procedures

- 7.1. Officers may ask Bidders for clarifications to any of the details submitted as part of their bid. However, such clarifications must not result in a significant change to the bid or related documentation.
- 7.2. Prior to making any request for clarifications from a Bidder, the Officer must discuss this with the Procurement Team, where the requirement is over £100,000.

7.3. Full written records of all clarification decisions must be made and retained by the Officer. These records must be provided to the Procurement Team, where the Procurement Team have led the procurement..

8. Notification of Award

8.1. Following contract award the Officer must inform successful and unsuccessful Bidders simultaneously in writing whether or not their bid was successful.

8.2. Where the value of the contract is over £25,000 the Officer must also publish an award notice on Contracts Finder.

8.3. Where a Tender is subject to the UK Procurement Regulations, the Procurement Team will adhere to the relevant Standstill Period.

8.4. If a Bidder requests in writing, a further debrief in relation to the award, the lead Officer is responsible for providing the appropriate response.

8.5. Any complaints from unsuccessful Bidders must be provided in writing and Officers must submit these to the Procurement Team for review. The Procurement Team must be notified immediately of any challenge to a procurement process, in order that appropriate action may be taken.

9. Legal Challenge

9.1. If there is a formal legal challenge to the award of a contract, then the Officer must notify immediately his or her Chief Officer, Director of Legal and Democratic and the Head of Procurement.

Part 5 –Contract Formalities

1. Principals Relevant to Contracts at all Values

1.1. Every contract must be in writing and must clearly state:

- a. The goods, services and/or works to be provided;
- b. The start and end date;
- c. The agreed programme of delivery;
- d. The price and terms of payment;
- e. All other terms that are agreed, e.g. insurance;
- f. Exit procedures, for when the contract comes to its natural end; and
- g. Termination procedures for early termination of the contract including when the Supplier has not fulfilled its contractual obligations.

2. Execution of Contracts

2.1. Contracts let under the UK Procurement Regulations may only be signed/ sealed after the mandatory standstill period has elapsed without any challenge being received.

2.2. Contracts may only be executed by Officers with delegated powers as detailed below:

- a. Up to £250,000 shall be in writing signed by the Chief Officer.
- b. Over £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s151 Officer
- c. £100,000 or over shall be in writing sealed by affixing the Common Seal of the Council and attested by the Director of Legal Services

2.3. If after acceptance of its Tender or Quotation, a Supplier fails, within a reasonable period of time and without reasonable justification, to sign or enter into a formal written contract, the Council reserves the right to withdraw the Supplier from the contract. This decision shall be made by the relevant Chief Officer in consultation with Director of Legal and Democratic.

3. Commencement of Contracts

3.1. No supply of goods, services or works shall commence until all contract documents have been completed.

4. Social Impact Bonds (SIBS)

- 4.1. Details of Social Impact Bonds (SIBs) are available through the Executive Director of Finance and his team.

5. Contract Register

- 5.1. The Procurement Team will provide access to the Contract Register of current contracts and framework agreements. The Contract Register will be published on the Council's website in accordance with Local Government Transparency Code 2015.
- 5.2. The Procurement Team will enter any contracts they have led the procurement process for on the Contract Register, however, it is the Officer's responsibility to ensure these details are correct and updated with any changes and/or extensions.

6. Letters of Intent

- 6.1. Letters of Intent shall only be used in exceptional circumstances and where approved by the Chief Officer in consultation with Director of Legal and Democratic.

7. Bonds and Parent Company Guarantees

- 7.1. A performance bond or parent company guarantee shall be required:
 - a. where the Total Value of the contract exceeds £500,000; and/or
 - b. where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract; and/or
 - c. where there is concern about the stability of the Supplier, regardless of value.
- 7.2. Where a performance bond or parent company guarantee is required this must be clearly stated in the Invitation to Tender or Quotation and must be in place before the contract is completed by the Council.
- 7.3. Where a bidder or bidders request not using either of these provisions in a procurement process, or the officer can justify the disadvantages of this requirement, they must agree this in writing with the Chief Officer and S151 Officer.

Part 6 – Contract Management

1. General Requirements

- 1.1. During the contract period the Officer must monitor the overall performance of the contract closely to ensure any issues of under-performance are addressed as soon as possible and that the contract remains in-budget.

2. Contract Monitoring, Evaluation and Review

- 2.1. The Procurement Team will provide a high-level contract governance function that can offer a helicopter view of the Councils' contract management to ensure better strategic procurement delivery across the organisation. This is not a substitute for sound contract management and governance by the relevant Officer, but seeks to nurture, support and enhance that function.
- 2.2. The Procurement Team must have sight of the final contract and everything that has been agreed between the Officer and the Supplier. This may include but not be limited to:
 - a. Service Level Agreements; and
 - b. Key Performance Indicators (KPI's) and/or Key Milestones.
- 2.3. Where the Supplier defaults on the Contract it shall be the duty of the Officer to take appropriate action and, in the case of a significant default, to report any such action to the Chief Officer and Director of Legal and Democratic.
- 2.4. Officers shall ensure that Suppliers maintain adequate insurance for the duration of the contract period and shall verify this at appropriate intervals throughout the term.

3. Variations

- 3.1. Where a variation means that the value of a contract would exceed the relevant Regulation Threshold, or where there is any material change to the contract, the contract must be treated as a new procurement under these Rules.
- 3.2. A change will not be deemed material if the value of the modification is both below the Regulation Threshold and below 10% of the original contract value (15% for works) after any contract indexation.
- 3.3. Officers must consult with Director of Legal and Democratic if they intend to make variations to their contracts.

- 3.4. The Officer will need to calculate how the Total Value of the contract will change as a result of any variation to determine the authority the Officer needs to obtain, (any option, extension periods and/or previous variations must be included in this calculation).
- 3.5. All variations must be kept with the Officer's signed copy of the contract and once agreed, all variations on contracts with a Total Value of £5,000 or more must be noted on the Contract Register.
- 3.6. Officers must be satisfied that they have sufficient budget to cover any variation and that the variation will achieve Value for Money and be reasonable in all the relevant circumstances.

4. Assignments and Novations

- 4.1. Officers must contact Director of Legal and Democratic where it is proposed that an assignment or novation should take place.

5. Termination of Contract

- 5.1. Officers must consult with Director of Legal and Democratic if they are considering the early termination of their contracts.

Appendix 1 – Definitions, Abbreviations and Glossary

Bidder	means a potential Supplier, vendor or organisation who responds to an invitation to bid, Tender or Quote or any person who asks or is invited to submit a Quotation or Tender.
Chief Officer	An Officer(s) as defined in the Constitution.
Contract Register	means a register process managed by the Procurement Team that stores details of the Council's Contracts such as duration and expiry dates. The register is published on the Council's intranet.
Corporate Contract and/or Corporate Framework	a Contract let by the Council to support the Council's aim of achieving Value for Money.
Financial Regulations	means the financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Framework Agreement	A formal tendered arrangement which sets out terms and conditions under which specific purchases can be made from the successful Bidders in unpredicted quantities at different times during the term of the Framework Agreement.
Invitation	Invitation to Tender or Quote in the form required by these Rules.
Light Touch Regime	Refers to social and other specific services covered by Part 2 Chapter 3, Section 7 of the Public Contract Regulations 2015.
Local	areas covered by the Northamptonshire LEP at http://www.northamptonshireep.co.uk/location-why-northamptonshire/northamptonshire-local-economic-partnership . An organisation that is not local in its address but can help Local economy/employment within the areas covered by the LEP may be included in this definition.
Non-Commercial Considerations	Those that are listed in section 17(5) of the LGA 1988.
Officer	An Officer of the Council designated by the Chief Officer to be responsible for undertaking the procurement exercise and for the administration of the contract to include ensuring compliance with its terms and conditions and implementation of any required variations.
Parent Company Guarantee	means a Contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under

	a Contract with the Council, they can require the parent company to do so instead.
Performance Bond	An agreement that if the Supplier does not do what it has promised under a contract with the Council, the Council can claim from the Bondsman the sum of money specified in the Bond (usually 10% of the contract sum). It is intended to protect the Council against a level of cost arising from the Suppliers failure to comply with the terms of the contract.
Procurement Best Practice Guidance	means the relevant procurement guidance document issued by the Procurement Team.
UK Procurement Regulations	Regulations which become part of English Law through the Public Contracts Regulations 2015 as amended and any successor regulations which specify in detail the procedures by which public authorities shall undertake their procurements.
Purchasing Gateway Group (PGG)	means an identified group of Officers responsible for offering collective advice on procurement, legal and financial issues amongst others.
Quotation	means a quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Regulation Threshold	means the Total Value threshold at which PCR2015 public procurement directives must be applied. The current procurement thresholds and regulations can be found at the following site https://www.ojec.com/Thresholds.aspx
Request for Quotation	means a formal quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Rules	These Contract Procedure Rules
Supplier	Any person or organisation, including companies or other bodies of persons providing, or seeking to provide, goods, services or works to the Council,
Tender	means a Bidder's proposal submitted in response to an Invitation to Tender.
Total Value	means the whole of the value or estimated value (in terms of money or equivalent value) for a single purchase, whether or not the purchase comprises several lots or stages across the Council as a whole and whether or not it is to be paid or received by the Council or a discrete operational unit within the Council.

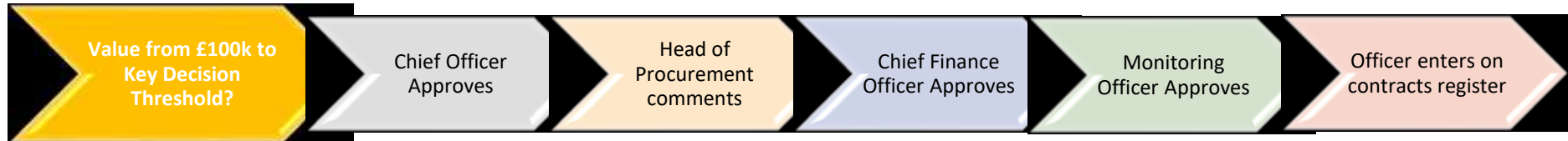
	<p>The Total Value shall be calculated as follows:</p> <ol style="list-style-type: none"> 1. Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the proposed contract period; 2. Where the contract is for an uncertain duration by multiplying the monthly payment by forty-eight (48); 3. For feasibility studies, the value of the scheme or contracts which may be awarded as a result; 4. For nominated Suppliers and sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated Supplier or sub-contractor; 5. Where an in house service provider is involved, by taking into account redundancy and similar/associated costs; and/or 6. In the case of a Framework Agreement, the estimated call off during the period of the contract.
TUPE	<p>means the Transfer of Undertaking (Protection of Employment) Regulations 2006. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the service.</p>
Value for Money (VfM)	<p>It is not necessarily the lowest possible price as it combines goods or services that fully meet the Council's needs, with the level of quality required, delivered at the time required and at an appropriate price.</p>

Appendix 2 – Summary of Procurement Thresholds

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
Up to £1,000	Officer. If "Key Decision", relevant Officer and Executive approval.	No requirement to advertise.	Obtain best value for money	Contract terms issued via purchase order.
£1,000 to £5,000	Officer. If "Key Decision", relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least two (2) written Quotations unless exception is granted by line manager (at least one (1) from a Local provider).	Contract terms issued via purchase order.
£5,000 to £25,000.	Officer. If "Key Decision", relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least three (3) written Quotations (at least one (1) from a Local provider).	Contract terms issued via purchase order. Contract must be published on the Contract Register.
£25,000 to £100,000.	Officer. If "Key Decision", relevant Officer and Executive approval.	Advertising on Contracts Finder is recommended.	Seek to obtain at least three (3) written Quotations (at least one (1) from a Local provider).	Written contract signed by one (1) Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Monitoring Officer. Contract must be published on the Contract Register and Contracts Finder
£100,000 to Threshold.	Officer and the Procurement Team. If "Key Decision", relevant Officer and Executive approval. Requirement to present requirement to PGG.	Advertising on Contracts Finder is mandatory unless the Regulations stipulate otherwise. All procurement Notices must be issued by the Procurement Team.	Seek to obtain at least three (3) written Quotations. The Procurement Team must be consulted.	Written contract signed/sealed. Standard terms approved by Director of Legal and Democratic.

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
		Award notice must also be published on Contracts Finder.		Contract must be published on the Contract Register and Contracts Finder.
Above Threshold	<p>Officer and Procurement Team.</p> <p>If “Key Decision”, relevant Officer and Executive approval.</p> <p>Requirement to present requirement to PGG.</p>	<p>Advertising on Contracts Finder is mandatory unless the Regulations stipulate otherwise.</p> <p>Advertising on Find A Tender is mandatory unless the Regulations stipulate otherwise.</p> <p>All procurement Notices must be issued by the Procurement Team.</p> <p>Award notice must also be published on Contracts Finder and Find A Tender.</p>	Procurement must be run in accordance with the Regulations and in consultation with the Procurement Team.	<p>Written contract signed/sealed.</p> <p>Standard terms approved by Director of Legal and Democratic.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>
Framework Agreements or DPSs	<p>Officer (and Council’s Procurement Team if over £100,000).</p> <p>If “Key Decision”, relevant Officer and Executive approval.</p>	Not applicable	<p>Follow call-off procedure within Framework Agreement or DPS.</p> <p>The number of Tenders will be determined by the Framework or DPS.</p>	<p>Written Contract created from Framework Agreement or DPS.</p> <p>Sign-off as per above thresholds.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>

Appendix 3 – Procurement Waiver Process Flowchart



9.7 Financial Procedure Rules

West / North Northamptonshire Unitary Council Constitution Financial Procedure Rules

Contents

1	Introduction
2	Financial Management
3	Responsibilities
4	Urgency Procedure
5	Financial Strategies and Guidance
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8	Forecasting and Monitoring
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32	Significant Partnerships
33	Stores and Inventories
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36	Voluntary Funds and Trustees
37	Schools
38	Business Continuity and Emergency Planning

- 1.1 In order to conduct its business efficiently, this council recognises the need to ensure that it has sound financial management policies in place and that they are strictly adhered to.
- 1.2 The Financial Procedure Rules provide the framework for managing the Council's financial affairs, in order to ensure that they are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge to the Council. They are an integral part of the Council's Constitution and must be used in conjunction with those sections of the Constitution that apply generally to the management of the Council's business and affairs
- 1.3 Section 151 of the Local Government Act 1972 states that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". The officer designated by the Council as having the statutory responsibility set out in Section 151 of the 1972 Act is the Chief Financial Officer (CFO).
- 1.4 The Financial Procedure Rules apply to every councillor, officer, person acting on the Council's behalf in undertaking Council business, and any employee of a commissioned service within any organisation partly or wholly owned by the Council.
- 1.5 The term 'officer' in this document refers to Council employees and employees within a commissioned organisation partly or wholly owned by the Council. The term 'Council' in this document refers to the Council and all commissioned organisations partly or wholly owned by the Council.
- 1.6 Chief Officers are responsible for ensuring that all staff in their Service are aware of the existence, location and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
- 1.7 All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action with the CFO.
- 1.8 The CFO is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Chief Executive and to the Cabinet.
- 1.9 The Financial Procedure Rules shall only be suspended on the resolution of the full Council, or as varied by any part of the Scheme of Delegation approved by the Council or Executive as appropriate. A written record shall be kept if this was to occur.
- 1.10 The CFO is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the full Council for approval.

2 Financial Management

- 2.1 Financial management covers all financial accountabilities in relation to the running of the council, including the budget and policy framework. The process of financial management involves:
 - 2.1.1 Complying with statutory requirements
 - 2.1.2 Development and approval of policy and management frameworks, the Constitution and financial plans including the revenue and capital budgets
 - 2.1.3 Establishing protocols and standards
 - 2.1.4 Implementing policies, protocols and standards
 - 2.1.5 Monitoring compliance
 - 2.1.6 Maintaining records
 - 2.1.7 Reporting and providing advice
 - 2.1.8 Specific financial techniques and functions e.g. virements, year end balances, statements of account.

3 Responsibilities

- 3.1 This section of the Financial Procedure Rules provides an overview of the responsibility and accountability of officers and councillors in respect of financial management, governance and the use of Council resources.
- 3.2 All officers and councillors are responsible for ensuring that they use Council resources and assets entrusted to them in a responsible and lawful manner. Consideration of value for money needs to be embedded in every financial decision made. These responsibilities apply equally to councillors and officers when representing the Council on outside bodies.
- 3.3 Failure to comply with these Regulations and associated policies, instructions and processes may constitute misconduct or gross misconduct, depending on the circumstances of the case in question and may well result in disciplinary action being taken in accordance with the Council's Disciplinary Procedures.
- 3.4 Any person charged with the use or care of the Council's resources and assets is responsible for reading the requirements within the Financial Procedure Rules. If anyone is unsure as to their obligations, they should seek advice from the CFO.
- 3.5 The financial instructions and processes that support these Regulations, as approved by the Chief Financial Officer, must be followed and carry the same weight as the Financial Regulations.
- 3.6 Any employee must report immediately to their manager, supervisor or other responsible officer any illegality, impropriety, serious breach of procedure or serious deficiency in the provision of service he or she suspects or becomes aware of. Employees are able to do this without fear or recrimination providing they act in good faith via the Council's Whistle Blowing Policy. In such circumstances managers must record and investigate such reports and take appropriate action.

- 3.7 Compliance with any Anti-Fraud and Corruption policy, Code of Conduct for Councillors or Employees which the council has in place is mandatory.

4 Head of Paid Service

- 4.1 The Head of Paid Service is the Chief Executive. He/she has responsibilities set out s4 Local Government and Housing Act 1989. These include providing members with a report about the staffing resources that are required for the delivery of the Council's plans. The Chief Executive is also responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Cabinet, the full Council, Scrutiny Committees and other Committees.
- 4.2 He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

5 Monitoring Officer

- 5.1 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct. He / She is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and / or to the Cabinet.
- 5.2 He / She is also responsible for ensuring that procedures for recording and reporting key decisions are operating effectively. They must also ensure that Council Members are aware of decisions made by the Cabinet
- 5.3 The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. They must also ensure that Council Members are aware of decisions made by Officers who have delegated executive responsibility.
- 5.4 The Monitoring Officer is responsible for advising all officers and councillors regarding where the authority to take a particular decision resides.
- 5.5 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the policy framework.

6 Chief Finance Officer (CFO) (Section 151 Officer)

- 6.1 The responsibilities of this post are described in Part 9.2 of the Constitution. It has specific statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden.
- 6.2 The CFO is responsible for the proper administration of the council's financial affairs and reports to Council and Committees on the discharge of this responsibility. This includes:
- 6.2.1 Maintaining strong financial management underpinned by effective financial controls

- 6.2.2 Contribute to corporate management and leadership
- 6.2.3 Providing financial information and advice
- 6.2.4 Setting and monitoring compliance with financial management standards
- 6.2.5 Advising on the corporate financial position
- 6.2.6 Advising on the key financial controls necessary to secure sound financial management
- 6.2.7 Preparing the revenue budget and capital programme
- 6.2.8 Treasury management
- 6.2.9 Leading and managing an effective and responsive financial service.
- 6.3 The CFO has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure made on behalf of the council and that controls operate to protect the council's assets from loss, waste, fraud or other impropriety. The CFO shall discharge that responsibility in part by the issue and maintenance of Financial Procedures and Operational Procedures with which all Councillors and staff of the council shall comply.
- 6.4 The CFO is the 'responsible financial officer' for the purposes of Sections 114 and 114A of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
- 6.5 Section 114 requires the CFO to make a report and inform the External Auditor if it appears that (full) Council, a Committee or officers:
 - 6.5.1 Has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - 6.5.2 Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council; or
 - 6.5.3 Is about to make an unlawful entry in the councils accounts
- 6.6 Section 114A makes equivalent provision in respect of actions taken by or on behalf of the council. Under both sections the report must be sent to every Councillor as well as the External Auditor.
- 6.7 Section 114 also requires:
 - 6.7.1 The CFO to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally.
 - 6.7.2 The council provide the CFO with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under Section 114 and make similar arrangements for the purposes of the Accounts and Audit Regulations 2006
- 6.8 The CFO will have overall responsibility for the operation of internal audit throughout the authority. Internal Auditors will operate as a management control by examining,

evaluating and reporting upon the effective of internal financial and operational controls and the efficient use of the Authority's resources.

- 6.9 The CFO and Internal Audit shall have full and unrestricted access to all council assets, systems, accounts, contracts, documents, information, officers, and Councillors.
- 6.10 The CFO is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control the net expenditure of the council against budget allocations and report to the Cabinet on the overall position as appropriate.
- 6.11 The CFO is responsible for monitoring compliance with the virement scheme to ensure the scheme operates effectively and in accordance with the agreed budgetary and policy framework.
- 6.12 The CFO will consider and approve reports requesting virements between £10,000 and £500,000, in accordance with the scheme of virement (see section 9). Decisions on virements over £50,000 will be made in consultation with the relevant portfolio holder.
- 6.13 Reference to the CFO within the Finance Procedure Rules includes those authorised by him to undertake the various functions concerned.

7.0 Chief Officers

- 7.1 Chief Officers are individually responsible to ensure that all staff in their Service are aware of the existence of the Council's Constitution and Financial Procedure Rules, and have systems of control in place to monitor compliance, with any non-compliance by either officers, or partners reported to the CFO.
- 7.2 They are accountable for the overall financial stewardship of all Council resources allocated to them, and must seek approval from the Cabinet for any actions likely to materially affect the Council's finances by virtue of being a key decision. In such instances, consultation with the CFO will also be necessary.
- 7.3 They must ensure that the CFO is supplied with all information he/she feels is necessary to meet his/her statutory obligations.
- 7.4 Chief Officers must ensure that the relevant Cabinet members are advised of the financial implications of all significant budget proposals and service changes, which have been previously agreed by the CFO and Chief Executive.
- 7.5 They are responsible for ensuring the accuracy and deliverability of all budget estimates, which should be congruent with the strategic priorities set out in their annual Business Plans submitted as part of the annual budget. These estimates are to be prepared in line with guidance and timelines issued by the CFO.
- 7.6 With regard to the in-year financial monitoring against budget, it is the Chief Officer's responsibility to ensure that there are suitably competent Budget Managers in place within their Service who are aware of their budget allocation, including any savings requirement, as defined in the annual budget. These budget managers are also

required to operate a robust system of control in order to monitor and report commitments and actuals throughout the year. This process will also ensure value for money decisions are made and that risk is minimised. Any non-compliance must be escalated to the CFO in a timely manner.

- 7.7 Each Chief Officer is responsible for ensuring that the CFO is consulted about any information provided to councillors, external partners or members of the public which concerns the finances of the Council and that he/she is to be given adequate time to comment in advance of the agenda / deadline date.
- 7.8 Committee reports shall only be submitted once the CFO has validated and agreed the financial aspects of the report. The onus is on the report sponsor to obtain the agreement of the CFO.
- 7.9 If a Chief Officer, having regard to the CFO's views, does not wish to amend a Committee report, the CFO may require inclusion of his / her comments within the report before it is finalised.
- 7.10 Chief Officers may delegate decision making powers relating to financial management to their Deputy Chief Officer or below. A record of all such delegations must be kept by the officers concerned.
- 7.11 All Chief Officer Functions are described in the Scheme of Delegation, Part 9 of the Constitution.

8 Councillors and Officers

- 8.1 All officers and councillors will contribute to the general stewardship, honesty and integrity in the council's financial affairs and comply with these regulations and any system, financial procedure or policy relating to the financial management of the council.
- 8.2 Before making any decision or voting on any decision the person responsible shall consider the financial implications and the effect on the council's financial position.
- 8.3 Councillors or officers shall bring to the attention of the CFO any act or omission that is contrary to the financial regulations and/or the financial procedures.
- 8.4 Councillors and officers should maintain the highest standards of financial probity and provide information or explanations on matters within their responsibility to the Monitoring Officer, the Governance and Audit Committee, the CFO, and the council's internal and external auditors.
- 8.5 Any Chief Officer, Head of Service or councillor who is involved in, or who has an interest in, a transaction between the council and a third party shall declare the nature and extent of this interest to the CFO. These will be reported in the council's accounts in accordance with the Accountancy Standards Board (ASB) Reporting Standards and the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Accounting Practice.
- 8.6 A Budget Manager is an Officer with the overall responsibility of managing the commissioning of direct service or externalised service(s) for an area. This

responsibility is specifically delegated to this Officer, using any document required by the Section 151 Officer or under the Part 9 Scheme of Delegation to Officers. A Budget Manager cannot delegate the overall responsibility for managing budgets under his jurisdiction. A Budget Manager must be an employee of the Authority.

- 8.7 A Project Manager, in relation to capital, is the budget manager responsible for delivering a capital project.

9 The Full Council

- 9.1 Full Council is responsible for adopting and approving the principles of financial governance and approving the council's budgetary and policy framework within which committees and the Executive operate
- 9.2 The full Council is also responsible for monitoring compliance with related executive decisions and is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated and decisions taken by the Council and its committees.

10 The Cabinet

- 10.1 West Northamptonshire Council is operating a Leader and Cabinet model of Executive arrangements. The majority of financial decisions are taken by the Executive. In accordance with the Local Government Act 2000 (as amended) the Leader can take all Executive decisions alone or with Cabinet in accordance with the Executive Procedure Rules set out in part 5 of the Constitution. The Executive can take all decisions not specifically identified as non-executive within the budget and policy framework as described in Part 3 of the Constitution.
- 10.2 The Cabinet also monitors revenue and capital spending against agreed limits, agreeing externally funded initiatives, to approve the commencement of tender processes where the value of the proposed contract is in excess of £500,000, or is otherwise a key decision, approving the termination of contracts where the value is in excess of £500,000, to approve the introduction of charges, or changes to charges for services, to approve the acquisition, retention or disposal of assets with a value in excess of £500,000. To approve the write-off of individual debts deemed to be uncollectable over £25,000. To approve Virements in excess of £500,000.
- 10.3 Executive decisions can be exercised by the Leader, by the Leader and Cabinet, delegated to a Committee of the Cabinet, an individual Cabinet Portfolio Holder, an officer or joint committee.

11 The Audit and Governance Committee

- 11.1 The Audit and Governance Committee is charged with ensuring correct governance of the council.

- 11.2 The Committee will contribute to the development of and review of the effectiveness of the Medium Term Financial Strategy, the annual budget and capital programme.
- 11.3 The Committee will consider reports from the internal and external auditors in respect of performance issues in relation to the Medium Term Financial Strategy or financial processes, where considered appropriate by the CFO.
- 11.4 The Committee is also responsible for approving the council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 11.5 The Audit and Governance Committee is responsible for approving the Annual Statement of Accounts in accordance with the Account and Audit Regulations.

12 Regulatory Committees

12.1 Regulatory Committees include:

12.1.1 Licensing Committee

12.1.2 Planning Management Committee

12.2 Regulatory committees do not have delegated to them specific financial management responsibilities but due consideration must be given to the general stewardship, integrity and confidence in the council's financial affairs.

- 12.3 Decisions made by these committees could materially affect the council's financial position and/or expose the council to financial risk. The committees, and individual councillors, should ensure that proper consideration has been given to any exposure to risk in determining matters delegated to the committee.

13 Other Committees

- 13.1 The Overview and Scrutiny Committees has responsibility for the oversight of financial matters for the Council and for holding the Cabinet to account.
- 13.2 The Pensions Committee sets the Pension Funds objectives and determines the appropriate strategies, policies and procedures for funding, investment, administration, communication, discretions, governance and risk management. This committee also has the power to manage any key matter pertaining to the Pension Fund.
- 13.3 Pensions Investment Sub-Committee implements the Pension Funds investment strategy and monitors fund performance against target.
- 13.4 West / North Northamptonshire Health and Wellbeing Board has the responsibility for preparing the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- 13.5 All Council, Cabinet and Committee functions and powers are described in the relevant section of the Constitution for the decision maker or in Scheme of Delegation to officers in Part 9 of the Constitution. All delegated functions within the Scheme of

Delegation must be exercised within approved budgetary provision and abide by the Council's Financial Procedure Rules and Contract Procedure Rules.

- 13.6 The CFO is responsible for reviewing and monitoring all financial aspects of the Council's decision making.

14 Urgency Procedure

- 14.1 The Urgency Procedure is designed to deal with unexpected events which cannot be dealt with under the other clauses contained within Constitution, including these Financial Regulations and which require such urgent attention that they do not allow for referral to the next available committee meeting. Examples include significant financial expense following an accident or disaster, protecting the council against any legal challenge and the ability seek advantage from an opportunity which would otherwise disappear if immediate action is not taken.
- 14.2 The urgency procedure is only designed to deal with items costing in excess of £100,000, which are within our existing policy framework but which are not covered by the approved budget.
- 14.3 Items greater than £ but less than £100,000 can be approved by the CFO (or Deputy CFO in their absence) after consultation with the Portfolio Member for Finance.
- 14.4 For sums over £100,000, the Chief Executive who has wider responsibilities for Emergencies as set out in the scheme of delegation in Part 9 of the Constitution will be responsible for deciding on applying the Urgency Procedure and will do so only on the advice of the CFO and in consultation with the Leader of Council and Portfolio Member for Finance (or in their absence their deputies). Expenditure over £500,000 outside the budget should be reported to the next available ordinary Council meeting.
- 14.5 Under the above provisions, authorisation to approve such items will require a written report from the Chief Executive, countersigned by the CFO.
- 14.6 Reports approved under this scheme shall include not only the details under consideration but also the reasons why they need to be dealt with under the urgency procedure.
- 14.7 The introduction of new systems could fundamentally change the systems of control in some areas. The Council recognises that this may require a variation to the Regulations that cannot be achieved with Cabinet approval, due to time constraints. Therefore, the Chief Finance Officer may, in consultation with the Council's Monitoring Officer approve temporary dispensation / amendment.
- 14.8 This scheme shall not be used for expenditure on items outside the council's existing policy framework or where, in the opinion of the CFO, the decision will result in significant ongoing expenditure.

15 Financial Strategies and Guidance

- 15.1 The CFO is responsible for developing/approving the Council's financial strategies, issuing advice, guidance and policies to underpin the Financial Procedure Rules that councillors, officers and others acting on behalf of the Council are required to follow.
- 15.2 The Council will have a number of key financial strategies and policies some of which are listed below, but this is not an exhaustive list;
 - 15.2.1 Contract Procedure Rules
 - 15.2.2 Medium Term Financial Plan
 - 15.2.3 Medium Term Capital Plan
 - 15.2.4 Risk Management Policy and Strategy
 - 15.2.5 Anti-Fraud and Corruption Policy
 - 15.2.6 Whistleblowing Policy
 - 15.2.7 Anti Money Laundering Policy
 - 15.2.8 Treasury Management Strategy (including the Investment Strategy, Prudential Indicators and MRP Policy)
 - 15.2.9 Financial procedures for schools (note: this is a collection of documents).
 - 15.2.10 Security and control of assets.

16 Medium Term Financial Planning and the Annual Budget

- 16.1 The Council's Medium Term Financial Plan (MTFP) provides a four year overview of the Council's anticipated resources, expenditure commitments, and resulting savings requirement. The MTFP allows resources to be prioritised to achieve the vision set out in the Council Plan, which is underpinned by the Council's priority objectives included within individual Service Business Plans.
- 16.2 The MTFP, therefore, is the financial framework that informs the annual Budget setting process and is integral within the Council's business planning.
- 16.3 Various internal and external factors will influence the planning assumptions underpinning the MTFP and these include the following variables:
 - 16.3.1 corporate priorities
 - 16.3.2 levels of Council Tax
 - 16.3.3 likely impact on inflation in the current and future economic climate
 - 16.3.4 future Spending Reviews and funding allocations to councils
- 16.4 The Medium Term Financial Plan considers the following key underlying principles;
 - 16.4.1 spending is aligned to the priority objectives set out in the Council Plan and each Service Business Plan
 - 16.4.2 emerging pressures are managed within existing approved resources in the first instance

- 16.4.3 future liabilities are anticipated
- 16.4.4 savings proposals are supported by project plans and the impact on service delivery is clear
- 16.4.5 funding forecasts are prudent
- 16.4.6 exit plans are formulated for specific grant funded areas to ensure that funding withdrawal does not lead to revenue budget pressures
- 16.4.7 capital and revenue planning is integrated to ensure implications are fully anticipated
- 16.4.8 earmarked reserves are sufficient to address risks identified in future years
- 16.5 The CFO will set an annual timetable to enable the development of the MTFP, Revenue Budget and Capital Programme for the consideration of Cabinet and approval by the full Council.
- 16.6 The integrated process of business planning and the development of budget proposals shall be prepared by Chief Officers in the form required by the CFO, in accordance within the agreed timetable, so information can be examined and challenged before submission to the Cabinet.
- 16.7 Chief Officers are responsible for ensuring;
 - 16.7.1 the completion of integrated business and financial plans
 - 16.7.2 the development of sufficient budget proposals as instructed by the CFO, to ensure the Council can set a balanced Budget
 - 16.7.3 that all budget proposals are lawful and that the necessary consultation has taken place, subject to approval with the relevant Portfolio Holder
 - 16.7.4 that all existing services and all new budget proposals demonstrate value for money
 - 16.7.5 external funding opportunities are fully explored
 - 16.7.6 the availability of an annually updated list of fees and charges
- 16.8 The MTFP will cover the annual budget year, plus at least three future years. These documents will be developed and approved in accordance with the Budget and Policy Framework set out at Part 4 (c) of the constitution.
- 16.9 Medium Term Capital Strategy
- 16.10 Investment in capital assets shapes future service delivery and creates future financial commitments. The Medium Term Capital Programme is laid out within the Council's Capital Strategy and is at least a four-year programme of estimated capital expenditure and associated funding.
- 16.11 The Cabinet will receive proposals for inclusion in the Council's Capital Programme and will submit a proposed programme (including block provisions where appropriate) to the full Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources.

- 16.12 In year, the Cabinet may approve new schemes estimated to cost less than £100,000 that have not previously been included in the Capital Programme. New schemes estimated to cost more than £100,000 must be approved by full Council.
- 16.13 Before a scheme in the Medium Term Capital Programme receives final approval from the Cabinet to proceed, Chief Officers must put forward to Cabinet their recommendation based on a Capital Programme Board project appraisal covering the following elements as a minimum requirement:
- 16.13.1 Description
 - 16.13.2 Justification
 - 16.13.3 Deliverable outcomes
 - 16.13.4 Feasibility study/options appraisal
 - 16.13.5 Financial analysis including revenue implications and appropriate measures of investment appraisal
 - 16.13.6 Budget including life cycle cost
 - 16.13.7 Project plan
 - 16.13.8 Risk evaluation
 - 16.13.9 Source of funding
- 16.14 Capital Programme Board approval must include sign off by the CFO, the Chief Officer for Capital and Proper, or delegated officers as directed.
- 16.15 Any Officer proposing to award or vary a contract for works, goods or services in connection with a scheme must refer to the Contract Procedure Rules.

17 Forecasting and Monitoring

17.1 Revenue

- 17.1.1 The financial management and budgetary control of each Service budget is the overall responsibility of the appropriate Chief Officer.
- 17.1.2 Each Chief Officer must ensure that there is a designated Budget Manager who is accountable to the Assistant Director for the detailed management and financial monitoring of all budgets. The CFO should be notified of any changes to Budget Managers, so that all budgets continue to have a named manager at all times.
- 17.1.3 Chief Officers need to ensure that expenditure is contained within approved budget allocations, there is a robust control environment and that accurate financial forecasting is completed on a monthly basis within the Council's Financial system.
- 17.1.4 The CFO will take budget monitoring reports to Cabinet and the relevant Scrutiny Committee on a regular basis. These reports will contain updates on

both revenue and capital budgets as well as any management actions being taken where variances have been identified from these reports.

17.2 Capital

17.2.1 The financial management and budgetary control of each Capital Scheme is the overall responsibility of the appropriate Chief Officer.

17.2.2 Each Chief Officer must ensure that there is a designated Budget Manager who is accountable to their Assistant Director for the detailed management and financial monitoring of all Capital Schemes. The CFO should be notified of any changes to Budget Managers, so that all capital budgets continue to have a named manager at all times.

17.2.3 Budget Managers must submit regular monitoring returns in line with their Budget Management responsibilities and make the CFO aware of slippage in scheme costs between financial years at the earliest point possible, in order to support the Council's Treasury Management.

17.2.4 There is no authority for any Officer to overspend their allocated budget and if there are variations in contract costs when compared with the provision in the Medium Term Capital Programme, the relevant Officer must alert the CFO.

17.2.5 Chief Officers must seek cabinet approval, following consultation with the CFO, for any proposed amendment to an approved capital scheme.

17.2.6 The CFO will report to the Cabinet on the monitoring of the Council's approved Capital schemes, including projected expenditure and income.

17.2.7 Officers must ensure that no contracts or commitments are entered into without project approval or scheme of delegation's authority provided.

17.2.8 Where the replacement of capital assets is financed by insurance monies, Chief Officers may authorise additional capital expenditure subject to subsequent report to the Cabinet and amendment to the Medium Term Capital Programme.

17.3 Virements (Revenue & Capital)

17.3.1 A virement is the balanced transfer of spending power [or budget] from one place to another, i.e. the overall budget does not change. Virements should support the Council's policies and not result in enhanced service levels or budget commitments beyond the base budget. A virement should not be used for cosmetic purposes within the same budget code. Virements can be revenue or capital in nature.

17.3.2 Virements will only apply to a current year's revenue or capital budget, and should not involve:

- a. a new policy or policy change
- b. an increasing commitment in future years that cannot be contained within existing approved budget allocations.

17.3.3 Virements will not be permitted from:

- a. Capital to revenue, capital charges and financing costs
- b. Interest earnings and income generated from investments
- c. Government grants and grant related expenditure to other payments
- d. Inter-authority payments
- e. Ring fenced grants

17.3.4 Transfers from a capital project should not materially limit the approach or scope of the capital project, but should arise from cost reductions in progressing the scheme e.g. arising through the tendering process, also a capital Virement may only apply to a scheme which has been admitted to the approved capital programme.

17.3.5 Where it is intended that the Virement will affect future years then this must be built into the base budget through the Medium Term Financial Planning process.

17.3.6 Virements up to £100,000 cumulative require CFO approval.

17.3.7 Virements between £100,000 to £500,000 require agreement with the CFO in consultation with the relevant Cabinet Portfolio Holder.

17.3.8 Virements in excess of £500,000 require Cabinet approval.

18 Carry Forward of Budget between Financial Years

18.1 Revenue budget not utilised by the end of the financial year will not normally be transferred to the following year, except in exceptional circumstances approved by the CFO.

19 Maintenance of Reserves

19.1 The Council must determine the level of general reserves it wishes to maintain when setting the Budget. Reserves must be sufficient to meet unexpected events and protect the Council from over spends should they occur. Earmarked reserves may also be established for specific purposes.

19.2 The CFO will advise the Council on the levels of reserves that it is prudent to maintain, and will account for the Council's reserves in accordance with the Reserves Policy and relevant Codes of Practice, ensuring the purpose and usage of reserves is clearly identified.

20 Closure of Accounts

- 20.1 The CFO is responsible for the timely production and publication of the Council's final accounts in accordance with the relevant accounting policies, standards and statute.
- 20.2 The CFO shall produce and circulate to all relevant officers of the Council a set of guidance notes for the production of final accounts. These notes shall detail the timetable for the final accounts production, the information and action required from Services and any other details necessary to ensure that the responsibilities under this paragraph are properly discharged. Chief Officers must comply with accounting guidance provided, and supply information when required.
- 20.3 The CFO is responsible for establishing a good professional working relationships with the Council's external auditors and must satisfy any reasonable requests for information with regard to the Councils financial affairs.
- 20.4 The Local Audit and Accountability Act grants the Council's external auditors the right to inspect any document that they deem necessary for the purpose of performing their duties.
- 20.5 The CFO shall present the Statement of Accounts for the year to the Council's external auditor and Audit and Governance Committee within the agreed timescales.
- 20.6 The CFO and the Chair of the Audit and Governance Committee are responsible for signing the annual accounts to confirm that they present a true and fair view of the Council's financial position.
- 20.7 The CFO will hold copies of the Council's audited Statement of Accounts, including the external auditors signed certificate and opinion.

21 Banking

- 21.1 The CFO will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee of the Council shall open any bank (or equivalent) account on the Council's behalf or in its name without the express agreement of the CFO.
- 21.2 The CFO will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all its bank accounts, and will effect, or cause to be effected, proper and timely reconciliations.
- 21.3 All investments of money under its control shall be made in the name of the Authority unless otherwise approved by the CFO.
- 21.4 All securities, being the property of, or in the name, of the Authority, or its nominees, and the title deeds of all property in its ownership, shall be held in the custody of the CFO or under arrangements agreed by him / her
- 21.5 All borrowings shall be effected in the name of the Authority.

22 Financial Accounting and Systems

- 22.1 The Council's financial accounting systems is required to provide data that is accurate and adequate for the published final accounts and for the provision of management information for the Council to conduct its business affairs in an efficient and effective manner; as such all officers are responsible for ensuring that financial information is accurate, consistent and delivered in a timely manner.
- 22.2 The CFO is responsible for keeping the principal accounting records for all services of the Council.
- 22.3 The CFO will;
 - 22.3.1 determine accounting policies, systems and procedures and the form of financial records and statements in accordance with statute and best practice, informed by International Financial Reporting Standards (IFRSs); and International Accounting Standards (IAS)
 - 22.3.2 provide guidance and advice on all accounting matters
 - 22.3.3 monitor accounting performance to ensure an adequate standard for all services
 - 22.3.4 certify all financial returns, grant funding applications and claims and other periodic financial reports required of the Council
 - 22.3.5 be required to approve the development, acquisition and implementation of all financial IT systems
- 22.4 Each Chief Officer is required to;
 - 22.4.1 implement accounting procedures and adopt the form of financial records and statements as determined by the Chief Financial Officer
 - 22.4.2 obtain the approval of the Chief Financial Officer prior to introducing or changing the form or method of existing accounting systems and procedures, financial records or statements.
 - 22.4.3 complete and pass to the Chief Financial Officer financial returns and other financial reports requiring certification in good time
 - 22.4.4 keep a proper segregation of duties for staff with financial responsibilities.
 - 22.4.5 ensuring that their staff receive relevant financial training and guidance that has been approved by the CFO.
 - 22.4.6 ensuring that systems which provide a feed into financial systems and reporting are maintained on an accurate and timely basis.
 - 22.4.7 ensuring a complete management/audit trail is maintained, to ensure financial transactions can be traced from the accounting records to the original document, and vice versa.

23 Procurement Arrangements

- 23.1 All Council procurement activity and contract/supplier management must adhere to the Contract Procedure Rules set out in Part 9.6 of the Constitution and any associated guidance to officers which set out the rules and procurement thresholds for buying, renting, and leasing of goods, services and works for the Council.

24 Orders for Goods and Services

- 24.1 Each Chief Officer shall be responsible for all orders issued from their Service for goods or for services rendered. Official orders must be issued for all work, goods or services to be supplied to the Council, except periodical payments, petty cash purchases, acceptable purchases under the Corporate Credit Card (GPC) policy or such other exceptions as may be approved. Before orders are made the authorised officer must ensure:
- 24.1.1 that there is adequate budget provision before committing expenditure;
 - 24.1.2 any necessary Chief Officer or Cabinet approvals have been obtained as set out in the Council's Contract Procedure Rules or these financial procedure rules
- 24.2 If goods are to be ordered on behalf of another Service then a written requisition must be received from the Chief Officer of that Directorate, authorised by them or one of their nominated officers.
- 24.3 Official orders shall be in a form approved by the CFO and are to be approved only by nominated officers authorised by the Chief Officer.
- 24.4 Each order shall conform to the policies of the Council with respect to procurement and any standardisation of supplies and materials.

25 Payment of Account

- 25.1 The Chief Officers are responsible to ensure that all payments made by the Council are:
- 25.1.1 lawful;
 - 25.1.2 properly authorised by an appropriate officer
 - 25.1.3 within the amount provided in the Council's budget
- 25.2 All invoices shall be retained for at least 6 years. In the case of invoices relating to grant claims these must be kept until after the grant claim has been audited even if this exceeds 6 years.
- 25.3 Each designated Officer shall as soon as possible after 31st March in each year notify the CFO of all outstanding expenditure relating to the previous financial year which has not been accrued for within the financial ledger.
- 25.4 Where grants can be claimed on expenditure incurred, Chief Officers must be aware of the appropriate grant conditions and ensure that payments meet these conditions with regard to types of expenditure, payment date, etc.

- 25.5 The CFO is responsible for approving and reviewing the allocation of individual employee’s financial limits for GPC usage, Accounts Payable and Accounts Receivable transactions.
- 25.6 Each Chief Officer is responsible for ensuring that the list of GPC holders and purchase approvers is updated in a timely manner and that all users and approvers are aware of the GPC User Guide, which sets out the rules of usage. The GPC holders, their individual approval limits and the GPC approvers should be subject to an annual review by each Chief Officer and the CFO.
- 25.7 The Accounts Payable and Receivable transactional approval limits are administered by the Council’s financial system (ERP Gold) which assigns a financial approval limit to an individual employee based on the seniority of their job role.
- 25.8 Any change to these limits requires the agreement of the Chief Officer and CFO.
- 25.9 The table below sets out the Council’s Accounts Payable and Receivable approval limits. These are distinct from the limits of financial delegation set out in Part 9 of the constitution and the key decision threshold set out in Part 5 of the constitution.

Transaction Type	Budget Support	Budget Manager (Project Manager for Capital)	Head of Service	Assistant Director	Corporate Director	Chief Executive	Section 151 Officer
	TIER4		TIER3	TIER2	TIER1	TIER0	

		TIER4					
Official order for procurement of goods, services, grants, benefits	Up to £5k	Up to £200k	Up to £500k	Up to £1m	Unlimited	Unlimited	
Sales order invoices	Up to £1k	Up to £10k	Up to £50k	Up to £100k	Unlimited	Unlimited	
Credit Note Approval	Up to £1k	Up to £30k	Up to £125k	Up to £500k	Unlimited	Unlimited	
Write Off Authority - Non Adult Social Care Debt	n/a	Up to £2k	Up to £5k	Up to £5k	Up to £5k	Up to £5k	Up to £25k
Write Off Authority - Adult Social Care Debt Only	n/a	Up to £2k	Up to £2k	Up to £2k	Up to £2k	Up to £2k	Up to £25k

25.10 Where operational approval to manage the establishment and associated reimbursement of staff travel and subsistence is required at a potentially lower level than a Budget Manager, this will be approved using the HR position approval hierarchy within ERP Gold.

25.11 All approvers are responsible to ensure they have undertaken the necessary financial due diligence required, before approving any transactions with a financial consideration.

26 Payments to Employees and Councillors

26.1 All staff must be appointed in accordance with the Council's recruitment policies.

26.2 The CFO is responsible for the arrangements for salary and pension payments to all current, former staff and for payment of allowances to Councillors. The key areas of responsibility are:

- 26.2.1 arranging and controlling the secure and reliable payment of salaries, compensation, other emoluments and allowances to existing and former employees.
 - 26.2.2 recording and making arrangements for the accurate and timely payment of tax, pension contributions and other deductions.
 - 26.2.3 ensuring there are adequate arrangements for administering pensions matters on a day-to-day basis.
 - 26.2.4 advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation, on all taxation issues that affect the Council.
- 26.3 Chief Officers are responsible for:
- 26.3.1 ensuring appointments are made in accordance with the Council's Recruitment and Selection Policy
 - 26.3.2 notifying the CFO of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO
 - 26.3.3 ensuring that adequate and effective systems and procedures are operated to ensure that payments to staff are made accurately, timely and to bona fide employees
 - 26.3.4 ensuring that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis.

27 Income

- 27.1 All budget managers are responsible for raising and collecting income in a timely and accurate manner.
- 27.2 Wherever possible services should be billed and paid for in advance and no service delivered until payment has been received.
- 27.3 There are two types of income, income and un-invoiced income, the requirements of these income streams are set out below:

28 Cash/Uninvoiced income

- 28.1 Where monies are received for a service at the point of delivery this income should be treated as un-invoiced income.
- 28.2 A record should be maintained of all individual payments, including the amount, time and date of the receipt. This should be compared to the income held, with appropriate segregation of duties, to ensure all income is banked and verified. Verification of records should be by an appropriate second officer.

- 28.3 Cash handling should be kept to a minimum. Officers should only collect income as cash when other payment routes are not available, and must put in place additional controls if any income is to be collected as cash, to ensure that;
- 28.3.1 officers are appropriately trained in income collection, accounting and cash handling arrangements
 - 28.3.2 sufficient separation of duties is in place, in particular between billing income, processing payments and banking payments
 - 28.3.3 official receipts are available on request for payments made in person
 - 28.3.4 proper records are kept
 - 28.3.5 all money received is banked as soon as practicable. All insurance limits on safes shall be adhered to and all cash/cheques shall be banked no later than one week after receipt
 - 28.3.6 VAT is properly accounted for
 - 28.3.7 where it is necessary for cash to be held prior to it being paid into the Council's bank account, it should be recorded and kept in an appropriate secure environment
 - 28.3.8 security of staff shall be maintained when cash collections are involved
- 28.4 Personal cheques must not be cashed out of money held on behalf of the Council.

29 Invoiced Income

- 29.1 Invoiced income falls into two categories, payments in advance and payments in arrears. Wherever possible, users of services should be billed in advance of the provision of the service.
- 29.2 For all billed income it is the responsibility of the Budget Manager to ensure that any debts raised are accurate, appropriate and due to the authority.
- 29.3 Chief Officers have responsibility for ensuring their Service has suitable controls in place with regards to its income generation, and his/her officers are compliant with these rules.

30 Bad Debts/ Write- Offs/ Loss of Income

- 30.1 The Authority has a duty to maximise revenue collection. However, circumstances may arise in which amounts due must, for all practical purposes, be deemed uncollectable.
- 30.2 The Accounts and Audit Regulations 2015 require that, in such circumstances, a decision to write-off an amount must be taken with the authority of the CFO, whether exercised personally or properly delegated by him to a member of his staff. The amounts involved, and approval granted, should be recorded in the accounting records.

- 30.3 No such provisions apply where debts are “cancelled” i.e. because they were incorrectly raised (e.g. wrong amount, wrong debtor) or “waived” i.e. because an authorised policy decision was taken not to charge or to reduce the charge of an amount otherwise properly payable by a debtor.
- 30.4 The Cabinet is responsible for approving write-offs over £25,000. The delegated write off limits to Officers is set out in the Table within Section 17 of these rules.

31 Taxation

- 31.1 The CFO is responsible for maintaining the Council’s Tax records, ensuring all tax payments are made, the receipt of all tax credits and the submission of tax returns by their due date as appropriate.
- 31.2 The CFO, or his delegated representative will issue mandatory guidance on Value Added Tax (VAT) matters.

32 Treasury Management:

- 32.1 The Council has adopted CIPFA’s Code of Practice for Treasury Management in Local Authorities.
- 32.2 The CFO is responsible for making all decisions on borrowing, investment or financing (including finance leasing) in accordance with the approved Treasury Management Strategy and CIPFA’s Code of Practice for Treasury Management in Local Authorities
- 32.3 The Council will approve the Treasury Management Policy Statement which sets out the matters detailed in CIPFA’s Code of Practice for Treasury Management in Local Authorities. The Policy Statement is proposed annually. The CFO has delegated responsibility for implementing and monitoring the statement.
- 32.4 This policy will be reviewed whenever legislative, regulatory or best practice changes materially affect the effectiveness of the current policy. The Council will approve on an annual basis an Annual Treasury Management Strategy, which includes a statement on Prudential Indicators, the Minimum Revenue Provision Policy and Investment Strategy.
- 32.5 The CFO is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year and will report to the Cabinet at least quarterly on the activities of treasury management and the exercise of his/her delegated powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- 32.6 All money in the hands of the authority is controlled by the CFO as the officer designated for the purposes of Section 151 of the Local Government Act 1972. He/she is responsible for authorising and operating the Council’s banking arrangements including determining arrangements for the signing and security of

cheques. All Chief Officers will comply with the detailed rules set for the banking of income and operation of bank accounts.

33 Internal Audit

- 33.1 The Council is required to maintain an adequate and effective Internal Audit Service in accordance with the Accounts and Audit Regulations 2015 and in line with the CIPFA Code of Practice for Internal Audit in Local Government and Professional Auditing Standards. Consequently, it is the responsibility of Internal Audit to review, arrange and report upon:
- 33.1.1 whether operations are being carried out as planned and objectives and goals are being met.
 - 33.1.2 the adequacy of systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e. rules established by the management of the organisation, or externally
 - 33.1.3 the completeness, reliability and integrity of information, both financial and operational
 - 33.1.4 the extent to which the Council's assets, data and interests are properly accounted for and safeguarded from losses of all kinds, including fraud and corruption, waste, extravagance, abuse, ineffective management and poor value for money
 - 33.1.5 the economy, efficiency and effectiveness with which resources are employed
 - 33.1.6 the effectiveness of its system of internal control, and prepare an Annual Governance Statement
- 33.2 Internal Audit has an unrestricted range of coverage of the Council's operations and, therefore, has authority to:
- 33.2.1 enter council premises or land at any time, subject to any statutory or contractual restrictions that may apply, e.g. health and safety
 - 33.2.2 access all records, documents, correspondence, information and data relating to all areas of the Council regardless of how the information is held and to remove any such records as is necessary for the purposes of their work (including that of the Council's agents and contractors)
 - 33.2.3 require and receive such explanations as are necessary concerning any matter under examination
 - 33.2.4 require any employee or agent of the Council to produce cash, stores or any other Council property under their control
- 33.3 This access also applies to:
- 33.3.1 organisations which are wholly or partly owned by the Council
 - 33.3.2 organisations to whom the Council has given grants;
 - 33.3.3 organisations with whom the Council contracts and

33.3.4 partner organisations in any scheme for which the Council has responsibility as lead body.

33.4 Internal Audit has direct access and the right of report to the Chief Executive, Chief Officers, Heads of Service, the Monitoring Officer, the Council's External Auditors, the Cabinet, the Leader, the Cabinet member with responsibility for Audit and the Chair of the Audit Committee.

34 Annual Governance Statement

34.1 The Accounts and Audit Regulations 2003 established requirements related to the systems of internal control and the review and reporting of those systems. CIPFA has issued guidance to assist authorities to establish proper practices and procedures to satisfy these requirements.

34.2 The council's objectives, its internal organisation and the environment in which it operates are continually evolving and, as a result, the risks faced are continually changing. A sound system of internal control, therefore, depends on a thorough and regular evaluation of the nature and extent of the risks to which the council is exposed.

34.3 The CFO is responsible for ensuring that the financial management of the council is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions and which includes arrangements for the management of risk.

34.4 The CFO will conduct a review, at least annually, of the effectiveness of the Council's system of internal control and include a statement that outlines the outcome of that review within the Annual Governance Statement.

34.5 The Council's Annual Governance Statement will be signed by the Chief Executive and the Leader of the Council. The Audit Committee shall oversee its production and recommend its adoption as part of the Annual Accounts.

35 Risk Management

35.1 The CFO is responsible for the development, monitoring and review of the Council's risk management policy, which will be approved by Cabinet, and is the Council's principal risk management adviser and co-ordinator.

35.2 Each Chief Officer is responsible for identifying, assessing, controlling and recording risks on a quarterly basis within his/her Service.

35.3 The Head of Internal Audit, working with each Chief Officer, will review Service risks on an annual basis.

36 Preventing Fraud and Corruption

- 36.1 All Council officers, councillors, agents, contractors and strategic partners have responsibilities to protect the funds they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not for the inappropriate personal benefit of any of the above.
- 36.2 The CFO will be consulted by the chief internal auditor on the development and review of any Anti-Fraud and Anti-Corruption Policy.
- 36.3 Officers, councillors, agents or contractors of the Council have a responsibility to bring any suspected fraud, corruption or to the attention of the chief internal auditor, the CFO or any Chief Officer as set out in any Anti-Fraud and Corruption Policy which the Council has in place.
- 36.4 Chief Officers will notify the Chief Executive, the Monitoring Officer, and the CFO of any suspected fraud, theft, irregularity, improper use or misappropriation of council property or resources. Any suspected fraud, bribery, corruption or loss will be investigated in accordance with the Council's Anti Fraud and Anti-Corruption Policy.

37 Insurance

- 37.1 The Council arranges and manages insurance cover for specific risks and determines what is the most appropriate package of internal (self-funded) and external insurance. This statement must be qualified by noting that School Governing Bodies are able to exercise choice over how they purchase insurance (subject to meeting minimum standards and limits of indemnity laid down by the Council) and are not bound to remain within the centrally arranged insurance policies or self-funded provisions if they wish to effect separate arrangements. The Council's rights and interests must be named on all insurance policies held, irrespective of who has made the original arrangements.
- 37.2 The Council purchases insurance for the following classes of insurable risk;
 - 37.2.1 fire and associated risks for all buildings which the Council owns, or for which it has accepted legal responsibility by way of a lease or licence
 - 37.2.2 all public and employers' liabilities, including libel and slander, professional indemnity, officials' indemnity and land charges
 - 37.2.3 personal accident cover for risk of assault on employees of the Council and for injury to Council Members and authorised volunteers
 - 37.2.4 motor vehicles – comprehensive cover on all Council vehicles, together with contingent liability cover for use of privately owned vehicles used on official business
 - 37.2.5 pecuniary loss (money, fidelity guarantee and cheques indemnity)
 - 37.2.6 costs of reinstatement and recovery of ICT infrastructure and systems

- 37.3 Under the direction of the Chief Financial Officer, the Insurance Section is responsible for preparing specifications, obtaining quotations, procuring cover, negotiating claims and maintaining the necessary records in line with the insurance strategy and for ensuring that the contracting process is conducted in accordance with the prescribed requirements. A register of all insurance policies held and a full record of what property and risks are covered is held within the insurance service.
- 37.4 Chief Officers must ensure that prompt notification is provided to the Insurance Manager of all new risks, property, vehicles and other assets or contractual obligations which require to be insured and alterations that may affect existing insured risks (including closure of buildings, sale of vehicles or disposals of other insured assets).
- 37.5 Chief Officers are responsible for reporting any event, loss, liability or damage that may result in an insurance claim and give full and timely assistance with the conduct of any investigation that may follow.
- 37.6 Advice must be sought immediately from Insurance Team if there is a suspicion that a civil legal action is in prospect. Civil procedure rules and protocols must be strictly adhered to in order to avoid cost penalties or unnecessary litigation expenses. Employees and other persons must not attempt to negotiate a settlement, give interviews, make statements or offer to pay compensation in any way that may prejudice any subsequent civil legal action that may be brought against the Council.

38 Asset Management

- 38.1 The responsible Chief Officer will produce a five-year Corporate Asset Management Plan for the purpose of the overall strategic management of the Council's assets. This will be updated on an annual basis.
- 38.2 The responsible Chief Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property; inventories of furniture, fittings and equipment; and stores records.
- 38.3 Chief Officers are responsible for ensuring the proper use and safeguarding of assets owned by the Council or for which the Council has responsibility. This requirement applies to all assets, including stocks, stores, furniture, equipment, vehicles, cash, land and buildings, software and information that are owned by, or are in the possession of the Council and for which the Council is responsible.
- 38.4 The responsible Chief Officer will ensure that detailed arrangements are put in place for the disposal of assets. All sales or purchases of land and buildings will be undertaken in accordance with the scheme of delegation.
- 38.5 Valuation of Assets will be in line with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Sale of Assets will be at market value unless special circumstances have been agreed.

- 38.6 The relevant Chief Officer must consult with the CFO before the purchase of land and buildings, which is then subject to relevant member approval.
- 38.7 Officers with access to the Councils Assets will undertake the following:
- 38.7.1 ensure no assets are subject to personal use without proper authority
 - 38.7.2 ensure cash holdings or valuable items on premises is kept to a minimum and held securely
 - 38.7.3 where safes or similar are in place keys should be kept on the responsible person and any loss reported as soon as possible

39 Disposal of Land, Property and Surplus Assets

- 39.1 All land and property except for former Council houses sold to tenants, or other property likely to exceed £5,000 in value, which have been declared surplus to requirements must be sold either by auction with a reserve price, or by competitive tender, unless the Council specifically determines otherwise.
- 39.2 Before inviting tenders or instructing an auctioneer for the sale of land or property, a valuation shall be obtained from the Estates function or an independent qualified Valuer, and in the case of a sale by auction, this valuation shall be the reserve price.
- 39.3 Competitive tender shall normally dispose of all other surplus assets unless the CFO determines otherwise in a particular case.

40 External Arrangements

- 40.1 Local authorities provide an important leadership role for the community and bring together the contributions of the various stakeholders. They must also act to promote and improve the economic, social and environmental wellbeing of their respective areas.
- 40.2 The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 40.3 Cabinet functions including those related to partnerships can be delegated to officers. These are set out in the scheme of delegation that forms part of the Constitution. Where functions are delegated, the Cabinet remains accountable for them to full council.

41 Work for Third Parties

- 41.1 The CFO or his / her nominee must be advised of all work for third parties opportunities available to the Authority and of the lead Officer in each circumstance.
- 41.2 The lead Officer must provide such information as requested by the CFO, including copies of proposed agreements and conditions and any financial implications (including match funding requirements or ongoing revenue costs).

- 41.3 All work for third parties must be authorised by the CFO, or his / her nominee prior to agreement to undertake this work by the Authority. Approvals for this work must be in accordance with the Contract Procedure Rules in Part 9.6 Constitution.
- 41.4 The CFO or his / her nominee must be notified of the outcome of any bids to work for third parties at the earliest opportunity and successful bids to work for third parties will be reported to Cabinet as part of the normal monitoring reports.
- 41.5 The CFO is responsible for ensuring that all income receivable from third parties is received and properly recorded in the Council's accounts.
- 41.6 The Chief Officer responsible for the lead Officer must ensure that all contractual conditions are met

42 Significant Partnerships

- 42.1 A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned and/or the level of control exercised.
- 42.2 The purpose of this protocol is to enable the council, with its Partners, to ensure that the partnerships it works in are appropriate and have good governance.
- 42.3 This protocol identifies:
 - 42.3.1 how the Council defines a partnership
 - 42.3.2 why the Council enters and engages in partnerships
 - 42.3.3 definition of a partnership and what constitutes a significant partnership
 - 42.3.4 tools for identifying, managing and supporting partnerships arrangements including good governance
- 42.4 Where the Council is the lead authority for a partnership the Council's Financial Procedure Rules and Contract Procedure Rules will apply to operation of the business of that partnership.
- 42.5 The CFO will ensure that:
 - 42.5.1 the accounting arrangements for partnerships and joint ventures are satisfactory, that the governance and legal issues have been satisfactorily addressed, and that the risks have been fully appraised
 - 42.5.2 the Partnership Agreements contain details of how resources will be pooled and what controls will be operated in respect of partnership spending to avoid waste
 - 42.5.3 that the Council's budgets contain sufficient provision for its match funding obligations and that all external funding due to the Council is received and properly recorded
- 42.6 Chief Officers are responsible and accountable for the governance arrangements, performance and financial monitoring of each partnership and will ensure that:

- 42.6.1 a record of the partnership arrangement is produced
- 42.6.2 all necessary approvals have been secured before concluding any negotiations with external parties
- 42.6.3 Any financial relationship must be documented and approved along with a risk assessment
- 42.6.4 that conditions attached to any external funding are properly complied with, that such conditions have been agreed with the CFO or Cabinet as appropriate, and that claims are processed by the due date
- 42.6.5 the CFO has access to the accounts and records, and has the right to seek explanations in order to monitor deployment of the Council's funding
- 42.6.6 Internal Audit has access rights to all officers, buildings, information in order to fulfil its role
- 42.6.7 a register is maintained of all contracts entered into
- 42.7 Prior to any appointments being made to any third party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO.

43 Stores & Inventories

- 43.1 Each Chief Officer or Head of Service of each department shall be responsible for the care and custody of stores in their department and shall have all such stores checked independently of the storekeeper at least on one occasion in each financial year
- 43.2 Stores shall not be held in excess of reasonable requirements.
- 43.3 Adjustments to write-off deficiencies over £1,000 in value shall be subject to the approval of the CFO. Cabinet will be required to write-off sums over £25,000.
- 43.4 Competitive tender shall dispose of surplus or obsolete stores unless the Chief Executive decides otherwise in a particular case.
- 43.5 Inventories of the Council's furniture, fittings, equipment and machinery shall be kept and checked on at least one occasion in each financial year by the member of the Corporate Management Team responsible for the service concerned. (Individual items with a value of £1,000 or less need not be included therein).

44 External Funding

- 44.1 Before committing the Council to any externally funded projects, Chief Officers must consult with the CFO on the anticipated financial, risk and probity implications of the projects and ensure adherence to any subsequent terms laid down by the CFO.
- 44.2 The Chief Officer is responsible for ensuring that all necessary approvals are obtained before external funding agreements are concluded, and that subsequent grant claims submitted to external funders are lawful, accurate, in accordance with

the funders eligibility criteria and submitted with due regard to the Council's continuing commitment to the project.

- 44.3 Where the use of external funding for projects requires a financial commitment from the Council and budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Officer, in conjunction with the CFO, will provide a written report to the Cabinet giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. This report should also set out the ways that the external funding sought supports the Council's service priorities.
 - 44.4 Once agreed, written approval must be obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.
 - 44.5 Each Chief Officer will nominate a named responsible officer to be accountable for the performance and financial monitoring of each project. The named responsible officer will ensure that, prior to submission of a grant claim, all expenditure declared is eligible in accordance with the relevant funder's criteria, including purposes and deadlines and there is sufficient time for the CFO to certify the grant claim.
 - 44.6 Where funding is used to support additional service provision or contributes to existing service provision then the Chief Officer responsible should have an exit strategy in place to deal with the expiry of the grant.
 - 44.7 Grant claim working papers should be maintained in a form agreed by the CFO.
- 45 Organisations Partly or Wholly Owned by the Council (trusts, not-for-profit organisations, charities)
- 45.1 This requirement applies to the development and ongoing business undertakings of an organisation which is to be partly or wholly owned by the Council, and includes company structures such as a Limited Liability Partnership, Private Company limited by Guarantee, Community Interest Company, Not-for-profit Entity and Charity.
 - 45.2 When developing any organisation which is partly or wholly owned by the Council, the relevant Chief Officer, Monitoring Officer and the Chief Financial Officer will need to satisfy themselves that the constitution of the relevant body is adequate to safeguard the interests of the Council, and that councillors and officers are constrained in their decision making powers while participating in such bodies by Part 9 of the Constitution, or any other formal delegation.
 - 45.3 The relevant Chief Officer must ensure a full business case is prepared in the development any new organisation partly or wholly owned by the Council, which must consider all short term and medium term financial aspects of operation.
 - 45.4 Before the Business Case is submitted for approval by Cabinet, the CFO must be satisfied that the new organisation will be affordable, offers value for money, has suitable tax planning arrangements, and manages risk appropriately.

- 45.5 Prior to any appointments being made to any third party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO.
- 45.6 Once operational, these organisations are required to follow these key financial principles:
- 45.6.1 compliance with the Councils Constitution and Finance Procedure Rules
 - 45.6.2 compliance with the Council's MTFP, Capital Strategy and Budget setting process as instructed by the form and timetable set out from the Council's CFO
 - 45.6.3 the appointment of a Finance Director reporting to the Council's CFO.
 - 45.6.4 an annual agreement with the Council's CFO on any matters relating to risk share, earmarked reserve policy and distribution of dividends
 - 45.6.5 supporting the Council through its commissioning arrangements when necessary to identify ways to reduce costs and become more efficient
 - 45.6.6 to be both aware and compliant with the Council's statutory and financial duties where relevant and applicable to their various service functions and obligations.
- 45.7 Where these organisations are separate legal entities and the Council is required to purchase services from these entities. Transactions should therefore be undertaken in the same way as with an external provider.
- 45.8 The contract value and ongoing services relating to these organisations will be set out in service level agreements. Any services to be purchased from the Council will be delivered in accordance with the service level agreements.
- 45.9 Additional services may be requested either by the Council or the organisation outside of these service agreements. Additional services will require payments to be made between the Council and the organisation, and work should always reflect value for money and be approved by the Chief Officer and CFO and be approved by the relevant Chief Officer and the Chief Financial Officer of the Council.
- 45.10 The CFO and Monitoring Officer will have unfettered access to all financial information requested required to fulfil his / her statutory obligations.

46 Voluntary Funds and Trustees

- 46.1 The CFO is responsible for trust funds and ensures that funds are only drawn down for the purposes intended by the Trustees and that accounts are prepared and audited each year.
- 46.2 All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the CFO. A voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council. Such funds should be separately identified but held, where possible, in the name of the Council.

47 Schools

- 47.1 The Financial Procedure Rules for Schools applies to maintained schools within West Northamptonshire and these schools should conduct their financial affairs in accordance with the Financial Procedures for Schools.

48 Business Continuity & Emergency Planning

- 48.1 Chief Officers through their managers are responsible for ensuring the continuity of their services and providing guidance on the appropriate service priorities to aid planning and recovery of services, if a critical incident was to occur.
- 48.2 All officers should follow the council's requirements in relation to Emergency Planning which set out the minimum standards required to help deliver and maintain Emergency Planning and Business Continuity within the Council, with the objective to effectively and efficiently mitigate against, prepare for, respond to, and recover from any critical incident.
- 48.3 Nothing in these Rules or financial procedures shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent.
- 48.4 Where the relevant Chief Officer considers, where possible following consultation with the relevant Portfolio Holder, Chief Executive and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred. Action under this paragraph shall be reported at the next available meeting of the Chief Officers, Cabinet, and Audit Committee.

PART 10

Interim Arrangements

PART 10 CONSTITUTION – INTERIM ARRANGEMENTS

8.1 Introduction

- 8.1.1 This article shall only apply during the Interim Period. For the purposes of this article “the Interim Period” is the period 1 April 2021 to 10 May 2021 inclusive or the fourth day after the election whichever is the latter.
- 8.1.2 An exception to this, is for the Chair of the Council, where the Interim Period will end when a new Chair has been appointed at the Annual Meeting.

8.2 Interim Period Definitions

- 8.2.1 In this Article:

“**Predecessor Council**” means a Council dissolved on 1 April 2021 by Articles 4 and 5 of the Order

“**The Order**” means The Northamptonshire (Structural Changes) Order 2020

“**The Shadow Authority**” means the Shadow West Northamptonshire Authority as defined by Article 6 of the Order.

8.3 Interim Arrangements

- 8.3.1 During the Interim Period the other provisions of this Constitution will be modified by the arrangements in this Part.
- 8.3.2 If there is any uncertainty about the interpretation or application of this Part, the decision of the Monitoring Officer shall be determinative.

8.4 Members of the Council

- 8.4.1 The Council shall be made up of those Members of the Shadow Authority as defined by Article 6 of the Order who as at 31 March 2021 made up the Shadow Authority.
- 8.4.2 The quorum of a meeting of the Council shall be the same as for the Shadow Authority as defined by Article 6 of the Order.

8.5 Chair and Vice-Chair of the Council

- 8.5.1 The Chair and Vice-Chair of the Council shall be the Chair and Vice-Chair of the Shadow Authority as at 31 March 2021.
- 8.5.2 The Chair will remain until a new Chair has been appointed.

8.6 Executive

- 8.6.1 Unless replaced in accordance with the Order:
- a. The Leader of the Council shall be the Leader of the Shadow Authority as at 31 March 2021
- b. The Cabinet shall be made up of those members of the Shadow Executive as defined by Article 7 of the Order who as at 31 March 2021 made up the Shadow Executive

c. The quorum of a meeting of the Cabinet shall be the same as for the Shadow Executive of the Shadow Authority.

8.7 Overview and Scrutiny Committee

8.7.1 During the Interim Period, the Council will have one Overview and Scrutiny Committee consisting of those Councillors who have been appointed to the Shadow Overview and Scrutiny Committee as at 31 March 2021.

8.7.2 Until the Annual Council the Overview and Scrutiny Committee shall have powers of call-in of Cabinet decisions in accordance with the Shadow Constitution. Otherwise Overview and Scrutiny work will begin after the Annual Council Meeting immediately following the election.

8.7.3 The quorum of a meeting of the Overview and Scrutiny Committee shall be the same as the quorum of the Shadow Overview and Scrutiny Committee.

8.8 Standards Committee

8.8.1 During the Interim Period, the Standards Committee will consist of those Councillors who have been appointed to the Standards Committee as at 31 March 2021.

8.9 Senior Appointments

8.9.1 During the Interim Period, Senior Appointments are an Executive function and will be carried out by the Executive.

8.10 Other Committees

8.10.1 During the Interim Period, the Council shall have the following other Committees which will operate in accordance with this Constitution:

8.10.2 Three Development Management Committees which will be the same as and cover the areas of the planning work of the four Development Management Committees of the Predecessor Councils. and will be made up of those Councillors appointed by the Predecessor Councils as at 31 March 2021.

8.10.3 Such a committee will determine any application in accordance with the policies, practices and scheme of delegation which applied to that committee at 31 March 2021.

8.10.4 Three Licensing Committees which will be the same as and cover the areas of the licensing work of the four Licensing Committees of the Predecessor Councils. and will be made up of those Councillors appointed by the Predecessor Councils as at 31 March 2021.

8.10.5 Such a committee will determine any licensing matter in accordance with the policies, practices and scheme of delegation which applied to that committee at 31 March.

8.10.6 Membership of Licensing Sub-Committees will be selected by the Monitoring Officer or their nominated representative on a rota basis, taking account of experience, political balance and interests, and to reflect training on the relevant policies being applied to applications in respect of the Predecessor Council areas.

8.10.7 An Audit Committee will be convened if required by the Monitoring Officer consisting of the Chairman or Vice-Chairmen of the Predecessor Councils' committees with audit functions as at 31 March 2021, with a minimum of three members.

