

PART 8

Councillors

8.0 Councillors

8.1 Roles of Councillors and Officer Holders

1. All Councillors

1.1 Responsibilities

- a) 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.
- b) Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- c) Represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- d) Represent the Council on outside bodies as required.
- e) Participate constructively in the good governance of the Council.
- f) 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.

1.2 Key Tasks

- a) Attend and participate effectively as a Member of any committee to which the Councillor is appointed.
- b) 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.

- c) 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.
- d) Participate in any advisory group to which the Councillor is appointed, as convened by the Cabinet from time to time.
- e) Participate, as appropriate, in consultation with the community and with other organisations.
- f) Develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers/duties, and constraints.
- g) Contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the West Northamptonshire area.
- h) Maintain professional working relationships with all Members and Officers.
- i) Identify and participate in opportunities for further development and training as a Councillor and keep abreast of developments in national and local government.

2. Additional Responsibilities and Tasks for Cabinet Councillors

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

2.1 Cabinet Leader

2.1.1 Responsibilities

- a) 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.
- b) 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.
- c) 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.
- d) Lead the development of local and regional strategic partnerships.
- e) Ensure the appropriate representation of the Council on key outside bodies.

2.1.2 Key Tasks

- a) 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.
- b) 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.
- c) Appoint Members of the Cabinet and allocate Cabinet portfolios.
- d) Develop and maintain good working relations and effective channels of communication with the Chair of each Scrutiny Committee
- e) 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.
- f) 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.
- g) Consider the development and training needs of the Cabinet and members generally and arrange for training sessions or suitable briefings as appropriate.

- h) Receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.

2.2 All Cabinet Councillors with Portfolio

2.2.1 Responsibilities

- a) 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.
- b) Input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
- c) 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.

2.2.2 Key Tasks

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) Act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
- f) Work closely with the Chief Executive, Director and other senior officers responsible for the services within the portfolio and the relevant Overview Committee Chair.
- g) Work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Cabinet of progress and performance.

- h) Participate in scrutiny or performance reviews of services as requested by a Scrutiny Committee.
- i) Represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

3. Additional Responsibilities and Tasks for Non-Cabinet Councillors

3.1 Chair of the Council

3.1.1. Responsibilities

- a) Uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- b) 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.
- c) 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.
- d) Promote public involvement in the Council's activities.
- e) Be the conscience of the Council, and act impartially.
- f) Attend such civic and ceremonial functions as the Council and/or he/she determines appropriate and take precedence at formal occasions.
- g) Ensure that the dignity of the office and Council is maintained at all times.

3.1.2 Key Tasks

- a) Chair all meetings of the full Council.
- b) Chair major consultation meetings organised by the Council, as appropriate.
- c) Set the standard of conduct to be expected from all Councillors.
- d) Help represent the Council in the community and in discussions with regional, national and international organisations and others.
- e) Attend functions appropriate to the position of Chair of the Council.
- f) Act as host to visiting Royalty, civic dignitaries and other important visitors.
- g) 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:

- a) **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.
- b) **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.
- c) **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.
- d) **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- e) **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.
- f) **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.
- g) **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:
 - (i) the Council
 - (ii) the Cabinet
 - (iii) any of the Council’s or the Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees
 - (iv) 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:
- a) spreading malicious rumours, or insulting someone by word or behaviour.
 - b) copying communications that are critical about someone to others who do not need to know.
 - c) ridiculing or demeaning someone – picking on them or setting them up to fail.

- d) exclusion or victimization.
- e) unfair treatment.
- f) overbearing supervision or other misuse of power or position.
- g) 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.
- h) making threats or comments about job security without foundation.
- i) deliberately undermining a competent worker by overloading and constant criticism.
- j) 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) a complainant;
- b) a witness; or
- c) 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:

- a) you have the consent of a person authorised to give it
- b) you are required by law to do so
- c) 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

- d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) 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:
 - a) act in accordance with the Council's reasonable requirements
 - b) 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:
 - a) the Council's Chief Finance Officer; or
 - b) the Council's Monitoring Officer
 - c) 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:

- a) 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);
- b) 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);
- c) 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;
- d) 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:
 - a) your spouse or civil partner
 - b) a person with whom you are living as husband and wife, or
 - c) 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-
 - 2.1 exercising functions of a public nature;
 - 2.2 directed to charitable purposes; or
 - 2.3 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?

- (i) Is the person you are complaining about a Councillor?
- (ii) Did the conduct occur within the last six months?
- (iii) 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?

- (i) Is there evidence which supports the complaint?
- (ii) Is the conduct something which it is possible to investigate?
- (iii) 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:
- 12.5.1 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.
- 12.5.2 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'.
- 12.5.3 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.
- 12.5.4 A written note of the proceedings should be kept - to include a record of officer attendance and follow up.
- 12.5.5 Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- 12.5.6 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:
- 13.1.1 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;

- 13.1.2 It is a finely balanced case; or
- 13.1.3 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:

15.1.1 The proposal does not substantially affect the wellbeing or financial standing of the consultee body;

15.1.2 The Member makes it clear to the consultee body that:

- a) Their views are expressed on the limited information before them only;
- b) 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:

- a) Advise the committee that they wish to speak in this capacity in accordance with the Public Speaking Arrangements;
- b) Remove themselves from the Member seating area for the duration of that item; and
- c) 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:
 - 17.1.1 Use his or her position to gain access to officers to pursue his or her interest; or
 - 17.1.2 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 (won't have)

PART 9

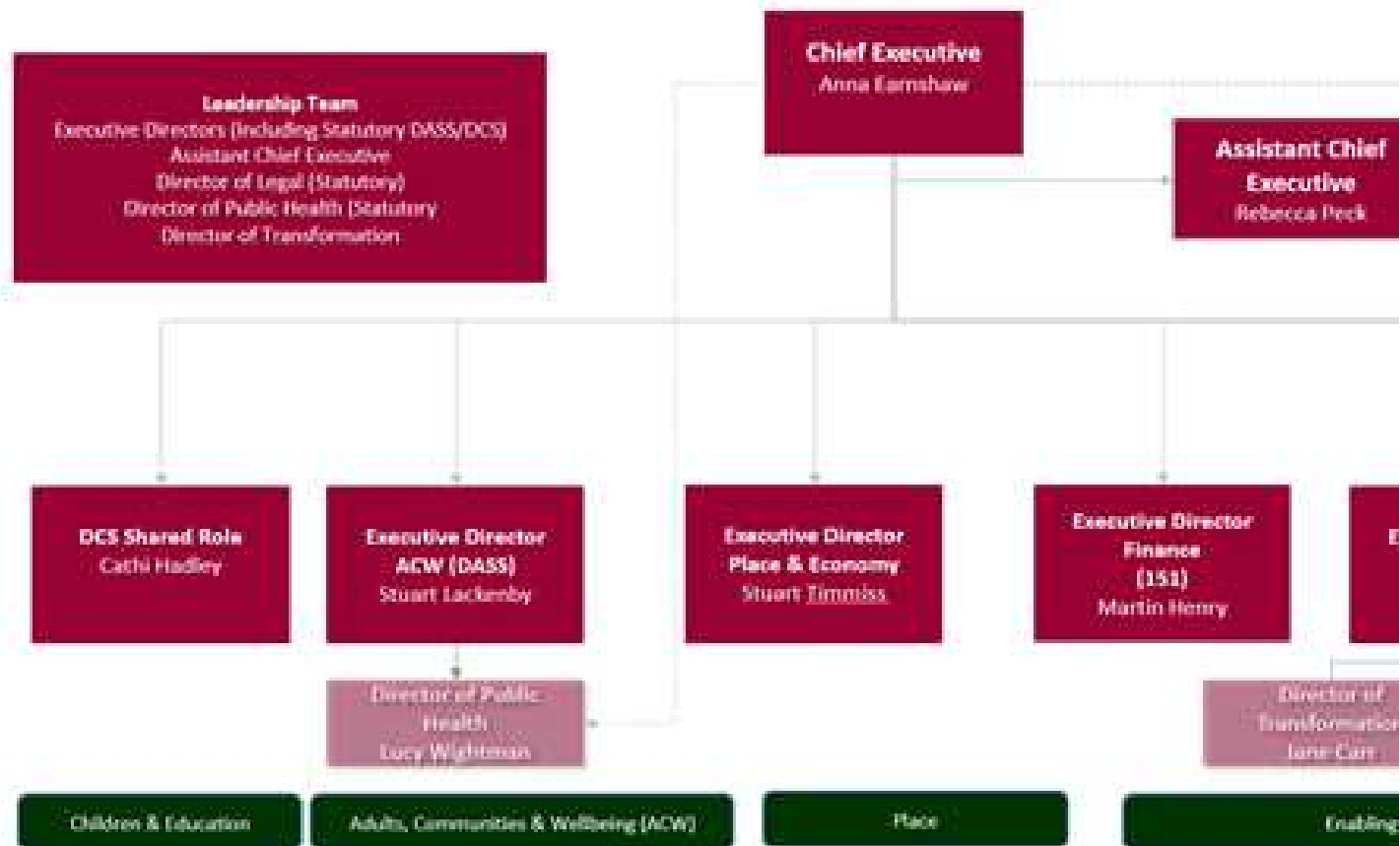
Officers

9.0 Officers

9.1 Management Structure

West Northamptonshire Proposed high level operational structure

Executive Leader



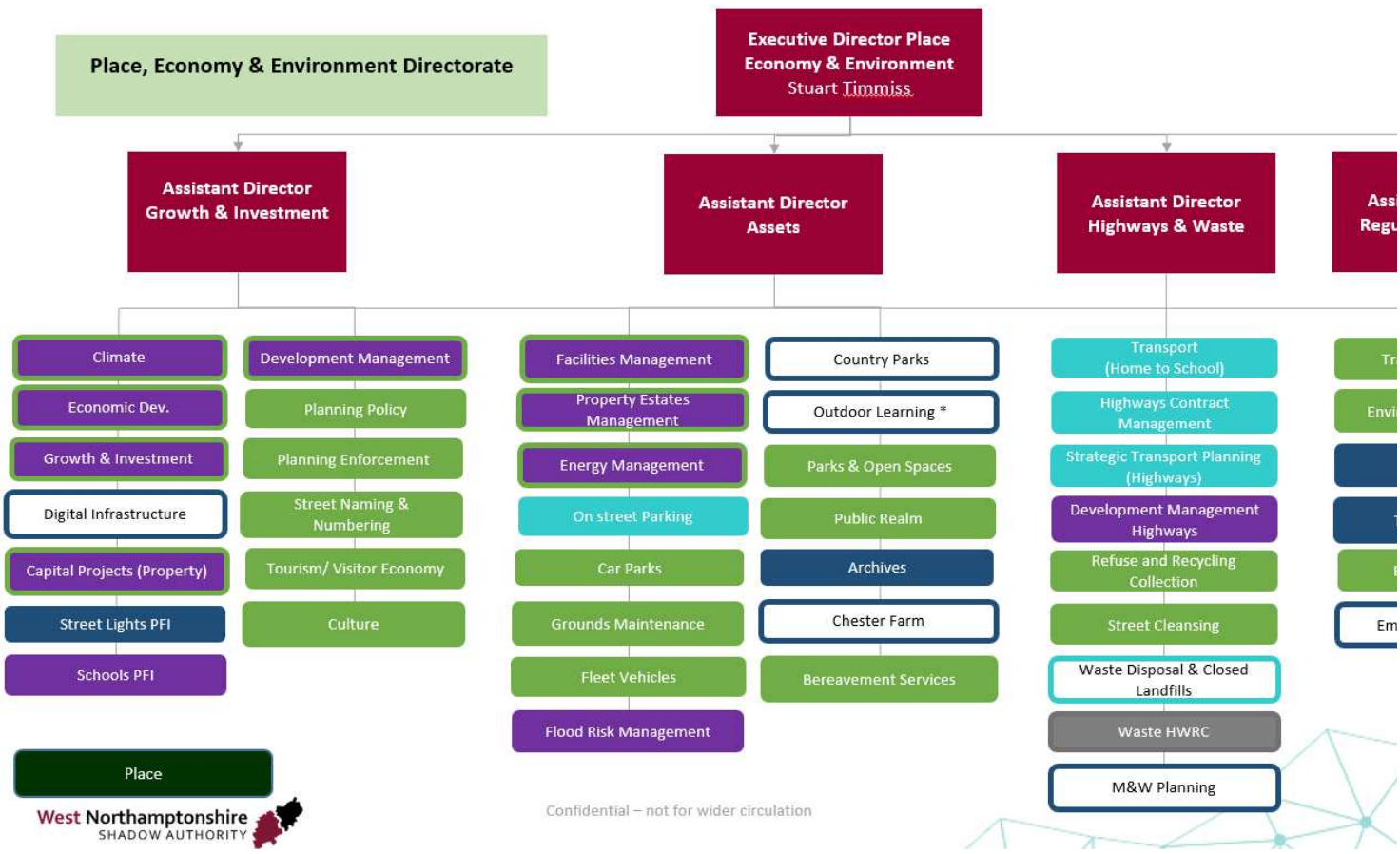
Adults, Communities & Wellbeing Directorate

Executive Director
ACW (DASS)
Stuart Lackenby



Adults, Communities & Wellbeing (ACW)





Finance & Resources Directorate

**Executive Director
(151)
Martin Henry**

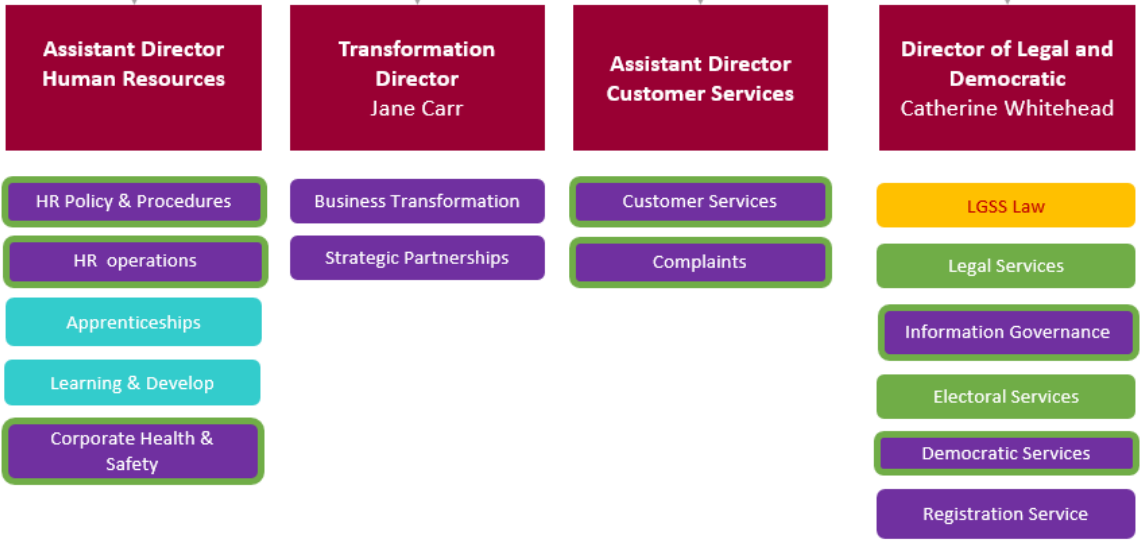


Enabling and Support Services



Corporate Services Directorate

**Executive Director
Corporate Services**
Sarah Reed



Enabling and Support Services

9.2 Scheme of Delegation to Officers

1. The Scheme:

- Introduction
- Member Consultation
- Reservations
- Restrictions
- Permissions

2. Areas of Responsibility

3. Exceptions:

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

4. Statutory Officer and Proper Officer Powers

INTRODUCTIONS AND PERMISSIONS

Introduction

1. The West Northants Council has adopted a vision expressed in the **Corporate Plan XXXX**. To support delivery of the Corporate Plan, 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

2.16. 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

2.17. 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

12. 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

13. 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

14. An Officer making a decision under delegation, will need to publish a written record of :-

(1) 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;

(2) any decision which :-

(a) is a specific expressed power rather than general delegation;

(b) grants a permission or licence;

(c) affects the right of an individual; or

(d) 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

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	Receipt of notices from Ordnance Survey in	Director of Legal

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)	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	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
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 be sent to proper officer who shall publish it in the local authority area	Returning Officer

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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	Where applications have to be made for consent to construct generating stations on Council - owned land	Executive Director of Place, Economy and Environment
36(8) Paragraph 2	Where applications for consent have to be served on the local planning authority	

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
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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
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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
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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	Authorised Officer

	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	
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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 health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under	Director of Public Health

	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
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee

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 (to follow).

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:
 - (i) the duties of the Officer concerned; and
 - (ii) 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:
 - (i) The name of the person to whom the Committee wishes to make the offer;
 - (ii) Any other particulars relevant to the appointment which the Committee has notified to the proper officer; and
 - (iii) 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:
 - (i) 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;
 - (ii) The Proper Officer has notified the Committee that no objection was received by them within that period from the Leader; or
 - (iii) 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.