



**West
Northamptonshire
Council**

CONSTITUTION

Constitution Index

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Glossary

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

Adjourned

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

Annual Governance Statement

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

Annual Statement of Accounts

See Statement of Accounts.

Anti-Fraud and Corruption Strategy

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

Asset Management Strategy

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

Approved Supplier List

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

Balance Sheet

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

Budget

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

Cabinet

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

Cabinet Member

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

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

Capital and Investment Strategy

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

Capital Programme

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

Chair of the Council

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

Chief Executive

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

Chief Finance Officer

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

Clear Days

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

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

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

Commercial Agreement

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

Commissioning

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

Committee

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

Confidential Information

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

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

Constitution

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

Contract

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

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

Contractors

See suppliers.

Contract Management

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

Contract Management System

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

Contract Procedure Rules

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

Council

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

Council Body

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

Council Tax

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

Councillor

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

Councillor Call for Action

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

Debt Management Strategy

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

Decisions

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

Development Plan

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

Disclosable Pecuniary Interest

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

Elected Member

See Councillor.

Executive

See Cabinet.

Executive Director

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

Exempt Information

In relation to meetings and reports this means information which can be withheld from the public. It must pass one of seven tests in order for it to be exempt and it must also be in the public interest to do so. If an item is deemed to be exempt during a public meeting, then members of the public and any press have to leave the meeting while exempt information is being discussed. We set out the rules in the Access to Information Procedure Rules at Part 5 Section 4 of this Constitution.

EU Procurement Regulations

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

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

External Auditors

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

Financial Year

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

Financial Procedure Rules

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

Financial Scheme of Delegation

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

Follow On Decisions

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

Forward Plan

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

Framework

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

Full Council

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

Function

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

Head of Paid Service

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

Independent Person

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

Key Decision

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

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

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

Leader (of the Council)

Members elect a person who will be the Leader of the Council. Usually this is the leader of the largest political group on the whole Council. The Leader of the Council is also the Leader of the

Cabinet and will appoint up to nine other Members to form the Cabinet to take Executive decisions on behalf of the Council. The Leader can appoint up to two Deputy Leaders from the Members appointed to the Cabinet.

Legal Professional Privilege

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

Legislation

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

Light Touch Rules

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

Medium Term Financial Plan

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

Member

See Councillor.

Minutes

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

Monitoring Officer

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

Motion

A proposal for a discussion or debate.

Municipal Year

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

Natural Justice

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

Officer

Someone employed by the Council.

Overview and Scrutiny Committee

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

Permission in Principle (PIP)

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

Planning Applications

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

Planning Officer

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

Policy

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

Policy Framework

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

Point of Order

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

Portfolio

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

Procedure

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

Procurement

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

Proper Officer

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

Quorum

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

Related matters

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

Representations

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

Reserves

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

Scheme of Delegation

The Scheme of Delegation sets out how the Council and the Cabinet have delegated authority to a committee or another body, or to an individual Member or officer to exercise their powers or perform their functions. The Officer Scheme of Delegation concerns those powers and functions delegated to officers. The Scheme of Delegation will also specify any limits on the delegated authority.

Section 151 Officer (S151 Officer)

See Chief Finance Officer.

Standards Complaint

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

Statement of Accounts

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

Statute

An Act of Parliament – the law.

Statutory

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

Statutory Officers

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

Sub-Committee

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

Suppliers

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

Trading Account

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

Treasury Management Strategy

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

Virement

The movement of money from one budget heading to another.

Vires (intra vires / ultra vires)

A Latin phrase which means 'powers'. Within the Council, vires concerns the power or lawful authority to make a decision, perform a function or undertake an action. A decision made, function performed or action undertaken will be 'intra vires' if the Council has the power and lawful authority to do it and 'ultra vires' if it does not.

Ward

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

PART 1

Summary and Explanation

1.0 Summary and Explanation

1.1 Part 1 - Constitution - Summary and Explanation

General

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

The Constitution and its content

- 1.5 The Constitution is divided into nine parts:

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

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

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

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

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

Part 6 – Joint Arrangements: Sets out the joint arrangements that the Council has made to work in partnership with other councils and where decision making is shared by two or more councils. Sometimes this is because there is a shared service delivered on behalf of two or more councils.

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

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

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

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

How the Council operates

- 1.6 The Council is made up of 93 Councillors (excluding vacancies) who are elected every four years. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of Councillors is to the whole community of West Northamptonshire, but they have a special duty to their constituents, including those who did not vote for them.
- 1.7 undertake their duties. The Democracy and Standards Committee trains and advises on the Code of Conduct, including in relation to parish and town councils.

- 1.8 All Councillors meet together and this is called full Council. Meetings of the Council are normally open to the public. At these meetings, the Councillors decide the Council's overall policies and set the revenue budget and capital programme each year. The Council appoints the Leader of the Council who in turn appoints Councillors to the Cabinet.
- 1.9 The Council also decides on the delegation of certain functions to the Cabinet and some committees and joint committees. The Council holds the Cabinet to account through the Overview and Scrutiny function which also provides an opportunity for pre-decision involvement in decisions and policy development for the wider membership.
- 1.10 In performing their various roles, Councillors are supported by the officers who give advice and implement decisions. Some decisions are delegated to officers to ensure that the Council can act quickly and efficiently. Officers also ensure the Council acts within the law and uses resources efficiently and effectively.

Roles of Councillors

1.11 Councillors will:

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

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

The Chair of the Council

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

- 1.14 Although the Chair is an elected politician and has a vote, they are under a duty to be impartial in the way they carry out the role. They promote public involvement in the Council's activities and act as the conscience of the Council.
- 1.15 The Chair presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution. Their ruling about this or as to any proceedings of the Council cannot be challenged at any meeting of the Council, although their interpretation must have regard to the purposes of this Constitution and must be reasonable. Neither the Chair nor the Deputy Chair can be the Leader or a member of the Cabinet.

Council Business

- 1.16 At its Annual Meeting (usually in May) the Council will approve its planned Calendar of Business and Schedule of Meetings but nothing prevents changes being made to the Calendar of Business and Schedule of Meetings during the following 12 months.
- 1.17 There are three types of Council meeting:
- a) Annual Meetings – take place every year (generally in May) to appoint committees etc;
 - b) Ordinary meetings – are scheduled meetings at other times;
 - c) Extraordinary meetings – meetings called for specific decisions.

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

- 1.18 There are some decisions that can only be taken by the full Council. The Council sets the Budget and the Policy Framework for the Council. All decisions must be taken within the budget and in accordance with the policy set out and only Council can change them. Details of these are in Part 3.
- 1.19 The Council is responsible for electing (and can remove) the Leader who in turn will appoint a Deputy Leader and a Cabinet. The Council (mainly through the Overview and Scrutiny process and call-in of decisions) is ultimately responsible for holding the Cabinet to account.

How decisions are made

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

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

Overview and Scrutiny function – Part 7

1.22 The Council operates an Overview and Scrutiny function that undertakes a number of roles including monitoring the decisions of the Cabinet, advising the Council on forthcoming decisions, and the development of policy. The function can call-in a decision which has been made by the Cabinet but not yet implemented. This enables consideration as to whether the decision is appropriate and the function may recommend that the Cabinet reconsiders the decision. Further details of the call-in process are set out in the Overview and Scrutiny Procedure Rules in Part 7.2.

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

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

Community Forums and Boards – Part 4

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

The Council's staff – Part 9

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

Public Participation – Part 2

- 1.26 Public participation arrangements for members of the public, the residents of the area, businesses, visitors and the people who are the Council's customers are set out in Part 2. Some of these are legal rights whilst others depend on the Council's own processes.
- 1.27 Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

PART 2

Public Participation

DRAFT

2.0 Public Participation

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

Councillors

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

Cabinet

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

Overview and Scrutiny committees

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

Community Forums and Boards

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

Can I attend meetings?

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

Can I speak at meetings?

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

Petitions

2.15 The Council is pleased to accept petitions. The petition must relate to a matter for which the Council has direct responsibility. The petition needs to show clearly what it is about and names and addresses of everyone who signs the petition must be set out in an identifiable way. Some petitions, for example, those asking for the Council to have a different form of governance, must follow special rules set out in law. The same time limit that applies when making a statement also applies to presenting a petition to a Council meeting. Petitions submitted in this way will be referred to the relevant Portfolio Holder who will respond to the petitioner. An e-petitions facility is available to enable residents to create petitions.

Planning committees and licensing committees

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

Budget and Policy Development

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

Public Consultation

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

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

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

Social Media

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

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PART 3

Council

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3.0 Full Council

3.1 Role

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

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

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

- a) Elections;
- b) Pensions;
- c) Planning;
- d) Licensing ;
- e) Staff;
- f) Signing off the accounts.

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

3.2 Meeting Procedure Rules

Part A –Council meetings

1. Council meetings

Time and place of meetings

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

2. Annual Meeting of the Council

Timing

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

Business

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

- m) delegate to the Monitoring Officer the power to appoint Councillors to committees and sub committees in accordance with the wishes of the Group Leaders except where appointments to those bodies is exercisable only by the Cabinet.

3. Ordinary Meetings of the Council

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

4. Extraordinary Meetings

Calling Extraordinary Meetings

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

- d) the Leader of the Council.

Items of Business at Extraordinary Meetings

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

Motion to remove the Leader

- 4.3 A motion to remove the Leader from office may only be:
 - a) made at an extraordinary meeting convened specifically for that purpose not less than 21 days from the submission of the motion;
 - b) submitted in the form of a requisition signed by a majority of the Leading Group where that group holds a majority of seats on the Council.
- 4.4 Where there is no majority on the Council, the requisition must be signed by not less than one third of the members of the Council with members from at least two political groups; and
- 4.5 Where the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office.

5. Budget meetings of the Council

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

6. Chair and Vice-Chair of the Council

- 6.1 The Chair of the Council, or in his/her absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings of the Council. Where both the Chair and Vice-Chair are absent, the Council will appoint another Councillor, other than a member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chair.

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

Out of Order

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

7. Quorum

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

8. What the Council can decide

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

9. Order of business

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

10. Extension of the meeting

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

11. Urgent business

- 11.1 Business cannot be dealt with at a Council meeting unless it is included in the Summons. The Chair may allow business which is not specified in the Summons to be dealt with if it is required by law to be dealt with by a certain date or is brought before the Council as a matter of urgency.

12. Confirmation of minutes

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

13. Record of Executive Decisions

- 13.1 The Record of Executive Decisions, as well as the reports prepared by the Executive for the Council will be submitted to the next ordinary meeting of the Council.
- 13.2 These will be noted and received by a decision of the Council.
- 13.3 Any question about the accuracy of any matter before the Council from the Executive must be considered and determined by the Executive. It is not a matter for the

Council. The Leader is able to make changes on behalf of the Executive but may choose to do so only with the agreement of Cabinet.

14. Matters for decision by the Council

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

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

- 15.1 The following motions and amendments may be moved at a Council meeting without notice.
- a) appointment of a Chair of the meeting at which the motion is made;
 - b) motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee;
 - c) that an item of business specified in the summons should have precedence;
 - d) reference to the Council, a Committee, Sub-Committee or the Cabinet;
 - e) appointment of or appointment to Committees, Sub-Committees or the Cabinet occasioned by an item mentioned in the summons to the meeting;
 - f) receipt of Records of Executive Decisions;
 - g) adoption of recommendations of the Cabinet, Committees and Sub-Committees and any consequent resolutions;
 - h) that leave is given to withdraw a motion;
 - i) that leave is given to alter a motion by the mover of that motion;
 - j) receipt of reports of officers and any consequent resolutions;
 - k) extending the time limit for speeches;
 - l) amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons;
 - m) that the Council proceed to the next business;
 - n) that the question be now put;

- o) that the debate be now adjourned;
- p) that the Council do now adjourn;
- q) authorising the sealing of documents;
- r) suspending Meeting Procedure Rules, in accordance with Procedure Rule 49;
- s) motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the press and public;
- t) that a Councillor named under Procedure Rule 46 should not be heard further or should leave the meeting; and
- u) giving consent of the Council where consent of the Council is required by these Meeting Procedure Rules.

16. Public participation at Council meetings

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

17. Petitions

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

18. Statements

- 18.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item although this may be extended at the Chair's discretion.
- 18.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.
- 18.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
 - a) be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - b) relate to any non-determined planning or licensing application;
 - c) name or identify individual service users, Members of staff or Members of staff of partner agencies.

19. Public Questions

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

20. Members' Questions

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

21. Members' Questions on notice

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

22. Notice of questions

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

23. Scope of questions

- 23.1 The question must be relevant to the powers and duties of the Council and be clear and concise.

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

24. At the meeting

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

25. Supplementary questions

- 25.1 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.
- 25.2 The Chair may reject the supplementary question on the grounds listed in paragraph 23.2 above (reasons for rejection).
- 25.3 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If

this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

26. Form of response

26.1 A response may take the following forms:

- a) a direct oral answer;
- b) where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
- c) a written reply.

27. No debate on questions

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

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

28.1 Cabinet Overviews will be circulated to all Members before the start of the meeting.

28.2 A period of up to 45 minutes will be allowed at Council meetings during which Portfolio Holders will be able to give any update required on their report (with a time limit of 3 minutes) upon which Members will be able to ask the relevant portfolio holder questions without notice.

28.3 In order to keep to the 45 minute limit and/or maintain fairness between Members, the Chair may limit the number of questions (or further questions) to be asked, either in total or by any one Portfolio Holder.

29. Notices of Motion

Procedure

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

Scope

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

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

Motions to be set out in summons

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

Withdrawal of Motion which is before the Council

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

Motions not moved

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

Deferment of a Notice of Motion

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

30. Rules of Debate

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

Motions and Amendments

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

Seconders's Speech

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

Only one Councillor to stand at a time

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

Content and length of speeches

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

When a Councillor may speak again

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

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

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

Amendments

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

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

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

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

Notice of Amendments

30.10 A Councillor who wishes to propose an amendment to a report included with the summons or a motion submitted on the summon shall be required to submit the amendment in writing to the Monitoring Officer not less than 48 hours before the start of the meeting. Amendments to reports of which notification has been included within the summons of the meeting may be moved without notice.

Number of Amendments

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

Status of Amendments

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

Alterations to Motions or Amendments

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

Withdrawal of Motion

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

Right of Reply

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

Motions which may be moved during debate

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

- a) to amend the motion (subject to paragraph 30.8);

- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) to suspend Procedure Rules;
- f) to refer a matter to the Council, Cabinet, a Committee or Sub- committee for consideration or reconsideration;
- g) that the question be now put;
- h) that a Councillor be not further heard;
- i) by the Chair under Procedure Rule 46 that a Councillor do leave the meeting;
- j) a motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the public.

Closure Motions

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

Points of Order

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

Ruling of Chair on a Point of Order/Personal Explanation

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

Respect for the Chair

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

31. Rules of Debate at Budget meetings

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

Order, Content and Length of Speeches

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

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

- a) The Chair will call the Leader of the Council, or his or her nominee, to propose the budget. The proposer will move the budget. The seconder will have up to three minutes to second the budget.
- b) Once the budget has been seconded, the Chair will call the group leaders, or their nominees, to speak. Each will be called in order of precedence according to the number of Councillors in each group. Where two groups have the same number of members, the Chair shall exercise their discretion.
- c) The Leader of the principal opposition group, or their nominee, will make a statement or propose an alternative budget or amendment. If an alternative budget or amendment has been proposed, the seconder will have up to three minutes to second the amendment.
- d) The Leaders of each of the minor opposition groups, or their nominees, will make a statement or propose an alternative budget or amendment. If an alternative budget or amendment has been proposed, the seconder will have up to three minutes to second the amendment.
- e) If an opposition group proposes an alternative budget or amendment, then after each amendment has been seconded it shall be debated. The normal rules of debate shall apply. The proposer of the amendment has a right of reply. The proposer of the Administration's budget also has a right of reply prior to the vote. Each alternative budget or amendment will be debated and voted in the order they were proposed. Each vote must be a recorded vote.

- f) After each opposition group alternative budget or amendment has been voted on, the debate will return to the substantive motion - the Administration's Budget - which may or may not have been amended.
- g) Prior to the debate on the substantive motion, the mover of the Administration's budget shall be permitted to propose an amendment that is minor in nature. A minor amendment is an amendment with a financial impact equal to or below the key decision threshold. The normal rules of debate shall apply to the debate on a minor amendment. The normal deadlines for the submission of such an amendment shall not apply. The proposer of the Administration's budget has a right of reply prior to the vote. The vote must be a recorded vote.
- h) Once the vote has been taken on a minor amendment, or if no such amendment has been proposed, the debate on the substantive motion will take place. All members of the Council are allowed to contribute to the debate, except the mover or seconder of original motion (unless the seconder has reserved their right to speak).
- i) No further amendments are allowed at this stage by any of the members of the Council.
- j) After the debate on the substantive motion, the mover of the Administration's budget has a right of reply (up to 5 minutes). A recorded vote must then be taken on the substantive budget (which may have been amended) and the debate is concluded.

Alternative Budgets and Amendments to the Budget

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

motion to which any further amendments which have already been notified are moved.

32. Rescission of earlier resolution

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

33. Voting

- 33.1 Each Councillor has one vote.
- 33.2 Voting will be by a show of hands or, where practical and the means are available to those present, by suitable electronic means.
- 33.3 When a Councillor asks for a recorded vote to be taken, and 10 members of the council (or one quarter of a committee) stand in their places to support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained. If necessary, a Councillor may raise their hand instead of standing in order to indicate their support for a request for a recorded vote.
- 33.4 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 33.5 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 33.6 A Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 33.7 Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

34. Offices and Appointments

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

35. Election of Chair of Committees and Sub-Committees

- 35.1 The Chair of every Committee and Sub-Committee excluding the Cabinet will be elected at the annual meeting of the Council where possible.
- 35.2 The Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.

- 35.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Committee or Sub-Committee concerned.
- 35.4 Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices.

36. Urgent business – Non-Executive Matters

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

Part B – Committee and Sub-Committee Meetings

37. Programme of meetings

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

38. Chairing

- 38.1 Where a Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Executive members for appointment.

- 38.2 In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

39. Quorum at Committees and Sub-Committees

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

40. Minutes of Committees and Sub-Committees

- 40.1 The minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 40.2 Only matters relating to the accuracy of the minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 40.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.
- 40.4 The Minutes of any Sub-Committee must be submitted to the next suitable meeting of the parent Committee by the Sub-Committee Chair.
- 40.5 Members may ask a question or comment on any minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 40.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.
- 40.7 Any question about the accuracy of any minute of a body must be considered and determined by that body at its next suitable meeting.

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

- 41.1 This rule sets out details of the process by which a Councillor can ask for an item of business to be included on the agenda of a Committee or Sub-Committee meeting.
- 41.2 This Rule does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
- 41.3 A Councillor may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.

- 41.4 A Councillor may not give notice of more than one item of business for anyone meeting. The notice shall state the nature of the business and shall include the signature of that Councillor. A notice may be submitted electronically and bear an electronic signature, provided the notice has been originated by that Councillor.
- 41.5 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 6 months.
- 41.6 Items arising from such notices shall appear on the agenda after the ordinary public or private agenda items accordingly.
- 41.7 A member of an Overview and Scrutiny Committee has a statutory right to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. The restrictions in paragraph 40.4 above on the number of items shall not apply to items submitted under this paragraph.

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

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

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

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

44. Overview and Scrutiny Committees/Sub-Committees

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

Part C – General Provisions

45. Records of attendance

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

46. Disclosure of confidential/exempt matters

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

47. Disorderly conduct by Members

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

48. Disturbance by members of the public

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

49. Variation and revocation of Procedure Rules

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

50. Suspension of Procedure Rules

- 50.1 These Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved except where this would be in contravention of statute.

- 50.2 A motion to suspend Procedure Rules shall not be moved without notice unless there shall be present at least one-third of the Members of the Council or that Committee or Sub-Committee respectively.

51. Interpretation of Procedure Rules

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

52. Submission of Notices by Members – Electronic Means

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

53. Meetings by remote means

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

Appendix 1 – Rules applying to remote meetings under Rule 48

1. Introduction

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

2. Notice of Meetings

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

3. Access to Meetings

- 3.1 Councillors will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.
- 3.2 Remote access for members of the public and members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting.

3.3 It is important to note that the public accessing the meeting by remote means, as described in 3.2, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means may render the meeting incapable of proceeding.

4. Management of Remote Participation

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

4.9 In the event of connection failure, the Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Councillor(s) will be deemed to have returned at the point of re-establishment.

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

5. Remote Attendance by the Public

5.1 Any member of the public who has been given permission by the Chair to address a meeting in accordance with the Council's Rules of Procedure must meet the same criteria as Councillors. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.

5.2 Access to the meeting will be determined in accordance with the Meeting Procedure Rules set out elsewhere in this constitution. In such instances, an invitation to participate in the remote technology will be sent out.

5.3 Members of the public who have been given permission by the Chair to address a meeting may read out their question or written statement, of which prior notice will have been given, when invited to do so by the Chair.

5.4 As an alternative, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chair at the appropriate time.

5.5 The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.

5.6 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

6. Meeting Procedures

6.1 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, will control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and member interaction, engagement and connections on the instruction of the Chair.

6.2 The Council put in place a technological solution that will enable Councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a

desire to speak.

- 6.3 It will greatly assist the meeting if those Councillors who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are encouraged to co-ordinate this activity where possible, particularly in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if Councillors are unable to participate via video conference.
- 6.4 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches.
- 6.5 At the beginning of the meeting, the Chair will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 6.6 Councillors are asked to adhere to the following etiquette during remote attendance at a meeting:
- i. Members of the committee or body in question are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment and verify identity.
 - ii. Any camera (video feed) should show a non-descript background or a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
 - iii. Councillors must take care to type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
 - iv. All Councillors must have their microphones muted when not talking.
 - v. Rather than raising one's hand or rising to be recognised or to speak, Councillors should avail themselves of the remote process for requesting to be heard.
 - vi. Councillors will only speak when invited to by the Chair.
 - vii. Only one person may speak at any one time.
 - viii. Councillors should turn on the microphone and also the video-feed (if available) then state their name before speaking.
 - ix. When referring to a specific report, page, or slide, mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.
- 6.7 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of their introduction, explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.
- 6.8 When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the

Chair's discretion and will be by one of the following methods:

- i. a vote by electronic means; or
- ii. an officer calling out the name of each member present with:
 - o members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
 - o the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item
- iii. by the general assent of the meeting.

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

7. Declarations of Interest

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

8. Exclusion of Public and Press

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

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

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

9. Public Access to Meeting Documentation following the meeting

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

3.3 Policy Framework

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

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

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

3.4 Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Process for developing the framework

- 2.1 The process by which the budget and policy framework shall be developed is:

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

- g) in approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with Rules 5 and 6 (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget and policy framework

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

4. Urgent decisions outside the budget and policy framework

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

- c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

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

6. In-year changes to policy framework

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

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

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

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

Leader of the Council, or in their absence the Deputy Leader, agrees that the Council need not necessarily meet within the specified period. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.1 The Council may either:

(a) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(b) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or the Chief Finance Officer.

PART 4

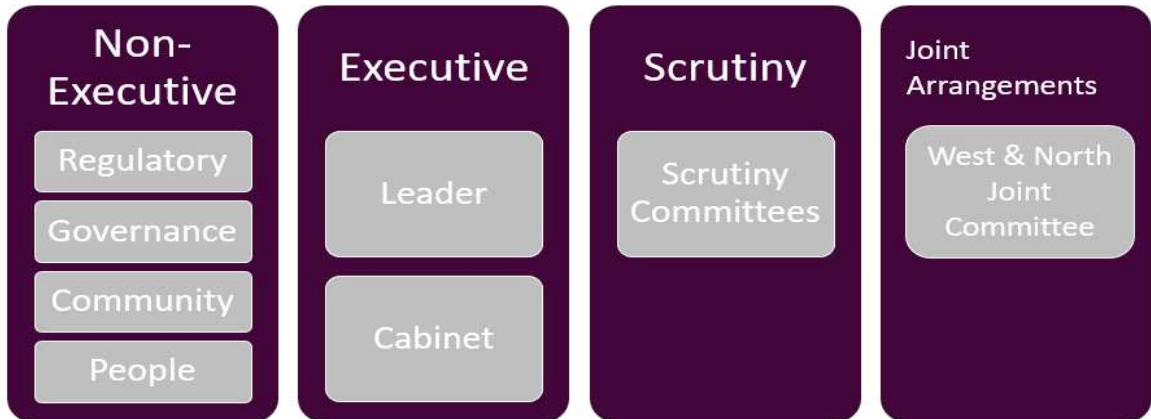
Committees

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4.0 Committees

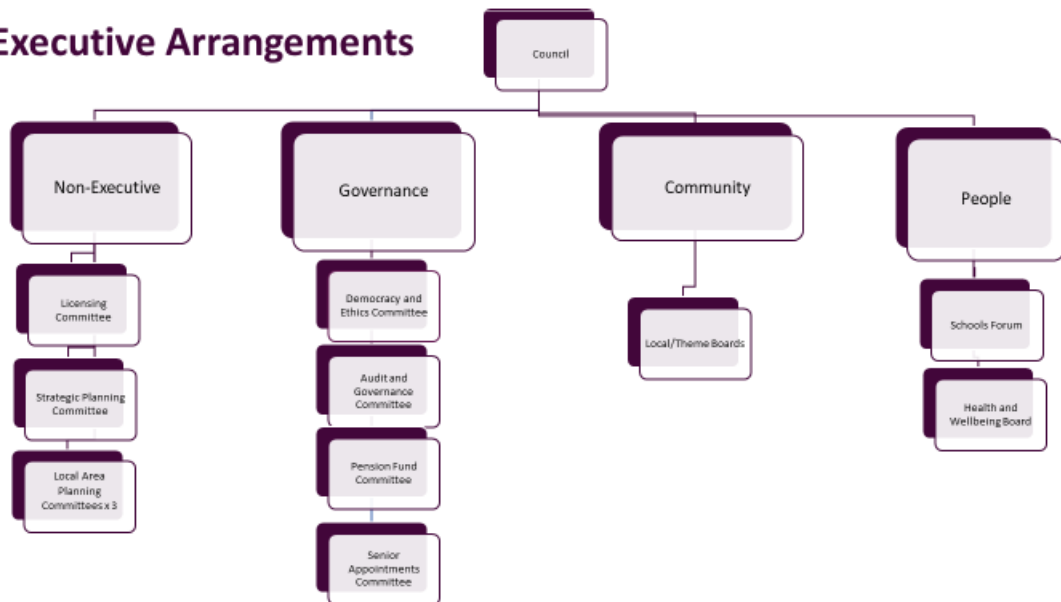
4.1 Committee Structure

OVERVIEW

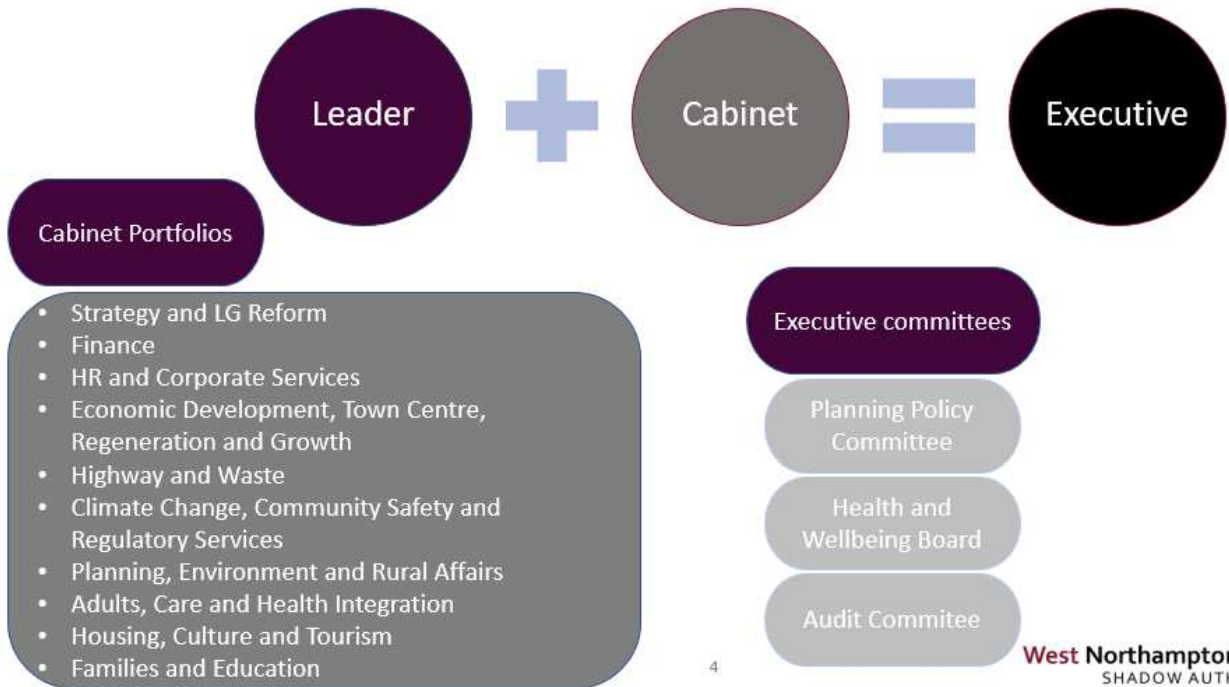


NON EXECUTIVE

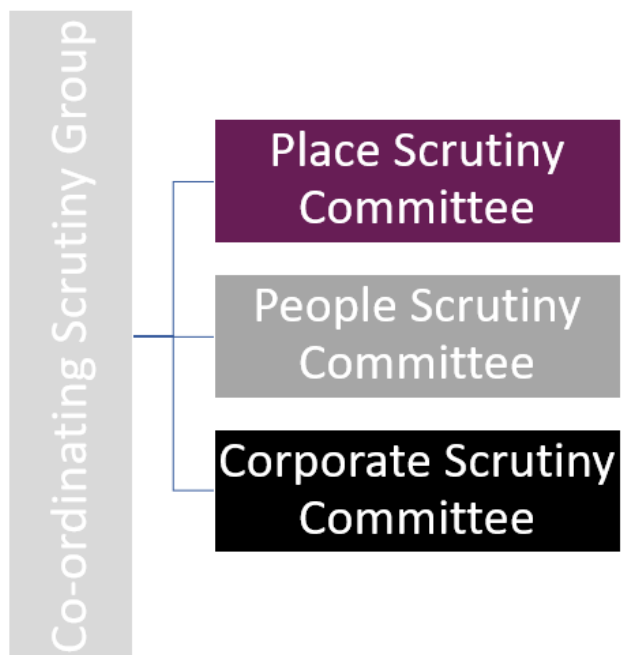
Non-Executive Arrangements



Executive Arrangements



Scrutiny Arrangements



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4.2 Committee Procedure Rules

Please refer to the Meeting Procedure Rules at Part 3.2

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4.3 Regulatory Committees

Licensing Committee

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

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

Role and Functions

- 4.3.3. The Role will include Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.
- 4.3.4. For the avoidance of doubt, the Licensing Committee shall exercise an advisory role in relation to executive functions, such as the fixing of fares for hackney carriages.
- 4.3.5. To approve licensing policy (except for matters specifically reserved by statute to Council or the Cabinet).
- 4.3.6. To deal with all functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all of the Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005 and the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006

any other associated matters and any other similar licensing and registration functions.

4.3.7. The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005.

4.3.8. Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.

4.3.9. Each sub-committee will comprise three Members drawn from the Licensing Committee.

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

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

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

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

Strategic Planning Committee

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

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

Role and Functions

- 4.3.11. Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 including in relation to strategic applications meeting the thresholds set out in (i), (ii) and (iii) below
- (i) Large-scale major developments defined (by the Government's planning application statistical returns) as those of 200 houses (or 4 hectares) or more or
 - (ii) commercial developments of 10,000 square metres (or 2 hectares) or more or
 - (iii) strategically important developments (as identified by the Assistant Director – Growth and Investment, following consultation with the Chair of the Local Planning Committee for the area in which the development is proposed).
- 4.3.12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as are giving effect to matters within the remit of the Committee.
- 4.3.13. Applications called in that cross the boundary of two local area committees.
- 4.3.14. Any application where the Assistant Director – Growth and Investment considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses.

- 4.3.15. There shall be no referral down of applications from Strategic Planning Committee to Local Area Planning Committees.

Local Area Planning Committees

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

Northampton Local Area Planning Committee

Members 11: Quorum 5. Not politically balanced,

Daventry Local Area Planning Committee

Members 9: Quorum 5. Not politically balanced,

South Northamptonshire Local Area Planning Committee

Members 9: Quorum 5. Not politically balanced,

- 4.3.17. The Local Area Planning Committees are not politically balanced as they fall within the political balance exemption for area committees; but should reflect the political make-up of the relevant area,
- 4.3.18. Members shall not participate as Members of a Local Area Planning Committee until they have received appropriate training in respect of their functions on the committee.
- 4.3.19. Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 that do not fall within the responsibilities of the Strategic Planning Committee.
- 4.3.20. To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Assistant Director – Growth and Investment considers it inappropriate to exercise delegated powers having considered public representations and consultee responses. These include:

- a) Major Developments below the limits set for the Strategic Planning Committee;
- b) Applications which do not meet the criteria for Major Development or Other Development;
- c) Other Development;
- d) Change of Use;
- e) Householder Developments;
- f) Consent to display advertisements under the Town and
- g) Country Planning (Control of Advertisements) Regulations 1992 (as
- h) amended);
- i) Shop fronts;
- j) Listed Building Consents;
- k) Conservation Area Consents;

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

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

4.3.22. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as are giving effect to matters within the remit of the Committee.

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

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

Planning Policy Committee

4.3.25. Executive Arrangements will need to be determined for:

- a) Review of and the development of proposals for development framework policies, for approval
- b) Approval of proposals that support the development framework policies such as development briefs,

4.4 Democracy and Standards Committee

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

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

4.4.2. In relation to the Democratic functions of the Committee

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

4.4.3. In relation to the Standards functions of the Committee

- a) To promote and maintain high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils;

- b) To keep the Member Code of Conduct and where appropriate the Planning Code of Conduct under review and make recommendations to Council on any amendment or revisions to the Codes when appropriate;
- c) To advise, train or arrange training for Members and co-opted Members of the Council, Parish and Town Councils on matters relating to the Member Code of Conduct and the Planning Code of Practice;
- d) To give general guidance and advice to Members and Co-opted Members of the Council, Parish and Town Councils on Member's interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer and the Register of Gifts and Hospitality;
- e) To grant dispensations to Members and co-opted Members from requirements relating to interests;
- f) To keep the Council's Arrangements for Dealing with Standards Complaints under review and make recommendations to Council on any amendment or revisions to the Arrangements when appropriate;
- g) In accordance with the Council's Arrangements for Dealing with Standards Complaints, to assess and / or refer for investigation allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Council if so requested by the Monitoring Officer;
- h) To determine allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Councils;
- i) To be a consultee in relation to the Council's Officer Code of Conduct;
- j) To make recommendations to Council with regard to the appointment of Independent Persons;
- k) To oversee the Council's Protocol on Member / Officer Relations;
- l) To receive an annual report from the Monitoring Officer detailing complaints received, complaints dealt with and resolutions achieved;
- m) To exercise all the Council's functions, as specified in Regulation 2 of the Local Authority (Functions and Responsibility) (England) Regulations 2000 insofar as such functions are not the responsibility of the Council or any other Committee of the Council.

4.4.4. Hearing Sub-Committee

3 Members

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

4.5 Audit and Governance Committee

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

Purpose:

4.5.1. The purpose of the Audit and Governance Committee is to:

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

Terms of Reference:

4.5.2. Audit:

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

4.5.3. Corporate Governance

- a) Maintain an overview of all aspects of the Council's Constitution including Finance Reservations in the Scheme of Delegation, contract procedure rules and financial regulations;

- b) Review any issue referred to it within these Terms of Reference by the Chief Executive, Section 151 Officer or any body of the Council;
- c) Monitor the effective development and operation of risk management and corporate governance within the Council;
- d) Approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies;
- e) Review and make recommendations on the Council's Annual Governance Statement;
- f) Consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice;
- g) Monitor the Council's compliance with its own and other published standards and controls;
- h) Consider reports dealing with risk management across the organisation and those reports which identify key risks the Council faces, seeking assurance of appropriate management action;
- i) The Chair of the Audit and Governance Committee shall act as the Member Risk Champion;
- j) To have oversight the Council's Performance Management Framework so far as it relates to the Corporate Governance Functions of the committee;
- k) Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee;
- l) To receive annually statistical reports and details of complaints received and investigated through the Council's Corporate Complaints Procedure which have resulted in payments or other benefits being provided by the Council in cases of maladministration;
- m) Receive on behalf of the Council reports issued by the Local Government Ombudsman into investigations that the Council's actions have amounted to maladministration causing injustice.

4.5.4. Financial Reporting

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

4.6 Pensions Fund Committee

1. The Pension Committee
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
 - d. Membership breakdown
2. The Investment Sub-Committee
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
 - d. Membership breakdown
3. The Joint Committee (of the ACCESS Asset Pool)
 - a. Role and Function
 - b. Membership, Chair and Quorum
 - c. Terms of Reference
4. Scheme of Delegation
 - a. Section 151 Officer (management and administration of the Local Government Pension Scheme)
 - b. Head of Pensions (management and administration of the Local Government Pension Scheme)
 - c. Section 151 Officer (ACCESS Asset Pool)
5. The Local Pension Board

1. The Pension Committee

a. Role and Function

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

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

b. Membership, Chairing and Quorum

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

c. Terms of Reference

- To deal with all matters relating to the Northamptonshire Pension Fund Local Government Pension Scheme.
- Authority to set the Pension Fund's objectives and determine and maintain appropriate strategies, policies and procedures with ongoing monitoring in the following areas:
 - Funding Strategy – ongoing monitoring and management of the liabilities including ensuring appropriate funding plans are in place for all employers in the Fund. Overseeing the triennial valuation and interim valuations and working with the actuary in determining the appropriate level of employer contributions for each employer.
 - Investment Strategy – to determine the Fund's investment objectives and to set and review the long term high level investment strategy to ensure these are aligned with the Fund's specific liability profile and risk appetite
 - Administration Strategy – the administration of the Fund including collecting payments due, calculating and paying benefits, gathering from and providing information to scheme members and employers.
 - Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers.
 - Discretions – determining how the various administering authority discretions are operated for the Fund.

- Risk Management Strategy – to include regular monitoring of the Fund’s key risks and agreeing how they are managed and/or mitigated.
- Governance – other key governance documents concerning the management and administration of the Northamptonshire Pension Fund such as strategies, policies and procedures such as the Overpayments of Pension Policy and Reporting Breaches of the Law to the Pensions Regulator.
- Authority to approve and apply the policy on, and to take decisions relating to, employers joining and leaving the Fund and bulk transfers in and out of the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
- Authority to consider and agree business plans at least annually and monitor progress against them.
- Authority to develop and maintain a skills and knowledge framework for all Pension Committee and Investment Sub-Committee members and for all officers of the Fund, including:
 - Determining the Fund’s knowledge and skills framework;
 - Identifying training requirements;
 - Developing training plans; and
 - Monitoring attendance at training events.
- Authority to select, appoint, monitor and where necessary terminate advisers to the Fund not solely relating to investment matters.
- Authority to agree the Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
- Authority to consider and determine where necessary, alternative investment strategies for participating employers.
- Authority to oversee the work of the Investment Sub-Committee and consider any matters put to them by the Investment Sub-Committee.
- Authority to set up sub-committees and task and finish groups including jointly with other LGPS Administering Authorities.
- Authority to review and amend the Strategic Investment policies on an appropriate regular basis, in consultation with the Section 151 Officer.
- Authority to manage any other strategic or key matters pertaining to the Fund not specifically listed above.
- Production of an annual report for consideration by the Council.
- Consider and review the financial accounts in advance of approval by the Audit Committee.
- In relation to pooled asset arrangements under the ACCESS Joint Committee:
 - Providing a representative to sit on the Joint Committee to represent the interests of the Northamptonshire Pension Fund
 - Determining the requirements of the Administering Authority in relation to the provision of services by ACCESS to enable it to execute its investment strategy effectively.
 - Receiving and considering reports from the ACCESS Joint Committee in order to ensure that the Fund’s investor rights and views are represented appropriately.

- Ensuring arrangements are in place to identify and manage the risks and costs associated with investment pooling.

d. Membership breakdown of the Pension Committee

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

2. Investment Sub-Committee

a. Role and Function

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

b. Membership, Chairing and Quorum

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

c. Terms of Reference

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

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

d. Membership breakdown of the Investment Sub-Committee

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

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

a. Role and Function

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

b. Membership, Chairing and Quorum

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

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

The Joint Committee meet at least four times each year.

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

Each elected Member has one vote.

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

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

Part 1 – Operating the Pool and taking advice

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

Accordingly, any procurement of advisers must comply with the constitution of the Council designated to undertake the procurement and that Council will enter into a contract with the appointed adviser on behalf of the Councils.

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

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

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

- Make recommendations to the Councils about appropriate arrangements to replace an Operator Agreement on its termination.

Part 3 – Functions in relation to management of Pool Assets

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

Part 4 – Functions Concerning Pool Aligned Assets

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

Part 5 – Functions Concerning Business Planning and Budget

- Having taken account of any advice from the Section 151 Officers Group (or, where relevant, recording the rationale for not following such advice), the JC shall:
 - Make recommendations to the Councils about the annual strategic business plan for the Pool;

- Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by the Councils to the Operator) in accordance with Schedule 5 (Cost Sharing) of the Inter-Authority Agreement.
- Keep the structure created by this agreement under review from time to time and make recommendations to the Councils about:
 - § The future of the pool
 - § Any changes in Inter-Authority Agreement
 - § The respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.

Part 6 – Functions Concerning Communications

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

Part 7 – Review of this Agreement

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

4. Scheme of Delegation

Chief Finance Officer (Section 151 Officer)

Management and administration of the Local Government Pension Scheme

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

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

Membership of the ACCESS Asset Pool Section 151 Officers Group

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

Part 1 – Governing Principles

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

Part 2 - Functions in relation to the Pool

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

Discharging Section 151 Officer Functions

- **Staffing and Resourcing:** in relation to the provision of staff and resources to assist the JC in the exercise of its functions under this Agreement.
- **Cost Sharing:** in accordance with any local arrangements within their Councils, ensuring that their Councils' share of costs is provided to the relevant parties, whether under the business plan, budget or otherwise under Schedule 5 from time to time.
- **Pool Aligned Assets:** providing the JC, the ASU (ACCESS Support Unit) and any other relevant staff resources with such support as is reasonably required to engage with Pool Aligned Assets Providers.

Advising the Joint Committee

- **Budget and Business Planning:** making recommendations to the JC on budget and business plan matters, following input from the ASU in accordance with Schedule 5 of the Inter-Authority Agreement (Cost Sharing).
- Reviewing and advising on budget variations throughout each financial year.
- **Risk and Performance:** advising the JC on the identification of, and mitigation of any risk to the operation or success of the Pool.

- **Host Authority and Procurement Lead Authority Roles:** making recommendations to the JC regarding the Host Authority and Procurement Lead Authority roles from time to time as necessary.
- **Amendments to the Inter-Authority Agreement:** reviewing, in consultation with their respective Councils' Monitoring Officers, any material changes to the Inter-Authority Agreement, in accordance with provisions of clause 11 of the Inter-Authority Agreement (Variation of Agreement).

5. The Local Pension Board

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

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

a. Role and Function

The role of the Local Pension Board is to assist the administering authority (West Northamptonshire Council) in its role as scheme manager of the Northamptonshire Local Government Pension Scheme (LGPS). This covers all aspects of governance and administration of the LGPS, including funding and investments. The Local Pension Board's responsibilities are:

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

b. Membership, Chairing and Quorum

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

The Local Pension Board shall meet a minimum of four times a year. The date, hour and place of meetings shall be fixed by the Board. The Chair may call additional

meetings if necessary. Quorum shall be four Local Pension Board members, provided that the employer and member sides are both represented.

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

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

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

c. Terms of Reference

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

- Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Pension Regulator's Code of Practice.
- Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.
- Assist with the development of and continually review such documentation as is required by the Regulations including the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement.
- Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- Monitor complaints and performance on the administration and governance of the scheme.

- Review the implementation of revised policies and procedures following changes to the Scheme.
- Review the outcome of internal and external audit reports.
- Review draft accounts and Fund annual report.
- Review the compliance of particular cases, projects or process on request of the Committee.
- Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.

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

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

d. Membership breakdown of the Local Pension Board

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

4.7 Health and Wellbeing Board

Terms of Reference

1. Accountability

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

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

2. Role

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

2.2 The Board aims to achieve this by:

- Providing a strategic lead for the local health and care system, and improving the commissioning of services across the NHS, local government and its partners.
- Initiating and encouraging the integrated delivery of health, social care and other services with health and wellbeing related responsibilities (such as housing, leisure, planning community activity).

- Holding the Integrated Care System to account through monitoring and assurance.
- Providing a key forum to increase democratic legitimacy in health, along with public and joint accountability of NHS, public health, social care for adults and children, and other commissioned services that the Board agrees are directly linked to health and wellbeing.

3. Key responsibilities/duties

3.1 The statutory duties of the Board are:

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

4. Authority

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

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

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

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

5. Appointments

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

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

6. Membership

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

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

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

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

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

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

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

7. Code of Conduct

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

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

8. Quorum

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

9. Voting Arrangements

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

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

10. Meeting Frequency

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

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

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

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

11. Sub Groups

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

12. Visitors and Speakers

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

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

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

13. Meeting Administration

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

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

13.3 The Board shall hold meetings, or parts of meetings, in private session when deemed appropriate in view of the nature of business to be discussed. The Board

must first pass a resolution for the exclusion of press and public. The following must be stated at this time:

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

4.8 Senior Appointments Committee

Membership:

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

1.1 The Committee is required to be politically balanced.

Terms of Reference of the Senior Appointments Committee

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

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

- a. Executive Director Finance
- b. Director of Legal and Democratic
- c. Director of Children's Services
- d. Director of Transformation
- e. Executive Director Adults, Communities and Wellbeing
- f. Executive Director Place, Economy and Environment
- g. Executive Director Corporate Services
- h. Assistant Chief Executive
- i. Director of Public Health

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

PART 5

Executive

5.0 Executive

The Role of the Cabinet

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

5.2 Cabinet Arrangements

Cabinet Decisions

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

Delegation by the Leader

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

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

Sub-Delegation of Executive Functions

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

The Council's Scheme of Delegation and Executive Functions

- 1.9 Subject to paragraph 1.10 below, the Council's Scheme of Delegation shall be subject to adoption by the Council and may only be amended by the Council, save for delegations relating to executive functions which may be varied by the Leader or in accordance with the authority delegated to the Monitoring Officer. It shall comprise the details required in Article 9.2, the Responsibility for Functions and Scheme of Delegation to officers in this Constitution and such further delegations as are made in accordance with this Constitution or other powers available to the Council.
- 1.10 If the Leader decides to delegate executive functions they may amend the Scheme of Delegation relating to executive functions accordingly at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation and whether it entails the withdrawal of delegation from any person, body,

committee or the Cabinet as a whole. The Leader shall confirm, through their announcements any changes at the next ordinary meeting of the Council.

- 1.11 Where the Leader seeks to withdraw delegation from a sub-committee, notice shall be deemed to be served on that committee when served on its Chair.

5.3 Cabinet Procedure Rules

1 Meetings of the Cabinet

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

2 Quorum at meetings of the Cabinet

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

3 Taking of decisions by the Cabinet

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

4 Members attending and speaking at Cabinet meetings

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

5 Business at Cabinet meetings

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

Rules.

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

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

6 Voting at Cabinet meetings

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

7 Cabinet – Committees and Sub-Committees

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

8 Motion under Meeting Procedure Rule 29

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

9 Resolving disputes

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

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

10 Reserves/substitute members

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

11 Approval of urgent business

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

12 Conflicts of interest

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

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

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

5.4 Access to Information Procedure Rules

A. Access to Information Procedure Rules

1 General

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

2 Notice of meetings

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

3 Agenda and supporting papers - rights of access

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

the public as soon as possible.

- 3.2 The Council will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item.
- 3.3 The Council may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 3.2 above.

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

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

5 Background documents

- 5.1 The officer, in whose name an item is to be submitted for decision, will set out in the agenda a list of the background documents which in his/her opinion:
- (a) relate to the subject matter of the item in question;
 - (b) discloses any facts or matters on which the agenda item or an important part of it has been based; and
 - (c) has been relied upon to a material extent in preparing the agenda item.

5.2 The requirements in Rule 5.1 above do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.

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

6 Definition of confidential and exempt information

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

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

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

7 Exclusion of the press and public from meetings

Confidential information – requirement to exclude

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

Exempt information – discretion to exclude

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

8 No public right of access to agenda papers

8.1 The Monitoring Officer, where he/she considers it necessary, may refuse

access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 7 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Council, including the Cabinet.

9 The Cabinet: application of these rules

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

10 Procedure before taking a Key Decision

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

11 The Forward Plan

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

In this case Rule 12 or 13 below will apply.

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

12 General exception for Key Decisions

- 12.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 13, the decision may still be taken if:
- (a) the decision has to be taken by such a date that it is impracticable to comply with Rule 11;
 - (b) the Monitoring Officer has informed a Chair of the Overview and Scrutiny Committees, or if there is no such person, each member of the Committee in writing, by notice, of the matter to which the decision is to be made;
 - (c) the Monitoring Officer has made copies of that notice available to the public at the main office of the Council and published it on the Council's website; and
 - (d) at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.
- 12.2 As soon as practicable after complying with Rule 12.1, the Monitoring Officer shall make available at the main office of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 11 is not possible.
- 12.3 Where such a decision is taken by the Cabinet, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

13 Special urgency for Key Decisions

- 13.1 If by virtue of the date by which a key decision must be taken, the requirements of Rule 12 above cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body taking the decision, obtains the agreement of a Chair of the Overview and Scrutiny Committees that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee or if he/she is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair will suffice.
- 13.2 In addition to the requirement for the Chair to agree to the matter being dealt with as urgent business, the Chair and Vice-Chair of an Overview and Scrutiny Committee will be consulted, and may comment, on the subject

matter of the decision itself.

14 Report to Council

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

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

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

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

15 Record of decisions of the Cabinet

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

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

15.2 Where an executive decision is taken by an individual member that member shall, as soon as reasonably practicable, produce or instruct the Monitoring

Officer or their nominee to produce, a written statement of that decision including the matters stated in Rule 15.1 (a) to (c) and:

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

16 Cabinet meetings relating to matters which are not Key Decisions

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

17 Meeting of the Cabinet in private

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

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

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

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

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

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

that the meeting is urgent and cannot reasonably be deferred.

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

18 Attendance at private meetings of the Cabinet

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

19 Officer attendance at Cabinet meetings

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

20 Key Decisions by Portfolio Holders

- 20.1 Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any Key Decision, then he/she will not

make the decision until at least five clear working days after receipt of that report.

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

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

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

decisions taken by officers in connection with the discharge of functions which are the responsibility of the Cabinet.

21.4 As soon as reasonably practicable after an officer has made a decision under an express delegation from the Council, its Committees, Sub-Committees or any Joint Committee in which the Council is involved, or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Council's position, a written statement will be prepared including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision; and
- (d) a record of the name of any Councillor who has declared an interest (for decisions taken under an express delegation).

21.5 Any record prepared in accordance with Rule 21.4 together with any background papers considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.

21.6 Rules 21.4 to 21.5 do not apply to:

- (a) routine administrative and organisational decisions;
- (b) decisions on operational matters such as day to day variations in services;
- (c) decisions if the whole or part of the record contains confidential or exempt information; and
- (d) decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

22 Access to documents – Overview and Scrutiny Committees

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

- (a) any business transacted at a public or private meeting of the Cabinet including any of its Committees and Sub-Committees;
- (b) any decision taken by an individual member of the Cabinet; or
- (c) any executive decision taken by an officer in accordance with Part 3 of this Constitution.

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

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

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

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

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

23 Additional rights of access for Councillors

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

- 23.2 All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Cabinet including its Committees and Sub-Committees which relates to any Key Decision unless Rule 23.1 above applies.
- 23.3 In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice, in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.
- 23.4 In relation to private meetings, decisions made by an individual member or executive decisions made by an officer, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available within 24 hours of the meeting concluding, or where an executive decision is made by an individual member or an officer, within 24 hours of the decision being made.
- 23.5 These rights of a Councillor are additional to any other right he/she may have.

Appendix 1 - Descriptions of Exempt Information

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

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

Qualifications

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

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

(h) the Charities Act 2011

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

(a) falls within any of the descriptions above; and

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

PART 6

Joint Arrangements

6.0 Joint Arrangements

6.1 Joint Committees

West and North Northamptonshire Joint Committee

Terms of Reference of the Joint Committee

1. The Joint Committee's role is to oversee the management of those services which are provided on a Northamptonshire wide basis on behalf of North Northamptonshire and West Northamptonshire Councils to ensure effective delivery of such services and to provide strategic direction
2. The Joint Committee is specifically responsible for:
 - a. Developing and agreeing the strategy for each of the services
 - b. Approving the Service Plans for the Specified functions including targets for service quality, performance and efficiency.
 - c. Agreeing the responsibilities of each Council to deliver the Service Plans and agreed strategy, including any specific responsibilities of the Provider Council and that the responsibilities are documented within the Service Plans.
 - d. Ensuring that the services are provided within the policy and budget set by the councils.
 - e. Ensuring that the arrangements ensure that each Council's statutory responsibilities are met
 - f. Reviewing the performance of the services and initiating additional/remedial action where appropriate.
 - g. Ensuring that clear operational policies are in place and that these are complied with
 - h. Ensuring the provision of adequate funds and other resources to enable delivery
 - i. Agreeing the basis for apportioning cost between the two Councils and the amount to be apportioned
 - j. Ensuring that effective risk management arrangements are in place, that the services are subject to adequate and independent audit and that any audit recommendations are acted upon.
 - k. Approving business cases for proposed changes and overseeing the progress of subsequent work
 - l. Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition to new service delivery arrangements.
 - m. Resolving issues that are referred to the Joint Committee by relevant Chief Officers of the Service
 - n. Delegating functions of the Joint Committee to officers of either Council under s101 Local Government Act 1972.
 - o. Agreeing arrangements to place staff employed by one of the authorities at the disposal of the other authority to carry out the functions of the Joint Committee as described above under s113 Local Government Act 1972.

- p. To take decisions in relation to the commissioning and procurement of services either hosted or under a lead authority arrangement from a third party.
- q. Providing an Annual Report to each of the two Councils on the performance, finances and proposed service improvements including any arrangements for disaggregation.

Rules of Procedure of the Joint Committee

1. Each of the Councils shall appoint **X** Members (being Executive members of that Council) as its nominated Members of the Joint Committee. The Members appointed will have full voting rights.
2. Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from the Executive of that Council subject to notification being given to the Monitoring Officer via the relevant Democratic Services before the start of the meeting. The Member appointed as a substitute shall have full voting rights.
3. Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
4. Each Member of the Joint Committee shall serve on the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he/she ceases to be a Member of the Executive appointing him/her or if the relevant Council removes him/her from the Joint Committee.
5. Meetings of the Joint Committee shall be carried out on a rotational basis in the North and West Council areas or by remote means where this is permitted by law.
6. The Council hosting the first meeting shall appoint one of its nominated members as Chair and that member shall remain Chair until the first meeting taking place after the elapse of **6** months from the time of his/her appointment unless he/she ceases to be a Member of the Joint Committee. On the expiry of the first Chair's term of office as Chair, the Council which did not appoint the first Chair shall appoint one of its nominated members as Chair for a period of **6** months from the time of his/her appointment. The same procedure shall be followed for the appointment of the Chair in subsequent **years**.
7. The Council not appointing the Chair of the Joint Committee in any year shall appoint one of its nominated members as Vice Chair.
8. Proposed key decisions of the Joint Committee will be published on the Forward Plan for each Council in accordance with their own Access to Information Rules.

9. Requirements in relation to Overview and Scrutiny will be met in each case by the Overview and Scrutiny Committees of the relevant Council. The relevant Overview and Scrutiny Committee will be the closest to the Corporate Scrutiny Committee for each Council.
10. Meetings will be governed by the Executive Procedure Rules and the Access to Information Rules for each Council and where they differ by agreement between the Monitoring Officers of the two Councils as to which of the two sets of Rules will be applied.
11. The Joint Committee shall meet once every two months (bi-monthly) unless otherwise determined by the Joint Committee. Cancellation of meetings shall be agreed by the Joint Committee or both Leaders.
12. Additional meetings can be called by Monitoring Officer for the Chair by providing at least five clear days' notice to Member of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings. Additional meetings may be called if either Leader requests it.
13. The Democratic Services for the Chair will send out agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Council.
14. A meeting of the Joint Committee will require a quorum of at least two members from each Council.
15. The rules of the Joint Committee will otherwise be the rules of the Council associated with the Chair for the time being, and where there is any conflict or uncertainty the relevant rules will be agreed between the Monitoring Officers for each of Councils.
16. Public speaking at the Joint Committee will be at the discretion of the Chair but in any event limited to one speaker for or against an item on the agenda for a maximum of two minutes.

PATROL Adjudication Joint Committee

Representation : currently one Member from each Council

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

Additional information

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

Northamptonshire Police, Fire and Crime Panel

Representation: to be determined

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

PART 7

Overview and Scrutiny

7.0 Overview and Scrutiny

7.1 Overview and Scrutiny Arrangements

The Role of Overview and Scrutiny

7.1.2 The Council operates an Overview and Scrutiny function that undertakes a number of roles including:

- a) monitoring the decisions of the Cabinet;
- b) advising the Council on forthcoming decisions;
- c) the development and review of policy; and
- d) call-in of a decision which has been made by the Cabinet but not yet implemented.

7.1.3 The Overview and Scrutiny function will develop a work plan as well as supporting policy development, providing pre-decision scrutiny where appropriate, holding decision-makers to account and exercising the formal call-in of executive decisions to review any concerns about the making of the decision.

7.1.4 Further details are set out in the Overview and Scrutiny Procedure Rules in this Constitution.

7.2 Overview and Scrutiny Procedure Rules

1 The Overview and Scrutiny Committees

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

2 Co-optees

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

responsibility of the Cabinet. Parent Governor Representatives will be appointed in accordance with the guidance published by the relevant government department.

3 Agenda for meetings of the Overview and Scrutiny Committees

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

4 Policy review and development

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

5 Reports from an Overview and Scrutiny Committee

- 5.1 Once recommendations have been formed, an Overview and Scrutiny Committee may submit a formal report for consideration by the Cabinet (if the proposals relate to an executive function and are consistent with the existing budgetary and policy framework), or to the Council as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 5.2 Where an Overview and Scrutiny Committee cannot agree on a single, final report to the Cabinet then one minority report may be submitted to the Cabinet with the majority report.
- 5.3 The Council or the Cabinet shall consider the report of an Overview and Scrutiny Committee at the next available meeting. The Council or the Cabinet shall respond to that Overview and Scrutiny Committee within two months (or following the next available meeting in the case of the Council) of it being submitted.

6 Minority Reports

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

minority report, a minority report cannot then be subsequently submitted.

- 6.3.3 Where the intention to produce a minority report has been recorded in the minutes, Democratic Services will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Democratic Services within 5 working days after the Overview and Scrutiny Committee meeting.
- 6.3.4 In order that a minority report is given the opportunity to be noted in context by the Cabinet, where it has been produced within the agreed timescale it will be attached as an appendix to the majority report.
- 6.3.5 The Monitoring Officer will determine if a minority report should be exempt from publication, in which case the usual procedures for the publication of exempt reports apply.
- 6.3.6 The drafting and submission of the minority report remains the responsibility of the Councillors who have proposed it and not Democratic Services. The report will include details of the Councillors who have submitted the minority report, as well as its issues and any alternative recommendations.
- 6.3.7 It is normally expected that an Overview and Scrutiny Committee will have taken into account all the relevant information available and as such a minority report will be based on the same evidence as a majority report.

7 Rights of Overview and Scrutiny Committee members to documents

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

8 Councillors and Officers giving account

- 8.1 An Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require the Leader or any Portfolio Holder, to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;

- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance,

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

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

or Officer, arrange an alternative date for attendance.

9 Attendance by others

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

10 Call-in

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

unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decisions digest.

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

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

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

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

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

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

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

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

Committee and the Head of Paid Service.

10.6 Consideration by the Overview and Scrutiny Committee

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

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

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

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

10.7 Decisions Referred Back to the Decision-Maker

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

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

11 Call-In and Urgency

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

12 Councillor Call for Action

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

13 The Party Whip

- 13.1 It is generally accepted that the Party Whip should be suspended in respect of Overview and Scrutiny matters. However, when considering any matter in respect

of which a member of an Overview and Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

14 Task and Finish Panels

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

15 Procedure at Overview and Scrutiny Committee meetings

- 15.1 An Overview and Scrutiny Committee shall consider the following business:
- (a) record of the last meeting;
 - (b) consideration of any matter referred to the Committee by the Council or by the Cabinet;
 - (c) consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
 - (d) responses of the Cabinet on reports of that Overview and Scrutiny Committee; and
 - (e) the business otherwise set out on the agenda for the meeting.
- 15.2 Where an Overview and Scrutiny Committee conducts investigations (e.g. with a

view to policy development), the Committee may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

- (a) the investigation be conducted fairly, and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Following any investigation or review, the relevant Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.