



Cabinet

A meeting of the Cabinet will be held at the The Forum, Towcester, NN12 6AF on Tuesday 9 November 2021 at 6.00 pm at The Forum, Towcester, NN12 6AF

Agenda

Public Session	
1.	Apologies for Absence and Notification of Substitute Members
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Minutes (Pages 5 - 12) To confirm the minutes of the meeting of Cabinet held on 12 th October 2021
4.	Chair's Announcements To receive communications from the Chair.
5.	Urgent Business The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
6.	Constitution Review (Pages 13 - 316)
7.	Cottesbrooke Conservation Area (Pages 317 - 448)
8.	Harmonisation of the Garden Waste Collection Service Across West

	Northamptonshire (Pages 449 - 466)
9.	Upper Nene Valley Gravel Pits Special Protection Area (Pages 467 - 528)
10.	Local Council Tax Reduction Scheme 2022-2023 (Pages 529 - 562)
11.	Grant of Long Lease to the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire of Barnes Meadows Nature Reserve, Northampton (Pages 563 - 568)
12.	Decisions taken by the Leader of the Council under urgency procedures: Northampton Partnership Homes - Westbridge lease and development, Planning Policy Committee and Appointment to West Midlands Rail Ltd (Pages 569 - 580)

Catherine Whitehead
Proper Officer
1 November 2021

Cabinet Members:

Councillor Jonathan Nunn (Chair)

Councillor Adam Brown (Vice-Chair)

Councillor Fiona Baker

Councillor Lizzy Bowen

Councillor Rebecca Breese

Councillor Matt Golby

Councillor Mike Hallam

Councillor Phil Larratt

Councillor Malcolm Longley

Councillor David Smith

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after **Page 2**

of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Or by writing to:

West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

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West Northamptonshire Council

Cabinet Minutes

12 October 2021

Cabinet Members Present:

Jonathan Nunn (Chair)	Fiona Baker
Lizzy Bowen	Rebecca Breese
Adam Brown	Mike Hallam
Phil Larratt	Malcolm Longley
David Smith	

Other West Northamptonshire Council Members Present:

William Barter	Sally Beardsworth
Julie Davenport	Gareth Eales
Nigel Hinch	Keith Holland-Delamere
Kevin Parker	Emma Roberts
Sue Sharps	Danielle Stone
Walter Tarasiewicz	

West Northamptonshire Council Officers Present:

Joanne Barrett	Assistant Director Housing & Communities
Jane Carr	Director of Transformation
Anna Earnshaw	Chief Executive
Paul Hanson	Democratic Services Manager
Martin Henry	Chief Finance Officer
Sofia Neal-Gonzalez	Democracy Officer (minutes)
Sarah Reed	Executive Director of Corporate
Stuart Timmiss	Executive Director of Place & Economy
Catherine Whitehead	Monitoring Officer

1. APOLOGIES FOR NON-ATTENDANCE:

Councillor Matt Golby.

2. DECLARATIONS OF INTEREST

None

3. MINUTES OF THE MEETING HELD IN PUBLIC ON 14th SEPTEMBER

RESOLVED: That the minutes from the Cabinet meeting of the 14th September were approved and signed as a true and accurate record.

4. ANNOUNCEMENTS

None.

Item 05- Urgent Business

None

Item 06 - Old Black Lion Pub and St Peter's Church – Northampton Towns Fund

At the Chairman's invitation Councillor Lizzy Bowen presented the report, copies of which had been previously circulated. The committee was advised that the report also included information about St Peters Church which was a 12th century listed building. It was advised that Northampton Forward was leading on this project, there were also a number of key stakeholders involved both private and public. The committee was advised that the Church's Conservation Trust (CCT) had been in conversation with the National Bell Ringers association regarding moving their headquarters to the area and potentially using this site. It had been highlighted in the report that a local pub operator would take over the running of the pub. WNC would maintain links to the project.

Councillors made the following comments.

- The report mentioned a 'proper pub' several times, could there be clarification with what this means?
- It was noted that after any consultation there were at times members of the public who claimed to have not been consulted. It was queried whether how the consultation process is conducted could be revisited.
- It was noted that Northampton Forward had already pre-approved this decision before it had come to Cabinet.
- It was advised that many of the constituents of Spring Boroughs were unhappy about this proposal as the community already had various facilities like this one.
- The community was a diverse one and it was questioned whether the project proposal taken this into account as a shared secular space had been requested by the community.
- A proper business case for the project was requested. There had been a pub on site previously which had failed, would this be any different?

Councillor Lizzy Bowen made the following comments.

- The board make up was a government requirement and WNC had followed guidelines on this.
- With regards the Business Plan there wasn't much more that could be provided and it had been a thorough process.
- There had been a local emphasis on the lease arrangements, communication with Phipps Brewery Company had taken place regarding this.
- It was noted that the diversity of the community might not have been appreciated as much as it should have but the committee was advised that this project was not just for Spring Boroughs but for the whole of Northamptonshire.

The Chairman advised that there had been active dialogue with the local breweries.

Item 07 – Local Enforcement Plan for West Northamptonshire

At the Chairman's invitation Councillor Rebecca Breese presented the report, copies of which had been previously circulated. Cabinet was informed that each sovereign authority had had its own plan, one was now needed for WNC to bring all the authorities together. The draft had been produced by officers from all local authorities and had been written in a specific style in order to avoid jargon.

Councillors made the following comments.

- Concern was raised about the lack of staff in planning. It was queried how officers would have the time to deal with breaches over the whole of Northants when they were short staffed.
- There had been much emphasis on new builds while some older terraced houses were vacant, could these houses not be renovated and used.
- It was felt that certain parts of the plan could potentially give developers the opportunity to exploit the situation that the council finds itself in.
- It was asked how residents could be sure that any breaches would be investigated.

The Executive Director of Place & Economy advised that staffing levels were being looked at and the policy presented to Cabinet reflected the legislature and best practice that was available at the time.

Item 08 – Hackleton, Overstone and Clipston Neighbourhood Development Plans

At the Chairman's invitation Councillor Rebecca Breese presented the report, copies of which had been previously circulated. The committee was advised that approval of the reports would allow all three of the plans to move onto the next part of development.

A councillor asked whether Cabinet would actively encourage communities to invest in development plans, taking value versus cost into account.

The Executive Director of Place & Economy advised communities that wish to have development plans to be clear about the objectives that they wish to meet, and stated he was happy to attend parish council meetings to discuss.

Item 09 – Bus Service Improvement Plan

At the Chairman's invitation Councillor Phil Larratt presented the report, copies of which had been previously circulated. Apologies were given for the report not being completed and as in depth as was wanted.

As discussed at Cabinet in June the implementation of the plan meant forming an enhanced partnership with bus operators, this would be required before any funding could be released. The committee was advised that the plan was a progressive one but at the moment not fully complete. It was hoped that a completed draft would be ready in the next week, the plan would then be revisited. It was advised that a task and finish group of cross party members would be required for this project. The Council had hoped to restore many of the features and routes that had been lost.

Councillors made the following comments.

- It was advised that there had been a lack of engagement with bus drivers on this plan and concerns had been raised at full council.
- The Bus Implementation Strategy should be bold and ambitious.
- It was noted that work should be done in order to reach the Council's carbon neutral goal.
- Some villages currently had no bus services and these are essential for rural life.
- There were private services in place for University transport which could cost up to £200 per term per student.
- Cabinet was urged to read the CPRE report, it was full of important information pertaining to countryside accessibility.

- Although a cross party working group had been discussed at the June Cabinet meeting this had still not happened.
- It was advised that some councillors felt uncomfortable with delegating authority to Cabinet on this issue.
- Affordability was discussed, specifically bus fees, it was noted that costs had gone up significantly.
- It was noted that Stagecoach had extended some of their services but there were still serious connectivity issues.
- It was asked that routes be changed in a timely manner if found to not be working.

Councillor Phil Larratt made the following comments.

- The value of public transport, especially in rural areas was understood.
- The gold service buses by Stagecoach were an example of a good bus service.
- It was noted that Milton Keynes had engaged consultants to help them with the process. WNC could not afford this, so the work had been undertaken by officers.
- Once the whole plan is available it will be shared, leader from every group will receive a copy.
- The Bus Back Better initiative would be an opportunity to give back bus services to areas that had lost them.

The Executive Director of Place & Economy noted that this plan would be reviewed every year and informed Cabinet that various park and rides had been discussed.

Councillor Adam Brown suggested an amendment to the recommendations.

Agree delegated authority to the Executive Directors for Place, Economy and Transport and for Finance, in consultation with the Cabinet Members with responsibility for Environment, Transport, Highways and Waste and for Finance, to agree the final Bus Service Improvement Plan (in consultation with a cross party working group of up to 6 members) prior to submission to the Department for Transport and publication on the Council's website by 31 October 2021

Item 10 – 24 Guildhall Road refurbishment and relocation of Northampton

Arts Collective Limited

At the Chairman's invitation Councillor Lizzy Bowen presented the report, copies of which had been previously circulated. The lease agreement for this property had been for a peppercorn rent for 25 years with a get out clause at year 10 if needed. It was advised that further funding for this project had come from the Towns Fund. The project had gone through a business case which found that although more money

could have been achieved on the open market, funding then wouldn't have been an option. There had been assurance that once approval had been received the project should be completed by March 2022.

Councillors made the following comments.

- It was asked who the other tenants of the building would be.
- It was noted that the previous councils had a history of badly managed projects.
- Many historical sites had been lost over the years, so this project was an exciting one.
- It was queried as to whether the staffing levels for this project were enough.

Councillor Lizzy Bowen advised that recruitment was almost up to full capacity and that securing other tenants was in hand.

Item 12 – Approach to Community Funding for 2021/22 and 2022/23

At the Chairman's invitation Councillor David Smith presented the report, copies of which had been previously circulated.

Councillors made the following comments.

- The report was welcomed as many organisations in the charity sector had lacked clarity with regard to funding.
- This system would allow organisations to target a specific area for funding.
- It was noted that there had been no detailed timescales presented in the report.
- It was asked if the Council had the correct amount of staff in place in order to process requests in a timely fashion.
- Exceptional circumstances were mentioned in the report, could there be some clarification as to what was meant by that?
- A councillor queried what would happen to any money that was left over in this fund at the end of the year.
- A larger pot of money for the voluntary sector had been expected.
- It was noted that the current grant cycle was 1 year, could this be increased to 3, this would be helpful to organisations such as Age Concern.

Councillor Mike Hallam advised that this would allow the Council to move forward as required, and that increasing to a three year cycle could be looked at. He advised that parish councils can't apply, but that they have other avenues open to them.

Councillor Adam Brown noted that use of this fund would be monitored.

Councillor Fiona Baker had been disappointed with the time taken to create this but understood that a lot of work had taken place. Many voluntary organisations had not been able to fund raise due to covid, so this fund would be important.

Councillor Phil Larratt queried whether councillors could go through parish councils in order to fund some organisations, noting that some smaller ones might not have bank accounts etc.

Councillor Malcolm Longley advised councillors that this had been a one-off fund that was covid related, which meant care needed to be taken when allocating funds. Councillors must be sure, for this fund, that any projects should be covid-related.

Item 11 – Hardingstone Bike Park

The Chairman noted that this report contained exempt appendices and should any discussion involve them then the committee would move into private session.

At the Chairman's invitation Councillor Lizzy Bowen presented the report, copies of which had been previously circulated.

The Cabinet was informed that this had been an NBC led proposal, which now had various stakeholders including WNC, with a peppercorn rent being offered. There were very few bike parks in the country, the nearest one being nearly 2 hours away so this was an exciting venture. The section used would be a disused section of the Delapre gold course, which would include various routes for different needs.

Provisional parking is to be provided which was a requirement of the grant, with forecasted costs having increased mainly due to the price of raw materials. Cabinet was informed that some Section 106 money had been made available for this project but that there had been no firm price on the works as yet. It was hoped that work would start next year.

Councillors made the following comments.

- The maintenance of the bike park was a concern and it was questioned whether this would end up falling solely to WNC.
- It was noted that the fees had gone up significantly, this was a concern.
- Concern had been raised about the idea of delegated authority, should this not be a collaboration with all councillors involved.
- It was queried why a peppercorn rent was approved for some options but not for others.
- It was noted that a lot of emphasis had been placed on NSport.
- Could there be confirmation that should this not work, the land would not be used for a housing development.

Councillor Fiona Baker advised that having worked with NSport over a period of time she had found them to be exceptional at delivering their projects.

Councillor Lizzy Bowen agreed with the concerns raised about the price of the project, but after having investigated other parks costings found the price given was a fair one. Peppercorn rent would be used in areas where nothing else had been achieved in order to help the wellbeing of the people of the county.

Councillor Malcolm Longley advised that the Assistant Director Assets & Environment would be in charge of the project and he was very confident in his ability to complete the project. It was advised that the project was a full funded one.

Councillors Phil Larratt and Mike Hallam agreed and felt this was an excellent use for the site and would attract people to the area.

There being no further business the meeting ended at 20:50



WEST NORTHAMPTONSHIRE COUNCIL CABINET

9th November 2021

**COUNCILLOR WITH RESPONSIBILITY FOR HR & CORPORATE SERVICES:
COUNCILLOR MIKE HALLAM**

Report Title	Constitution Review
Report Author	Geoff Wild, Deputy Monitoring Officer geoff.wild@westnorthants.gov.uk

Contributors/Checkers/Approvers

Monitoring Officer	Catherine Whitehead	Emailed 25 th October 2021
Section 151 Officer	Audra Statham	Emailed 25 th October 2021
Other Director	The Executive Leadership Team.	18 th October 2021

List of Appendices

Appendix A – Draft terms of reference of the Constitution Review Task and Finish Group

Appendix B – Constitution review proposal

Appendix C – Draft revised Constitution

1. Purpose of Report

- 1.1 The purpose of this report is to:
- 1.1.1 Report on the work undertaken by the Democracy and Standards Committee to review the Constitution;
 - 1.1.2 Report the results of the consultation exercise held during August;
 - 1.1.3 Recommend amendments to the Constitution;
 - 1.1.4 Advise on next stages in the process.

2. Executive Summary

- 2.1 This report sets out details of the Constitution Review process conducted through a Task and Finish Group of the Democracy & Standards Committee ('the Committee').
- 2.2 At its meeting on 29 July 2021, the Committee:
- a) Established a Task and Finish Group to conduct a review of the Council's Constitution and make proposals to the Committee for onward recommendation to Cabinet and Full Council;
 - b) Approved a consultation programme for the Constitution review;
 - c) Noted the anticipated timeframe for the review.
- 2.3 A consultation exercise with elected members, Northamptonshire County Association of Local Councils (NCALC) and the general public was conducted during August. The responses to the consultation exercise, together with proposed amendments put forward by officers, were considered by the Task and Finish Group in two meetings during September. The outcome of those meetings was a revised Constitution showing (by way of tracked changes and marginal comments) the amendments proposed (Appendix C).
- 2.4 Following consideration and endorsement by the Committee at its meeting on 30 September, further consultation took place with the Executive Leadership Team (ELT) during October, before consideration by Cabinet at this meeting.
- 2.5 Any additional proposed amendments will be reported to the Committee at its meeting on 25 November 2021, before being submitted to Full Council for formal approval on 2 December 2021.

3. Recommendations

- 3.1 It is recommended that the Cabinet:
- a) Acknowledges the work of the Democracy & Standards Committee;
 - b) Endorses the proposed amendments to the Constitution and makes such further proposals as it thinks fit;
 - c) Recommends the revised Constitution to Full Council for approval.

4. Reasons for Recommendations

- 4.1 The reasons for the recommendations are as follows:
- a) A review of the Constitution by the Democracy & Standards Committee was agreed by Full Council on 20 May 2021 and Cabinet on 8 June 2021.
 - b) Conducting a review of the Constitution will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports decision making.

5. Report Background

- 5.1 West Northamptonshire Council was established on 1 April 2021 as a result of local government reorganisation that took place pursuant to the Northamptonshire Structural Changes Order 2020.
- 5.2 A West Northamptonshire Shadow Authority was established in the period leading up to 1 April 2021 to ensure the new unitary authority was ready to operate once established. One of the tasks undertaken by the Shadow Authority was the development of a Constitution for the new authority.
- 5.3 The Shadow Authority established a Member Task and Finish Group to progress the drafting of the Constitution. The draft Constitution was approved by the Shadow Executive on 21 February 2021 and the Shadow Authority gave final approval to the Constitution on 10 March 2021.
- 5.4 At the first West Northamptonshire Full Council meeting on 20 May 2021, several amendments to the Constitution were agreed. Council also resolved that: *“A further review of the Constitution be carried out by the Democracy and Standards Committee and referred to a future meeting of Council”*. On 8 June 2021 Cabinet made the same resolution and approved those amendments that related to executive matters.
- 5.5 At its meeting on 29 July 2021, the Democracy & Standards Committee:
- a) Established a Task and Finish Group to conduct a review of the Council’s Constitution and make recommendations to the Committee for onward submission to Cabinet and Full Council;
 - b) Appointed five members of the Committee to the Task and Finish Group:
 - i. Cllr Patel (Con)
 - ii. Cllr Irving-Swift (Con)
 - iii. Cllr Cole (Con)
 - iv. Cllr G Eales (Lab)
 - v. Cllr Harris (LibDem)
 - c) Agreed the draft terms of reference of the Task and Finish Group (Appendix A);
 - d) Endorsed the proposal set out in Appendix B and the review principles set out in paragraph 6.2;
 - e) Approved a consultation exercise be conducted during August with all elected members, the chief executive of NCALC, together with parish councils and members of the public (via the Council’s [consultation hub](#));
 - f) Noted the anticipated timeframe for the review as set out at paragraph 5.15.
- 5.6 A draft consultation questionnaire was agreed by members of the Task and Finish Group and emailed to all Members on 2 August. The questionnaire was launched on the Council’s consultation hub on 3 August and remained open until midnight on 31 August. A tick box was included on the opening page for respondents to indicate their status (including one for Members to state that they were a councillor).
- 5.7 In addition, the online survey was sent to:
- a) West Northants Residents Panel (comprising 500+ individuals);
 - b) West Northants Consultation Registrar (comprising individuals and organisations who have registered to be informed about West Northants consultations);

- c) WNC councillors and Town and Parish councillors;
- d) The chief executive of the Northamptonshire County Association of Local Councils, for distribution to its members and for his personal response.

5.8 In addition, officers in the Communications Team issued a news story for the press and social media to promote awareness of the consultation exercise.

5.9 The consultation questionnaire and survey responses were considered in detail by the Task and Finish Group at its meetings on 6 and 21 September. There were 98 online responses plus 95 other responses that were not submitted online, giving a total response to the survey of 193.

5.10 Respondents included 19 WNC councillors, 65 parish councillors, 3 representatives of the local business community, 2 representatives of a public sector partner, 15 representatives of a voluntary or community organisation, NCALC and 7 council employees.

5.11 A quantitative summary of the responses is shown in the table below. The qualitative (free text) responses, together with a comprehensive analysis of the comments received, were considered by the Task and Finish Group and reported to the Committee.

Question		Agree	Disagree	Neither Agree nor Disagree	No response
1	Do you agree or disagree that the Constitution provides guidance on how the Council provides leadership to the community in partnership with citizens, businesses and other organisations?	46 (24%)	27 (14%)	34 (18%)	86 (44%)
2	Do you agree or disagree that the Constitution supports the active involvement of citizens in the process of council decision making?	36 (19%)	44 (23%)	26 (13%)	87 (45%)
3	Do you agree or disagree that the Constitution is easy to understand and is up to date?	26 (13%)	41 (21%)	39 (20%)	87 (45%)
4	Do you agree or disagree that the Constitution helps councillors to represent their constituents more effectively?	23 (12%)	40 (21%)	41 (21%)	89 (46%)
5	Do you think the Constitution enables decisions to be taken efficiently and effectively?	Always – 3 (2%) Usually – 53 (27%) Rarely – 24 (12%) Never – 7 (4%)			
6	Do you agree or disagree that the Constitution ensures that those responsible for decision-making are clearly identifiable to local citizens and that they explain the reasons for decisions?	32 (17%)	41 (21%)	30 (16%)	90 (46%)
7	Do you agree or disagree that the Constitution creates a powerful and effective means of holding decision makers to public account?	24 (12%)	44 (23%)	33 (17%)	92 (48%)
8	Do you agree or disagree that the Constitution ensures that proposals and decisions are effectively and fairly reviewed?	20 (10%)	42 (22%)	36 (19%)	95 (49%)
9	Do you agree or disagree that the Constitution provides	21 (11%)	38 (20%)	38 (20%)	96 (49%)

a means of improving the delivery of services to the community?				
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- 5.12 In addition, a table of responses and proposed amendments received from the Liberal Democrat Group on 31 August was considered in detail by the Task and Finish Group.
- 5.13 Over the course of its two meetings, the Task and Finish Group went through the whole of the Constitution, discussed several specific areas in detail, considered the consultation responses, endorsed a number of proposals for change and made several recommendations for amendment to the Constitution. The revised draft Constitution is attached at Appendix C, showing by way of tracked changes the proposed revisions and in marginal comments the issues still to be determined.
- 5.14 Whilst many of the proposed amendments are administrative in nature or to comply with legal requirements, members’ attention is specifically drawn to the following proposed amendments:
- a) Principles of Decision Making (page 7)
 - b) Opposition speeches, Member questions and motions on notice at Full Council meeting (pp.23, 31, 32)
 - c) Substitute members (p.42)
 - d) Planning Policy Committee draft terms of reference (page 74)
 - e) Public interest test for exempt agenda items (p.90)
 - f) Councillor Call for Action (p.106)
 - g) Sensitive interests (p.126)
 - h) Call-in of planning applications (p.157)
 - i) Protocol for Speaking at Planning Committee (p.161)
 - j) Recording and publishing officer decisions (p.181)
- 5.15 The timetable for the review is set out below, which balances the need to ensure that the Constitution is up to date and fit for purpose as soon as possible against the need to carry out a thorough and detailed review. The shaded sections have been completed.

July 2021	29 th – Democracy & Standards Committee establishes Task and Finish Group, approves Terms of Reference, endorses constitution review principles, and approves consultation programme.
August 2021	1 st -31 st - Consultation on revisions to the 1 st Constitution in accordance with consultation programme agreed by the Democracy and Standards Committee.
September 2021	6 th -21 st - Task and Finish Group reviews consultation responses and makes recommendations for amendments in conjunction with officers supporting the Task and Finish Group. 30 th - Democracy & Standards Committee reviews findings and confirms recommendations.
October 2021	ELT inputs and reviews consultation responses and proposed amendments to the Constitution.
November 2021	9 th – Cabinet reviews and comments on proposed amendments to the Constitution.

	25 th – Democracy & Standards Committee considers responses from ELT and Cabinet, and agrees report recommending changes to Constitution for approval at full Council.
December 2021	2 nd – Full Council gives formal approval of changes to the Constitution.

5.16 At its meeting on 30 September 2021, the Committee:

- a) Noted the responses to the consultation programme;
- b) Acknowledged the work of the Task and Finish Group;
- c) Endorsed the proposed amendments to the Constitution;
- d) Recommended the revised Constitution to Cabinet for comment and further consideration.

6. Issues and Choices

6.1 It was necessary for the Constitution to be developed relatively quickly during the shadow period before the authority came into existence, with a view to putting a core instrument in place. A further detailed review of this fundamental governance document at this stage is beneficial for several reasons:

- a) It enables the Constitution to be improved to reflect the wishes of the Council during the first year of its operation;
- b) It takes account of consultation responses from various stakeholders, e.g. senior officers, elected members, parish councils, third sector organisations, the business community and the general public;
- c) It also presents an opportunity to ensure that the Constitution is compliant with current legal requirements, that the content is complete and the various components are cross-referenced and accessible.

6.2 When the Shadow Council was developing the Constitution, the Member Task and Finish Group agreed the following principles, which enabled Members and officers to work together collaboratively to frame a new Constitution:

- Transparency – makes it clear what our rules are
- Accountability – explains clearly who makes which decisions
- Efficiency – keeps the cost of decision making down
- Accessibility – is accessible to all
- Inclusivity – encourages public participation
- Concise – describes what it needs to succinctly.

The Committee approved these same principles for application in this current Constitution review.

6.3 The alternative choices are to not conclude a Constitution review at all, or to conclude the review at a later date or in accordance with a different timetable. These options are not recommended as a need for a review has been identified and it is important to ensure the Constitution is fit for the new Council's purposes and compliant with all current legal requirements as soon as possible.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are staffing implications in terms of the officer time required to support the Constitution review process. However, these requirements can be met with existing staff resources.

7.1.2 There are no financial implications arising directly as a result of the Constitution review process.

7.2 Legal

7.2.1 Every local authority is under a legal duty to prepare and keep up to date its Constitution (see Appendix B). In particular, section 9P of the Local Government Act 2000 requires the Constitution to contain:

- a) a copy of the authority's standing orders;
- b) a copy of the authority's code of conduct;
- c) such information as the Secretary of State may direct; and
- d) such other information (if any) as the authority considers appropriate.

7.2.2 Regular review of the Constitution helps to ensure these legal requirements are met.

7.3 Risk

7.3.1 There are no significant risks arising from this report. Conducting a Constitution review process helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

7.4 Consultation

7.4.1 The consultation implications arising from this report have been considered above.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not applicable to this report.

7.6 Climate Impact

7.6.1 No climate or environmental impacts have been identified as arising from this report.

7.7 Community Impact

7.7.1 There are no direct community impacts arising from this report. However, any specific community impacts that arise from amendments to the Constitution have been considered by the Task and Finish Group at the time recommendations for amendments were made.

8. Background Papers

8.1 Reports to the Democracy & Standards Committee, 29 July and 30 September 2021.

Democracy and Standards Committee

Constitution Review Task and Finish Group

DRAFT TERMS OF REFERENCE

In accordance with the review principles approved by the Democracy and Standards Committee:

1. To identify, in conjunction with officers, areas of the Constitution that require review and consider proposed amendments.
2. To conduct a consultation exercise on changes to the Constitution with those stakeholders identified in the consultation programme agreed by the Democracy and Standards Committee.
3. To review consultation responses and consider any necessary amendments to the Constitution arising from them.
4. To report to the Democracy and Standards Committee recommending amendments to the Constitution for onward recommendation by the Committee to Cabinet and Council.

CONSTITUTION REVIEW PROPOSAL

Introduction

A council's Constitution should primarily be a locally driven document that reflects the character and culture of the organisation. It should facilitate council business, deliver consistent, efficient and effective decision-making and enable good governance. It should not create overly bureaucratic procedures but promote transparency, efficiency and democratic accountability.

Background

West Northamptonshire Council's Constitution was introduced at short notice during the shadow authority period, with a view to putting a core instrument in place. This was to be followed by a more detailed and thorough review once the new authority was up and running, to ensure the Constitution's legal compliance and completeness.

The Council's Constitution can be found using the following link:

<https://cms.westnorthants.gov.uk/media/79/download>

Legislation

Every local authority is under a duty to prepare and keep up to date its Constitution under [s.9P of the Local Government Act 2000](#).

The Constitution must contain:

- the standing orders/procedure rules
- the members' code of conduct
- such information as the Secretary of State may direct
- such other information (if any) as the authority considers appropriate

Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

Under [s.135 Local Government Act 1972](#), every local authority must make standing orders with respect to the making of contracts for the supply of goods or materials or for the execution of works.

Under sections [8](#) and [20](#) of the Local Government and Housing Act 1989, the Secretary of State may by regulations require local authorities to incorporate in standing orders relating to their staff, meetings and proceedings. Accordingly, the Local Authorities (Standing Orders) Regulations [1993](#), the Local Authorities (Standing Orders) (England) Regulations [2001](#) and the Local Authorities (Standing Orders) (England) (Amendment) Regulations [2014](#) and [2015](#), all require certain standing orders relating to staff and council proceedings to be included in the Constitution.

Furthermore, the Secretary of State issued guidance in the form of the [Local Government Act 2000 \(Constitutions\)\(England\) Direction](#) in December 2000, which required over 80 minimum requirements to be included within Constitutions. West Northamptonshire Council's compliance with these is outlined in the table below:

	Direction Requirement	Relevant part of current Constitution
1.	A summary and explanation of the purpose and content of the Constitution	Part 1.1
2.	A description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office	Part 1.1
3.	A description of the principal roles and functions of the members of the council under executive arrangements, including the rights and duties of those members	Part 1.1 Part 8.1
4.	The scheme of allowances for members of the authority drawn up in accordance with regulations made under s.18 of the Local Government and Housing Act 1989	Part 8.6 Scheme of Allowances needs to be inserted.
5.	A description of the rights and responsibilities of inhabitants of the authority's area including: <ul style="list-style-type: none"> i. their rights to vote in elections for the return of members of the authority ii. their rights to access to information about the authority's activities iii. their rights of access to meetings of the council, its committees and sub-committees and any joint committees established with any other authority and iv. their rights of access to meetings of the executive and committees of the executive 	Part 5.4
6.	A description of the roles of the authority itself under executive arrangements, including: <ul style="list-style-type: none"> i. the functions which may be exercised only by full Council or which may to some extent be exercised only by full Council (including, in the case of a local authority operating executive arrangements, any plans and strategies which are subject to approval or adoption by full Council by virtue of reg.5 and Sch.4 para.1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) and ii. any rules governing the conduct and proceedings of meetings of full Council, whether specified in the authority's standing orders or otherwise 	Part 3 Part 5
7.	A description of the roles and functions of the chairman of the council	Part 1.13 Part 3.2 (para.6) Part 8 (Part D) Suggest amalgamate all references into one place.
8.	A description of the functions of the local authority executive which are exercisable by individual members of the executive stating, as respects each function, the name of the member by whom it is exercisable	Part 5 A table of Cabinet members and their portfolios needs to be inserted.

9.	A description of the functions of the local authority executive that are exercisable by the executive collectively or a committee of the executive stating, as respects each function, the membership of the body by who it is exercisable	Part 5 Description needs to be inserted.
10.	A description of those powers of the executive which for the time being are exercisable by an officer, stating the title of the officer by whom each of the powers so specified is exercisable, other than any power exercisable by the officer for a specified period not exceeding six months	Part 9.2 Need to distinguish between Executive and Non-Executive officer delegations. Need to allocate Local Choice Functions. Need to review and update List of Proper Officers.
11.	A description of the arrangements for the operation of overview and scrutiny committees, including: <ul style="list-style-type: none"> i. the terms of reference and membership of those committees and any rules governing the exercise of their functions and ii. any rules governing the conduct and proceedings of meetings of those committees, whether specified in the authority's standing orders or otherwise 	Part 7 Terms of reference and membership of the three Overview & Scrutiny Committees need to be inserted.
12.	A description of the roles of the executive, committees of the executive and members of the executive including: <ul style="list-style-type: none"> i. the roles, functions, rights, responsibilities and duties of members of the executive ii. in the case of a leader and cabinet form of executive, any rules governing the election of the executive leader iii. any rules governing the appointment or dismissal of members of the executive iv. any provisions in the executive arrangements with respect to the quorum, proceedings and location of meetings of the executive v. any provisions in the executive arrangements with respect to the quorum, proceedings and location of meetings of any committees of the executive vi. any provisions in the executive arrangements with respect to the appointment of committees of the executive 	Part 5 Part 8 (Parts B and C)
13.	A description of the roles of any committees or sub-committees appointed by the authority in accordance with s.101 of the Local Government Act 1972, including: <ul style="list-style-type: none"> i. the membership, terms of reference and functions of such committees or sub-committees and ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees, whether specified in the authority's standing orders or otherwise 	Part 4

14.	A description of those powers of the council which for the time being are exercisable by an officer, stating the title of the officer by whom each of the powers so specified is exercisable, other than any power exercisable by the officer for a specified period not exceeding six months	Part 9.2 Need to distinguish between Executive and Non-Executive officer delegations. Need to allocate Local Choice Functions. Need to review and update List of Proper Officers.
15.	A description of the roles of the local authority's Standards Committee and any parish council sub-committee of the Standards Committee appointed in accordance with ss.53 or 55 of the Act, including: i. the membership, terms of reference and functions of that committee or sub-committee and ii. any rules governing the conduct and proceedings of meetings of that committee or sub-committee, whether specified in the authority's standing orders or otherwise	Part 4.4
16.	A description of the roles of any area committees appointed by the authority to exercise functions in accordance with reg.16A of the Local Government (Committees and Political Groups) Regulations 1990 or, as the case may be, s.18 of the Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, including: i. the membership, terms of reference and functions of such committees and ii. any rules governing the conduct and proceedings of meetings of those committees, whether specified in the authority's standing orders or otherwise	Part 6 Need to include membership of Shared Services Joint Committee, and Police, Crime and Fire Panel.
17.	A description of any joint arrangements made with any other local authorities under s.101(5) of the Local Government Act 1972, including: i. the terms of those arrangements ii. the membership, terms of reference and functions of any joint committees established under those arrangements and iii. any rules governing the conduct and proceedings of meetings of those joint committees, whether specified in the authority's standing orders or otherwise	Part 6 Need to include membership of Shared Services Joint Committee, and Police, Crime and Fire Panel.
18.	A description of any arrangements made with another local authority for the discharge of functions by that other local authority or the executive of that other local authority in accordance with s.101(1)(b) of the Local Government Act 1972 or, as the case may be, Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000	Part 6
19.	A description of the roles of officers of the local authority, including: i. the management structure for officers of the authority	Part 8.4 Part 9.5 and 9.7 Need to incorporate at Part 9.5 (para.3.5d) the

	<ul style="list-style-type: none"> ii. any arrangements made under s.101 of the Local Government Act 1972 or, as the case may be, ss.14, 15 or 16 of the Act for the discharge of functions by officers of the authority iii. the roles and functions of the head of paid service, monitoring officer and chief finance officer iv. the code of conduct for local government employees issued by the Secretary of State in accordance with s.82 of the Act v. any rules governing the recruitment, appointment, dismissal and disciplinary action of officers of the authority vi. any protocol established by the authority in respect of relationships between members and officers 	provisions of the Standing Orders Regulations into the Employment Procedure Rules.
20.	A description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to meetings of the authority, committees and sub- committees, joint committees established with any other local authority, the executive and committees of the executive	Part 2 Part 5.4
21.	A description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to information about the decisions made or to be made by or in respect of local authority's functions and activities	Part 2 Part 5.4
22.	<p>A register stating:</p> <ul style="list-style-type: none"> i. the name and address of every member of the local authority executive for the time being and the division (if any) which they represent and ii. the name of every member of each committee of the local authority's executive for the time being 	Need to insert a link to the councillors and committees section on the website.
23.	<p>A description of the rules and procedures for the management of its financial, contractual and legal affairs, including:</p> <ul style="list-style-type: none"> i. procedures for auditing the local authority; ii. the local authority's financial rules or regulations, whether specified in the authority's standing orders or otherwise; iii. rules, regulations and procedures in respect of contracts and procurement, including authentication of documents, whether specified in the authority's standing orders or otherwise and iv. rules and procedures in respect of legal proceedings brought by and against the local authority 	Part 9.2, 9.6 and 9.7
24.	A description of the register of interests of members and co-opted members of the authority required under s.81 of the Act, together with the procedures for publicising, maintaining and updating that register	Part 8.2 (Section 3) Need to add a description of the register and reference to the website where it is published.
25.	A description of the rules and procedures for review, revision, suspension and interpretation of the authority's Constitution and executive arrangements	Part 3 (para.50) Part 4 (para.4.4.2.a) Part 9.2 (para.12)

26.	The Code of Conduct for Members	Part 8.2
	Legislative Requirement	Relevant part of current Constitution
s.135 LGA 1972	Standing orders with respect to the making of contracts for the supply of goods or materials or for the execution of works	Part 9.6
SO Regs 1993	Standing orders dealing with the appointment of chief officers. Standing orders dealing with the recording of votes and signing of minutes.	Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5. Part 3.2 (para.33) Need to add reference to not signing minutes at extraordinary meetings.
SO Regs 2001	Standing orders dealing with the appointment or dismissal of, or the taking of disciplinary action against, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer; the objection by the council to budgets, plans or strategies submitted by the Cabinet.	Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5. Part 3.4 (para.2.1)
SO Regs 2014	Standing orders dealing with the recording of votes at budget meetings	Part 3.2 (para.31)
SO Regs 2015	Standing orders dealing with the appointment or dismissal of, or the taking of disciplinary action against, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.	Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5.

Procedure

The Democracy and Standards Committee has overall responsibility for reviewing the Constitution and recommending any proposed changes to Cabinet and Full Council for approval.

The Monitoring Officer has delegated authority to make consequential amendments to the Constitution to give effect to a lawful decision; as a direct consequence of a change made outside the council, e.g. a change in legislation; and to correct an error or resolve an inconsistency. All such changes are to be reported to Council.

Proposals

The Democracy and Standards Committee be asked to:

- approve an appropriate programme of consultation with members, officers and external stakeholders, e.g. public, media, businesses, parish council, etc, on what changes (if any) they would like to see made to the Constitution and how it might be improved
- consider recommendations from the Monitoring Officer on amendments to the Constitution to ensure it is lawful, fit for purpose and up-to-date

- put forward recommendations to full Council for approval

Ahead of this, it is recommended that the following issues be considered to ensure the new Constitution is legally compliant:

- Compliance with the Secretary of State's 2000 Direction (see above);
- Clarify what documents should comprise the Policy Framework – the plans listed in the Functions and Responsibilities Regulations have reduced over time, but some of these are still included, e.g. the Annual Library Plan. Do members and officers wish to take additional plans and strategies to Council as well as to the Executive, without such plans having to be approved by Council?
- Insert the Members' Allowances Scheme;
- Insert Councillor Call for Action procedures;
- Insert details of the Community Rights;
- Insert protocol for recording and publishing officer decisions;
- Ensure the Officer Scheme of Delegation is up to date, understandable and all encompassing. Does it distinguish sufficiently between executive and non- executive functions? Does it clarify sufficiently what decisions are reserved to members?
- Insert up to date and comprehensive table of Proper Officer functions;
- Clarify Employment Procedure Rules and insert more detailed description of roles and functions of statutory chief officers;
- Clarify who would exercise or allocate executive functions in the event that a Leader is not elected (and so no cabinet is appointed), i.e. should Executive functions be delegated to the Chief Executive in the absence of a Leader and Deputy?
- Clarify where responsibility and accountability lie for the council's involvement in companies, including reviewing whether officers and members act as company directors.

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**West
Northamptonshire
Council**

CONSTITUTION

**Approved by the Council
2 December 2021**

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1.0 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 in it.
- 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 in line with expectations set by councillors.

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 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 way that the budget will be spent and invested each year. The Council appoints the Executive Leader who in turn appoints councillors to the Cabinet.
- 1.8 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.
- 1.9 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

- 1.10 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. share responsibility with officers of the Council to act as effective and caring corporate parents for looked after children;
- h. be available to represent the Council on other bodies; and attend meetings of bodies to which they are appointed.

1.11 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

1.12 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 Vice Chair, who acts as Chair when the Chair is not available. The Chair (and the Vice Chair) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events.

1.13 Although the Chair is an elected politician and is entitled to vote, they are expected to be impartial in the way they carry out the role.

1.14 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 Vice Chair can be the Leader or a member of the Cabinet.

1.15 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.

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 four types of Full Council meeting:
- a. Annual meetings – take place every year (generally in May) to appoint committees etc;
 - b. Ordinary meetings – there are a minimum of five Ordinary meetings per year;
 - c. Extraordinary meetings – meetings called for specific decisions;
 - d. Special purpose meetings - e.g. for the appointment of honorary aldermen and alderwomen.

Meetings 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 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 is placed 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 or Exempt Information (defined in Part 5) is being discussed. The Cabinet generally has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is not consistent with existing policies and budget, this must usually be referred to full Council to decide.

Principles of Decision Making

- 1.22 All council decisions will be made in the best interests of the communities of West Northamptonshire and in accordance with the following principles:
- (a) take into account all relevant considerations and ignore those which are irrelevant

- (b) compliance with finance, contract and all other procedure rules, statutory requirements, guidance and codes of practice
- (c) compliance with the Budget and Policy Framework, including directorate and service budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols in force from time to time
- (d) due consultation and proper advice is taken and consideration of alternative options before decisions are reached
- (e) impartiality and an absence of bias, pre-determination or conflicts of interest
- (f) any interests are properly declared
- (g) reasons are given for decisions
- (h) decisions are properly recorded and published
- (i) decisions are proportionate to the desired outcome
- (j) assessing the impact on human rights, equality, diversity and sustainability
- (k) a presumption in favour of transparency and openness
- (l) clarity of aims and desired outcomes
- (m) records are kept of decisions taken and reasons are given for them
- (n) following best practice, securing best value and making the most efficient and effective use of resources

1.23 The core objective is to ensure that decisions are made at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

1.24 The Council has set out to achieve this by putting in place a system of delegation known as a 'cascade of powers'. Under this system its operational powers have been delegated to the fullest extent and range possible through the hierarchy of the Cabinet, committees and the officer structure. Under this system, power follows responsibility so powers ultimately rest where they need to be so that the decisions that need to be taken to deliver the authority's objectives can be taken at the most appropriate level.

1.25 Officers tend to take the majority of operational day-to-day decisions because they operate at the point closest to service delivery. For this reason, the Council has decided that unless a power or function is specifically reserved by law or in this Constitution to the Council, the Cabinet or a committee, it stands delegated to officers to the fullest extent necessary to enable them to do everything that their role requires of them from time to time.

1.26 Any ambiguity that may arise as to whether a decision-maker is authorised to take any particular decision is to be resolved by reference back up through the hierarchy of the 'chain of cascade', and legal advice should be sought if necessary. There

should, however, be a presumption against referring (or calling) decisions back up the chain unless it is absolutely necessary to do so.

- 1.27 Individual decision-makers may nevertheless consider it would be prudent for a decision that would otherwise fall to be taken by them to instead be taken (or ratified) by:
- (a) in the case of an officer, by their manager or another officer with equivalent authority
 - (b) in the case of a decision-maker under a bespoke delegation, by the person or body who made that delegation
- 1.28 Individual decision-makers should also have particular regard as to whether a decision should be made in conjunction with any officer or member and the need to consult and take advice as appropriate.

Overview and Scrutiny function – Part 7

- 1.29 The Council operates an Overview and Scrutiny function that undertakes a number of roles including monitoring the decisions made by 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.
- 1.30 The Overview and Scrutiny function will develop a work programme and support policy development, providing scrutiny decisions are made where appropriate, holding decision-makers to account and calling-in executive decisions to review any concerns about the making of the decision. Further details are set out in Part 7. Overview and Scrutiny contributes 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

- 1.31 The Council may decide to establish Community Forums and Boards. These may be established to respond to a specific issue or meet 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 representatives of 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

- 1.32 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, ensuring that they operate impartially and work with all elected members. 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 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

- 1.33 Participation arrangements for members of the public, residents of the area, businesses, community organisations, visitors and 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.
- 1.34 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.

2.0 PUBLIC PARTICIPATION

- 2.1 In West Northamptonshire, residents, community organisations, 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 them live through our website ([West Northamptonshire Council - YouTube](#)).
- 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 by 12 noon on the day of the meeting by contacting Democratic Services (democraticservices@westnorthants.gov.uk). 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. Questions are not generally read out because they are circulated prior to the meeting; 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 30 minutes, but there is a discretion of the Chair who, in exercising their 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 welcomes petitions and recognises that petitions are one way that people express their concerns about issues affecting communities within the West Northamptonshire area.

- 2.16 Details of the Council's Petition Scheme can be found on the website ([Petition the council | West Northamptonshire Council \(westnorthants.gov.uk\)](https://www.westnorthants.gov.uk)) or can be requested by post from Democratic Services, West Northamptonshire Council, One Angel Square, 4 Angel Street, Northampton, NN1 1ED.

Budget and Policy Development

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

Public Consultation

- 2.18 We try to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, we will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.
- 2.19 We follow principles of good consultation (called Gunning Principles) when we consult. This means that we make sure:
- a. consultation is carried out at a stage when the Council has not made up its mind on any proposals;
 - b. we give enough information and reasons for any proposals to enable you to understand their impact and respond;
 - c. we give you enough time to consider our proposals and respond to them; and
 - d. we will consider all responses to the consultation when finalising the decision.

Wider Engagement

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

Social Media

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

Community Rights

- 2.23 The Localism Act 2011 introduced rights and powers for individuals and communities to take over public services, community assets and influence planning and development.
- 2.24 The community rights are a set of powers that give local people a greater say over how their community develops. They give local people the chance to decide what is built and how their area should develop. Groups of people have the chance to deliver local services and develop them into community enterprises. More details can be found on the website or by contacting Democratic Services by email (democraticservices@westnorthants.gov.uk) or by post or in person (1 Angel Square, Angel St, Northampton NN1 1ED).
- 2.25 There are five Community Rights:
- i. **Community Right to Bid** - allows communities and parish councils to nominate buildings or land for listing by the local authority as an 'asset of community value'. If the asset comes up for sale, the community can 'pause' the sale and take up to six months to find the funding required to buy the asset.
 - ii. **Community Right to Build** - gives communities the power to build new shops, housing or community facilities without going through the normal planning process. It gives local organisations the right to bring forward small-scale community-led developments.
 - iii. **Community Right to Challenge** - gives local groups the opportunity to express their interest in taking over a local service where they think they can do it differently and better.
 - iv. **Community Right to Reclaim Land** - allows communities to challenge councils and some other public bodies to release their unused and underused land so that it can be brought back into use.
 - v. **Community Asset Transfer** - the transfer of management and/or ownership of appropriate land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental well-being.

Museums

- 2.26 The Council has powers to operate a museum service for public benefit according to the Public Libraries and Museums Act 1964 and the Local Government Act 1972. The museum holds collections of objects, artworks and archives for public benefit, which should not be distributed for private gain or profit. The museum is a permanent institution in the service of the public, which acquires, cares for, researches, and makes accessible the collections in its care for the purposes of education, study and enjoyment. It is operated by statutory regulation and judicial process and is part of the Arts Council England Museum Accreditation scheme, or where this is not possible, follows Museum Accreditation practice.

3.0 FULL COUNCIL

3.1 Role

3.1.1 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, including:

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

3.2 Executive and Non-Executive Functions

3.2.1 Decisions taken by the Council are divided by law into two types: Executive and Non-Executive.

3.2.2 The law¹ specifies which functions are the responsibility of the Council, which are the responsibility of the Executive (Cabinet), and which may (but need not) be the responsibility of the Executive (Local Choice functions). All other functions not specified are the responsibility of the Executive.

3.2.3 The Council operates a Leader and Council form of Executive. References to 'the Executive' means the Leader and Cabinet, with Executive decisions being taken by the Leader, Cabinet, Cabinet committees, Cabinet Members or officers under delegated authority in accordance with, and in order to implement, the Budget and Policy Framework.

3.2.4 Non-Executive functions are either reserved to the Council or delegated by the Council to committees, sub-committees, officers or another local authority.

3.3 Local Choice Functions

3.3.1 The law² describes the decisions that are a matter of local choice. It is up to the Council to decide whether or not these functions should be the responsibility of the Executive. Having regard to government guidance, the Council has decided that Local Choice functions will be Executive or Non-Executive as set out in the table below:

¹ The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations giving effect to section 13 of the Local Government Act 2000

² Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Executive	The relevant member of the Executive Leadership Team and where this is not clear to be determined by the Chief Executive	-
2. Other than those reserved to a Non-Executive committee, the determination of appeals against any decision made by or on behalf of the authority.	Executive	The Leader in consultation with the Director of Legal and Democratic Services	-
3. The appointment of review boards under regulations under section 34(4) (determination of claims and reviews) of the Social Security Act 1998	Non-Executive	-	Education Appeals Committee
4. The making of arrangements pursuant to section 67(1) of, and Schedule 18 to, the 1998 Act (reviews of exclusion of pupils). This is now s.51A of the Education Act 2002	Non-Executive	-	Education Appeals Committee
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 Act (admission appeals)	Non-Executive	-	Education Appeals Committee
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 Act (children to whom section 87 applies: appeals by governing bodies)	Non-Executive	-	Education Appeals Committee
7. Any function relating to contaminated land.	Executive	Executive Director Place and Economy	-
8. The discharge of any function relating to the control of pollution or the management of air quality	Executive	Executive Director Place and Economy	-
9. The service of an abatement notice in respect of a statutory nuisance	Executive	Executive Director Place and Economy	-
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Executive Director Place and Economy	-

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
11. The inspection of the authority's area to detect any statutory nuisance	Executive	Executive Director Place and Economy	-
12. The investigation of any complaint as to the existence of a statutory nuisance	Executive	Executive Director Place and Economy	-
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Executive Director Place and Economy	-
14. The making of agreements for the execution of highways works	Executive	Executive Director Place and Economy	-
15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Executive	Executive Director Place and Economy	-
16. The appointment of any individual - (a) to any office other than an office in which they are employed by the authority (b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body	Executive/Non-Executive	The Chief Executive where the appointment relates to Non-Executive functions. The Leader where the appointment relates to Executive powers.	-
17. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive/Non-Executive	The Leader where the appointment relates to Executive powers. The Council where the appointment relates to Non-Executive functions.	-

3.4 Budget and Policy Framework

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.

1. Budget

1.1 The Budget is the identification and allocation of financial resources by the Council, including:

- a. Revenue expenditure
- b. Contingency and reserve funds
- c. Council Tax

- d. Borrowing requirements and limits
- e. Capital expenditure
- f. Medium Term Financial Plan
- g. Any limitations to, conditions on or rules governing the management of budgets, virement between budgets, treatment of underspends, windfall income or reserves contained within the Finance and Contract Procedure Rules

2. Policy Framework

2.1 The Council has agreed that the following list of plans and strategies relevant to its functions will sit within the Policy Framework, some of which are required by law³ to be decided by Full Council, usually on the recommendation of Cabinet:

- a. Children and Young People’s Plan
- b. Crime and Disorder Reduction Strategy
- c. Plans, documents and alterations that together comprise the Local Plan
- d. Licensing Authority Policy Statement
- e. Local Transport Plan
- f. Youth Justice Plan
- g. The Corporate Plan
- h. Minerals and Waste Development Framework, comprising the following Local Development Documents:
 - i. Minerals and Waste Core Strategy;
 - ii. Locations for Minerals Development;
 - iii. Locations for Waste Development;
 - iv. Control and Management of (Minerals and Waste) Development;
 - v. Development and Implementation Principles for Minerals and Waste Development (Supplementary Planning Document).

3.5 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 3.3 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 Policy Framework

2.1 The process by which the Budget and Policy Framework shall be developed is:

^{3 3} Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- 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. 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 Budget and Policy 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, specified officers acting under urgency provisions, 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

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

6. In-year changes to Policy Framework

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 Executive Leader, 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.
- d. The Council may either:
 - i. 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
 - ii. 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
 - iii. 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.

3.6 Council Meeting Procedure Rules

1. Full Council meetings

Time and place of meetings

- 1.1 All Full Council meetings shall start at 6.00pm or, where it is impracticable to hold the meeting at the usual time, 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. Appoint 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 Executive 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 30 minutes in total to respond to any questions relating to West Northamptonshire Council from members of the public who are residents of, or working in West Northamptonshire;
 - f. Provide 15 minutes in total to receive a Priority Opposition Motion to be notified by the Leader of the largest political group not forming part of the Administration.
 - g. Provide 45 minutes in total to receive written reports from Portfolio Holders and provide responses to questions from Members;
 - h. Deal with any business adjourned from the last Council meeting;
 - i. 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;
 - j. Consider motions; and
 - k. 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 require 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 Executive Leader.

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 their 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.

Out of Order

- 6.2 The Chair may at any time rule out of order and reject any motion, amendment, 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 or irrelevant;
 - 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 9.30pm, 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 9.30 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 9.45pm.
- 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 an unrecorded vote will be taken on whether the item should be accepted, referred, deferred or withdrawn.
- 10.4 Any proposal to refer, defer or withdraw an item that has not yet been dealt with must be moved and seconded before any vote is taken in accordance with paragraph 10.3 above. If such a proposal is made, it shall be voted on without debate.

11. Urgent business

- 11.1 Business cannot be normally 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 initial each page and 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. Procedural Motions that 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 proceeds 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 50;
- 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 47 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 the Cabinet 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 ([Petition the council | West Northamptonshire Council \(westnorthants.gov.uk\)](https://www.westnorthants.gov.uk/petition-the-council)).

18. Statements

- 18.1 Up to three members of the public 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 24 hours prior to the meeting by contacting Democratic Services by email (democraticservices@westnorthants.gov.uk) or by post or in person (1 Angel Square, Angel St, Northampton NN1 1ED).
- 18.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement may be ruled out of order in accordance with the provisions of paragraph 6.2.

19. Public Questions

- 19.1 At ordinary meetings of Full Council, questions can be asked by members of the public 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 30 minutes which can be extended at the Chair's discretion.

20. Notice of questions

- 20.1 No person may submit more than two questions at any one meeting.
- 20.2 No question may be sub-divided into more than two related parts.
- 20.3 Questions must be delivered in writing or by email to Democratic Services no later than 10am, three clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
- 20.4 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.
- 20.5 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.

21. Scope of questions

- 21.1 The question must be relevant to the powers and duties of the Council and be clear, succinct and concise.
- 21.2 A question will be rejected where it:
 - a. has been ruled out of order in accordance with the provisions of paragraph 6.2;
 - b. is considered by the Chair to be inappropriate for the particular meeting.
- 21.3 The Chair's ruling on rejection of a question will be final, following consultation with the Monitoring Officer.
- 21.4 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection.

22. At the meeting

- 22.1 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.
- 22.2 Questions will be taken as read. However, if a questioner wishes to ask their question at the meeting, they will be given up to three minutes to ask the question.
- 22.3 Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting.
- 22.4 Clear, concise and succinct written replies will be given to questions by the relevant Cabinet member or committee chair or their nominee, but shall not be the subject of any further debate. Where the reply cannot be given at the council meeting, a written answer will be provided to the questioner within five working days of the meeting.
- 22.5 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.

23. Supplementary questions

- 23.1 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.
- 23.2 The Chair may reject the supplementary question on the grounds listed in Rule 6.2 above.
- 23.3 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if they are 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.

24. Form of response

- 24.1 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.

25. No debate on questions

- 25.1 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.

26. Priority Opposition Motion

- 26.1 The Leader of the largest political group not forming part of the Administration may move a single Priority Motion on notice (in accordance with Rule 28).
- 26.2 The proposer may speak for up to five minutes, the seconder may speak for up to three minutes, and the member responding on behalf of the Administration may speak for five minutes. No other questions or debate shall be allowed. The total time allowed for the item will be 15 minutes..

27. Questions relating to Portfolio Holder reports

- 27.1 Cabinet Overviews will be circulated to all Members before the start of the meeting.
- 27.2 A period of up to 45 minutes in total 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 2 minutes) and upon which Members will be able to ask the relevant Portfolio Holder questions without notice (with a time limit of 2 minutes per speaker). Each Portfolio Holder will then have a single opportunity to reply to all questions.
- 27.3 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 Member.

28. Notices of Motion

Procedure

- 28.1 Notice of every motion (other than a motion which may be moved without notice under Procedure Rule 15) shall be given in writing, signed by the Member(s) giving the notice, and delivered at least seven clear 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.
- 28.2 Motions that have been received and not ruled Out of Order will be shared with the leader of each political group (and/or their nominee) prior to the publication of the summons, where possible.
- 28.3 The number of motions on notice at any one meeting shall not exceed five, including the Priority Opposition Motion, except where they relate to a report on the agenda.
- 28.4 The largest political group not forming part of the Administration may move up to two motions on notice at each Council meeting. Other opposition political groups may move a maximum of two motions on notice in total between them. The number of motions on notice submitted by the political group(s) forming the Administration shall be limited to one.
- 28.5 Motions shall be taken in the order of receipt of notice; and the consideration of motions shall not take longer than 60 minutes in total.

Scope

- 28.6 Motions must be about matters for which the Council has direct responsibility or influence.
- 28.7 Motions must be capable of being passed as a formal resolution.
- 28.8 The Chair, following consultation with the Monitoring Officer, may rule a motion Out of Order under Rule 6.2,
- 28.9 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

- 28.10 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 they proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons in the order in which they have been received.

Withdrawal of Motion which is before the Council

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

Motions not moved

- 28.12 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 their 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

- 28.13 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 their agreement to the deferral and the Chair of the Council indicates, in writing, their agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

29. Rules of Debate

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

Motions and Amendments

- 29.2 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 their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions which do not require notice.

Secunder's Speech

- 29.3 When seconding a motion or amendment, a councillor may advise the Chair that they will reserve their right to speak until a later period in the debate.

Only one councillor to stand at a time

- 29.4 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

- 29.5 A councillor will confine their 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

- 29.6 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 they last spoke, to move a further amendment;
 - c. if their first speech was on an amendment moved by another councillor, to speak on the main issue, whether or not the amendment on which they 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.
- 29.7 At committees or sub-committees, councillors may, at the discretion of the Chair, speak more than once.

Amendments

- 29.8 An amendment to a motion must:
- a. be relevant to the motion;
 - b. add and/or delete a word or words;
 - c. not introduce a new topic;
 - d. not negate the motion;
 - e. be worded so that, if it is agreed by the council, it can be passed as a valid resolution.
- 29.9 The Chair, following consultation with the Monitoring Officer, may rule an amendment Out of Order under Rule 6.3. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Council.

Notice of Amendments

- 29.10 A councillor who wishes to propose an amendment to a report included with the summons or a motion submitted on the summons 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 included within the summons of the meeting may be moved without notice.

Number of Amendments

- 29.11 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.

Status of Amendments

- 29.12 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

- 29.13 A councillor may alter a motion or amendment of which they have given notice and may also, with the consent of the seconder, alter a motion or amendment which they have 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

- 29.14 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

- 29.15 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 their amendment.

Motions which may be moved during debate

- 29.16 When a motion is under debate no other motion shall be moved except the following:
- a. To amend the motion (subject to Rule 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

- 29.17 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 their opinion the matter before the meeting has been insufficiently discussed, they 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 their opinion the matter before the meeting has been insufficiently discussed, they 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 their opinion the matter before the meeting has been insufficiently discussed on that occasion they 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

- 29.18 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 they consider it has been breached. A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.

Ruling of Chair on a Point of Order/Personal Explanation

- 29.19 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

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

30. Rules of Debate at Budget meetings

- 30.1 The following rules of debate apply to Budget meetings as defined in Rule 5 above.

Order, Content and Length of Speeches

- 30.2 At a budget meeting of the Council, the following rules shall apply to debate on the annual budget.
- 30.3 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 Executive Leader, or their 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 other 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, may 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 speak.
 - d. The Leaders of each of the minor opposition groups, or their nominees, may 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 speak.
 - 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 mover 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

- 30.4 In order to be approved, all alternative Budget proposals that any political group or member wishes to be considered must be provided in final form, following prior consultation and written approval of the Chief Finance Officer, five clear working days in advance of the Budget meeting.
- 30.5 Any submissions not received within five clear working days of the Budget council meeting will not be allowed.
- 30.6 Any submissions not prepared in a form acceptable to the Chief Finance Officer as being capable of being adopted by the council as a lawful budget will not be allowed. The text of all alternative budgets or proposed amendments to the Budget must also 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.
- 30.7 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.
- 30.8 No further amendment may be moved until the alternative budget or amendment to the Budget under discussion has been dealt with.
- 30.9 If an alternative budget or proposed amendments to the Budget are 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.

31. Rescission of earlier resolution

- 31.1 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.
- 31.2 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.

32. Voting

- 32.1 Each Councillor has one vote.
- 32.2 Voting will be by a show of hands or, where practical and the means are available to those present, by suitable electronic means.

- 32.3 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.
- 32.4 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 32.5 A councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.
- 32.6 A councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 32.7 Where there are equal votes cast for a motion or amendment the Chair or the person presiding may exercise a second or casting vote.

33. Offices and Appointments

- 33.1 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.

34. Election of Chair of committees and sub-committees

- 34.1 The Chair of every committee and sub-committee excluding the Cabinet will be elected at the annual meeting of the Council where possible.
- 34.2 The councillor elected to each office must be a member of the relevant committee or sub-committee.
- 34.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the committee or sub-committee concerned.
- 34.4 Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices.

35. Urgent business – Non-Executive Matters

- 35.1 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.
- 35.2 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that they have first consulted the relevant Chair (or Vice Chair if the Chair is not available).
- 35.3 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.
- 35.4 Any such action shall be recorded in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.
- 35.5 The Monitoring Officer shall supply details of any decision or action taken by the Head of Paid Service under these provisions to the next meeting of the committee or sub-committee that would have taken the decision if it had not been urgent.

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

3.7 Committee and Sub-Committee Meeting Procedure Rules

1. Programme of meetings

- 1.1 Meetings of committees and sub-committees will be set out in the calendar of meetings approved by the Council under Rule 1.16 above. Alterations to the date, time and/or venue for meetings, as well as the inclusion of additional meetings, shall only be where it is impracticable to hold the meeting at the usual time and shall be matters for the Chair of each committee to determine as set out in Rule 1.2 below.
- 1.2 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.

2. Chairing

- 2.1 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.
- 2.2 In committee or sub-committee meetings, whenever the Chair rises from their seat, the councillors should remain in their seats and the committee or sub-committee shall be silent.

3. Quorum at committees and sub-committees

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

4. Minutes of committees and sub-committees

- 4.1 The minutes of a committee or sub-committee must be confirmed at its next meeting.
- 4.2 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.
- 4.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the minutes.

- 4.4 The minutes of any sub-committee must be submitted to the next suitable meeting of the parent committee by the sub-committee Chair.
- 4.5 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.
- 4.6 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.
- 4.7 Any question about the accuracy of any minute of a body must be considered and determined by that body at its next suitable meeting.

5. Requests by Members for items of business to be included on agendas of a committee or sub-committee

- 5.1 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.
- 5.2 This Rule does not apply to special meetings of committees and sub-committees or to the Cabinet.
- 5.3 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.
- 5.4 A councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the name of that councillor. A notice may be submitted electronically provided the notice has been originated by that councillor.
- 5.5 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.
- 5.6 Items arising from such notices shall appear on the agenda after the ordinary public or private agenda items.
- 5.7 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 Rule 41.4 above on the number of items shall not apply to items submitted under this paragraph.

6. Committee and Sub-Committee Agendas - Urgent items of business

- 6.1 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.
- 6.2 The Chair of the committee or sub-committee may agree to deal with an item of business at the meeting if, in their 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.

7. Attendance of councillors at committees and sub-committees of which they are not members

- 7.1 Notwithstanding their rights as a member of the public, a councillor may attend any meeting of a committee or sub-committee to which they have not been appointed, for the purposes of performing their duties as a councillor, including when exempt or private and confidential business is transacted.
- 7.2 A councillor will be given, when they arrive at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under the Access to Information Procedure Rules.
- 7.3 The councillor has no right to vote but may speak with the consent of the Chair of the meeting.

8. Overview and Scrutiny Committees and Sub-Committees

- 8.1 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.

3.8 General Provisions

1. Records of attendance

- 1.1 The Monitoring Officer will keep a record of Members attending any meeting of the Council, the Cabinet, and any committee or sub-committee.

2. Disclosure of confidential/exempt matters

- 2.1 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.
- 2.2 All councillors will familiarise themselves and not contravene the Access to Information Rules or the Members’ Code of Conduct set out within the Constitution.

3. Substitute Members

- 3.1 Political groups may nominate some or all their councillors to be substitutes for appointed members of committees, joint committees, sub-committees, working groups and panels (and the Monitoring Officer shall have authority to give effect to those nominations in accordance with this procedure rule), provided that in the case of the:
 - (a) Regulatory committees and sub-committees, substitutes must have received suitable training
 - (b) Scrutiny committees and Audit and Governance Committee, all councillors except Cabinet members are permitted to be substitutes
- 3.2 Each political group shall notify the Monitoring Officer of its substitute members and, in respect of each substitute member, which committees, joint committees, sub-committees, working groups and panels they may serve on.

- 3.3 Notice of substitution (or any cancellation) stating the name of the substitute must be given to Democratic Services before the commencement of the meeting concerned. Notification is for each meeting or until further notice.
- 3.4 If the original appointed member arrives when the meeting is in progress, the substitution will remain effective and the original appointed member will not be allowed to participate in the decision making. It is not possible to substitute for part of a meeting only.
- 3.5 The chair shall inform the meeting of any substitutions before the commencement of the meeting.
- 3.6 Substitute members have all the powers and duties (including compliance with any mandatory training requirements) of any appointed member, but are not able to exercise any special powers or duties exercisable by the appointed member.

4. Disorderly conduct by Members

- 4.1 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.
- 4.2 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.
- 4.3 In the event of general disturbance 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.

5. Disturbance by members of the public

- 5.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall issue a warning to them. If they continue, the person presiding shall order their removal from the meeting.
- 5.2 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 adjourn the meeting.

6. Variation and revocation of Procedure Rules

- 6.1 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.

7. Suspension of Procedure Rules

- 7.1 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.
- 7.2 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.

8. Interpretation of Procedure Rules

- 8.1 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.
- 8.2 The person presiding, shall consult with the Monitoring Officer or their nominee on any question of interpretation.

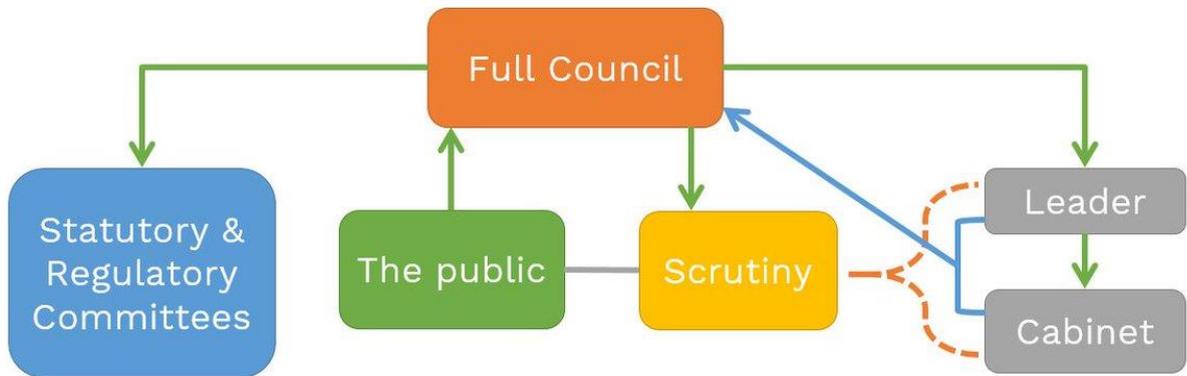
9. Submission of Notices by Members – Electronic Means

- 9.1 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.

4.0 COMMITTEES

4.1 Committee Structure

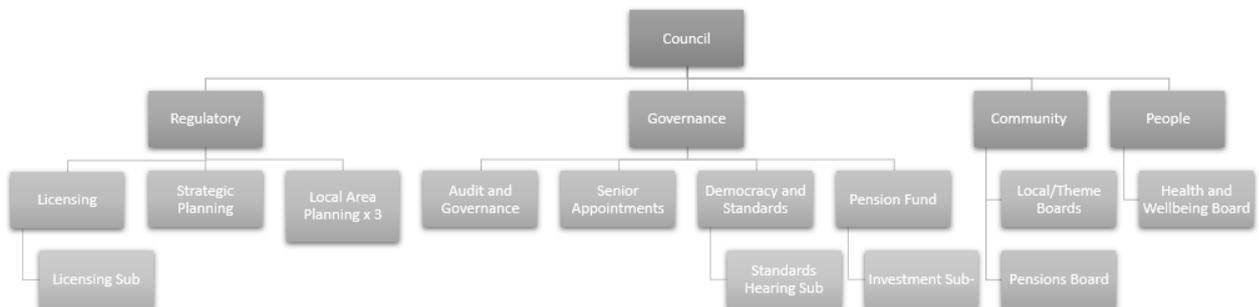
Council governance & decision-making



Elects / appoints →
 Sets direction →
 Has an interest —
 Holds to account - - -



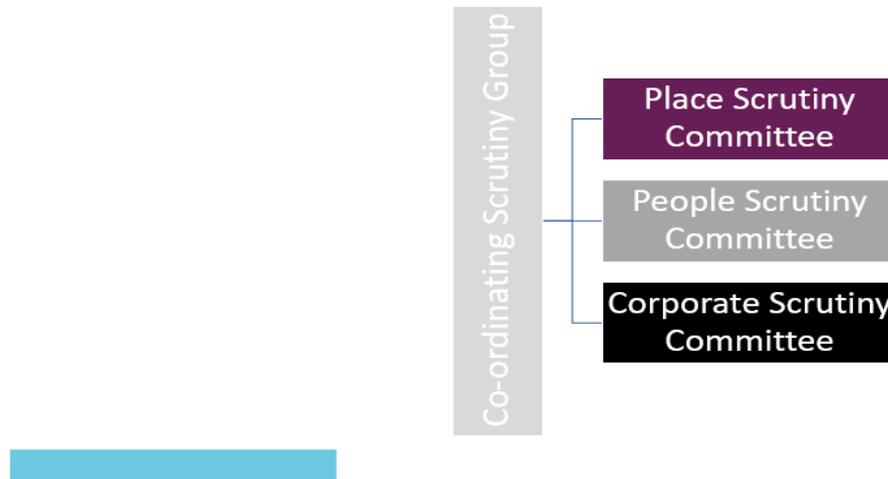
Non-Executive



Executive Arrangements



Scrutiny Arrangements



4.2 Alcohol and Gambling Licensing Committee

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

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

4.2.1 Role and Functions

- (a) To deal with all the licensing functions of the Council under the Licensing Act 2003 (“the 2003 Act”) and the Gambling Act 2005 (“the 2005 Act”) (except such functions as cannot be delegated).
- (b) For the avoidance of doubt, the Alcohol and Gambling Licensing Committee shall exercise an advisory role in relation to executive functions.
- (c) To approve licensing policy in compliance with the provisions of the 2003 Act, the 2005 Act and any regulations made thereunder (except matters specifically reserved by statute to Council or the Cabinet).
- (d) The Alcohol and Gambling Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties under the 2003 and 2005 Acts.
- (e) Sub-committees will have full delegated powers to determine all applications made under the 2003 and 2005 Acts.
- (f) Each sub-committee will comprise three Members drawn from the Alcohol and Gambling Licensing Committee.

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

- (a) To hold hearings to determine licensing applications under the 2003 Act, where a representation has been received, except where there is a valid delegation to officers under the provisions of parts 9.2.1 and 9.2.3 of this Constitution insofar as they apply to the delegation of non-executive powers and duties set out in 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 Part 8 of the 2005 Act where a representation has been received or where the Executive Director of Place and Economy proposes that the power under Section 169(1)(b) be exercised to exclude mandatory premises licence conditions;
- (c) to determine all applications for the review or summary review of a premises or club premises 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; and

- (e) to determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.

4.3 Taxi and General Licensing Committee

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

- (a) The Taxi and General Licensing Committee is responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with its role and functions set out below.
- (b) Members shall not participate as members of the Taxi and General Licensing Committee or any of its sub-committees until they have received appropriate training in respect of their functions on the Committee or sub-committees.

4.3.1 Role and Functions

- (a) To deal with all non-executive functions relating to licensing and registration as set out in Schedule 1 of the Functions and Responsibilities Regulations.
- (b) To deal with all functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (c) For the avoidance of doubt, the Taxi and General Licensing Committee shall exercise an advisory role in relation to executive functions, such as the fixing of fares for hackney carriages.
- (d) To approve licensing policy relating to the licensing of private hire vehicles and Hackney carriages in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), the Town Police Clauses Act 1847 (the 1847 Act) and any associated regulations; and any other policy approval matters concerning schemes of licensing administered by the Council, either on a statutory or discretionary basis (e.g. Street Trading Licenses/Consents, Scrap Metal Licenses); except matters specifically reserved by statute to Council or the Cabinet.
- (e) The Taxi and General Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties.
- (f) Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.
- (g) Each sub-committee will comprise three Members drawn from the Taxi and General Licensing Committee.

4.3.2 Sitting as a sub-committee comprising 3 Members (drawn from the main 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, shall include hackney carriage and private hire vehicle driver and operator licences) and to decide whether to suspend or revoke such licences in accordance with the 1847 and 1976 Acts, except where there is a valid delegation to officers from the Taxi and

General Licensing Committee made in accordance with parts 9.2.1 and 9.2.3 of this Constitution insofar as they apply to the delegation of non-executive powers and duties set out in the 1847 and 1976 Acts, associated regulations and other statutory and discretionary licensing schemes;

- (b) in cases where the Assistant Director Regulatory Services has on public safety grounds revoked with immediate effect a taxi licence in accordance with section 61 (2B) of the 1976 Act, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked; and
- (c) to determine all matters relating to street trading licences and consents where representation have been received.

4.4 Strategic Planning Committee

Members 13: Quorum 4. Appointments will be made having regard to the rules on political proportionality.

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

4.4.2 Role and Functions

- a. 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).
- b. Applications called-in that cross the boundary of two local area committees.
- c. 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.
- d. There shall be no referral down of applications from Strategic Planning Committee to Local Area Planning committees.

4.5 Local Area Planning Committees

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

Northampton Local Area Planning Committee

Members 11: Quorum 4. Not politically balanced.

Daventry Local Area Planning Committee

Members 9: Quorum 3. Not politically balanced.

South Northamptonshire Local Area Planning Committee

Members 9: Quorum 3. Not politically balanced.

4.5.2 The Local Area Planning Committees are not politically balanced as they fall within the political balance exemption for area committees; but should reflect the political make-up of the relevant area. The political make up of each area is determined by the wards which the committee serves. The members elected to those wards determine the political balance for the area and the committee.

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

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

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

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

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

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

4.6 Democracy and Standards Committee

Members 9: Quorum 3. Appointments will be made having regard to the rules on political proportionality.

4.6.1 The purpose of the Democracy and Standards Committee is:

- a. to have overall responsibility for the Council's Constitution and decision making governance;
- b. to make necessary decisions in relation to Elections and to have responsibility for Community Governance and Boundary Reviews on behalf of the Council.
- c. 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.

4.6.2 In relation to the Democratic functions of the Committee

- a. Reviewing the Council's Constitution and decision-making governance, i.e. the guidance and documents that support decision making, e.g. the Forward Plan guidance and the rules on officer records, and recommending any proposed changes to the Council;
- b. Conducting 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. Preparing submissions on behalf of the Council to the Local Government Boundary Commission for England in relation to the governance of the area;
- d. Preparing submissions on behalf of the Council to the Parliamentary Boundary Commission for England.

4.6.3 In relation to the Standards functions of the Committee

- a. Promoting and maintaining high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils;
- b. Keeping 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;
- c. Advising, training or arranging 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 Conduct;
- d. Giving general guidance and advice to Members and Co-opted Members of the Council, Parish and Town Councils on Member's interests and keeping under review the Registers of Members' Interests maintained by the Monitoring Officer and the Register of Gifts and Hospitality;
- e. Granting dispensations to Members and co-opted Members from requirements relating to interests;
- f. Keeping the Council's arrangements for dealing with standards complaints under review and making recommendations to Council on any amendment or revisions to the arrangements;

- g. Assessing and/or referring for investigation allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Councils, if so requested by the Monitoring Officer;
- h. Determining 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. Making recommendations to Council with regard to the appointment of Independent Persons;
- k. Overseeing the Council's Protocol on Member/Officer Relations and making recommendations to Council on any amendment or revisions to the protocol;
- l. Receiving an annual report from the Monitoring Officer detailing complaints received, complaints dealt with and resolutions achieved;
- m. Exercising 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 Cabinet, Council or any other committee of the Council.

4.6.4 Hearings Sub-Committee

3 Members (drawn from the Democracy and Standards Committee on a politically proportional basis). In addition, where the subject member is a parish/town councillor, another parish or town councillor who is not connected to the subject member will be co-opted as a non-voting member of the Sub-Committee.

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.

4.7 Audit and Governance Committee

Members 9: Quorum 3. Appointments will be made having regard to the rules on political proportionality.

Purpose:

4.7.1 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:

4.7.2 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.

4.7.3 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. Any proposed changes to the Constitution shall be referred to the Democracy & Standards Committee;
- 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.

4.7.4 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.

4.8 Pensions Fund Committee

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

1. The Pension Committee

1.1 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 s.101 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.

1.2 Membership, Chairing and Quorum

Number of Members	13
Chair and Vice Chair's Term of Office	<p>Term of office will be one year.</p> <p>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.</p> <p>The Chair and Vice Chair of the Pension Committee will represent the Northamptonshire Pension Fund on the Joint Committee of the ACCESS pool.</p>
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.

1.3 Terms of Reference

- a. To deal with all matters relating to the Northamptonshire Pension Fund Local Government Pension Scheme.
- b. Authority to set the Pension Fund's objectives and determine and maintain appropriate strategies, policies and procedures with ongoing monitoring in the following areas:
 - i. 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.
 - ii. 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
 - iii. 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.
 - iv. Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers.
 - v. Discretions – determining how the various administering authority discretions are operated for the Fund.

- vi. Risk Management Strategy – to include regular monitoring of the Fund’s key risks and agreeing how they are managed and/or mitigated.
 - vii. 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.
- c. 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.
 - d. Authority to consider and agree business plans at least annually and monitor progress against them.
 - e. 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:
 - i. Determining the Fund’s knowledge and skills framework;
 - ii. Identifying training requirements;
 - iii. Developing training plans; and
 - iv. Monitoring attendance at training events.
 - f. Authority to select, appoint, monitor and where necessary terminate advisers to the Fund not solely relating to investment matters.
 - g. 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.
 - h. Authority to consider and determine where necessary, alternative investment strategies for participating employers.
 - i. Authority to oversee the work of the Investment sub-committee and consider any matters put to them by the Investment sub-committee.
 - j. Authority to set up sub-committees and task and finish groups including jointly with other LGPS Administering Authorities.
 - k. Authority to review and amend the Strategic Investment policies on an appropriate regular basis, in consultation with the Section 151 Officer.
 - l. Authority to manage any other strategic or key matters pertaining to the Fund not specifically listed above.
 - m. Production of an annual report for consideration by the Council.
 - n. Consider and review the financial accounts in advance of approval by the Audit Committee.
 - o. In relation to pooled asset arrangements under the ACCESS Joint Committee:
 - i. Providing a representative to sit on the Joint Committee to represent the interests of the Northamptonshire Pension Fund
 - ii. 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.
 - iii. Receiving and considering reports from the ACCESS Joint Committee in order to ensure that the Fund’s investor rights and views are represented appropriately.

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

1.4 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

2.1 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.

2.2 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.

2.3 Terms of Reference

- a. 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.
- b. Authority to review and maintain the asset allocation of the Fund within parameters agreed with the Pension Committee.
- c. 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.
- d. 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.
- e. Authority to monitor the risks inherent in the Fund’s investment strategy in relation to the Fund’s funding level.
- f. Authority to monitor and review:
 - i. Legislative, financial and economic changes relating to investments and their potential impact on the Fund;
 - ii. The investment management fees paid by the Fund and to implement any actions deemed necessary;
 - iii. The transactions costs incurred by the Fund across its investment mandates and raise relevant issues and concerns with the investment providers as necessary;
 - iv. 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.
- g. Authority to receive reports from investment providers.

- h. Authority to undertake any task as delegated by the Pension Committee.
- i. 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.

2.4 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)

3.1 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.

3.2 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.

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

Part 1 – Operating the Pool and taking advice

- a. 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.
- b. The JC shall decide which functions shall be performed by the ACCESS Support Unit (ASU).
- c. 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)

- a. 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.
- b. Procuring an Operator – Agreeing the method and process for the procurement and selection of one or more Operators.
- c. 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.
- d. 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:

- i. 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;
 - ii. Sub-fund investment performance;
 - iii. Investment and operational costs including the annual review of investment manager costs;
 - iv. Performance against the strategic business plan agreed by the Councils.
- e. Managing the Operator(s) – the JC shall:
- i. Make recommendations to the Councils about the termination or extension of the Operator Agreement(s)
 - ii. 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
 - iii. 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

- a. The joint committee 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

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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:
 - i. 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;
 - ii. Investment performance of the Pool Aligned Assets Vehicle(s) or sub-funds, as appropriate;
 - iii. Performance against the strategic business plan agreed by the Councils.

Part 5 – Functions Concerning Business Planning and Budget

- a. 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:
 - i. Make recommendations to the Councils about the annual strategic business plan for the Pool;
 - ii. 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.
 - iii. 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

- a. 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

- a. The JC is required to undertake a review of this agreement:
 - i. 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;
 - ii. Whenever a Council gives notice of withdrawal under clause 12 (Withdrawal from Agreement) of the Inter-Authority Agreement; or
 - iii. At such times as a Council may request under Clause 11 (Variation of Agreement) of the Inter-Authority Agreement.

4. The Local Pension Board

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

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

a. Role and Function

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

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

b. Membership, Chairing and Quorum

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.

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.

4.9 Health and Wellbeing Board

Terms of Reference

4.9.1 Accountability

- 4.9.1.1 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.

4.9.2 Role

- 4.9.2.1 The Board is a forum that enables leaders from across West Northamptonshire to secure better health and wellbeing outcomes for the local population, better quality of care for all patients and care users, better value for the taxpayer and reduce health inequalities by shaping the future of services through a more integrated approach to commissioning health and wellbeing related services.
- 4.9.2.2 The Board aims to achieve this by:
- a. 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.
 - b. 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).
 - c. Holding the Integrated Care System to account through monitoring and assurance.
 - d. Providing a forum to increase democratic legitimacy in health, along with public and joint accountability of NHS, public health, social care for adults and children, and other commissioned services that the Board agrees are directly linked to health and wellbeing.

4.9.3 Responsibilities/duties

4.9.3.1 The statutory duties of the Board are:

- a. The preparation of Joint Strategic Needs Assessments (JSNAs) which assess the current and future health and social care needs of the local population.
- b. The preparation of the Health and Wellbeing Strategy (HWS).
- c. 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.
- d. 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.
- e. Overseeing the publication of the Directors of Public Health Annual Report.
- f. To endorse and oversee the successful implementation of local arrangements for the Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG).
- g. 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.
- h. 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.
- i. Publication of a Pharmaceutical Needs Assessment.
- j. To undertake any additional responsibilities as delegated by the West Northamptonshire Council.

4.9.4 Authority

- 4.9.4.1 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.
- 4.9.4.2 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.
- 4.9.4.3 The Board shall receive written and oral evidence from senior staff, and other partners, as appropriate.
- 4.9.4.4 The Board shall seek to ensure there is an acceptable balance between the value of the information it receives and the time and other costs it takes to acquire and process it.

4.9.5 Appointments

- 4.9.5.1 The Chair of the Board will be recommended by the Leader of West Northamptonshire Council. The Chair can be an independent co-opted member. Vice Chairs will be appointed by the Board.
- 4.9.5.2 The Chair and Vice Chairs' term of office shall last for a maximum of two years, where they will be appointed or replaced as approved by Full Council.

4.9.6 Membership

- 4.9.6.1 The following are statutory members of the Board as stipulated in section 194 of the Health and Social Care Act 2012:
- a. At least one elected member of the local authority nominated by the Leader of the local authority.
 - b. The director of adult social services for the local authority.
 - c. The director of children's services for the local authority.
 - d. The director of public health for the local authority.
 - e. A representative of the Local Healthwatch organisation for the local authority.
 - f. A representative of each relevant clinical commissioning group (a person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board).
- 4.9.6.2 The Board may appoint additional persons to become members of the Board as it thinks appropriate.
- 4.9.6.3 West Northamptonshire Council must consult the Board before appointing a non-statutory member to the Board.
- 4.9.6.4 Members of the Board shall each name a deputy who will have the authority to make decisions in the event that they are unable to attend a meeting.
- 4.9.6.5 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.
- 4.9.6.6 Individuals may be listed under membership of the Board as Special Advisors by invitation for specific issues and expertise.

4.9.7 Code of Conduct

- 4.9.7.1 All members of the Board are covered by West Northamptonshire Council's Code of Conduct and must adhere to that Code of Conduct when acting in the capacity of a Board member.
- 4.9.7.2 Where any Board member has a Disclosable Pecuniary Interest or Other Registerable Interest, which will require them to leave the meeting for the duration of discussion on that item, they must make this known at the commencement of the meeting. They may remain and address the board on the relevant matter but must leave the room prior to any debate, voting or decision-making process.

4.9.8 Quorum

- 4.9.8.1 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 a Clinical Commissioning Group. No business requiring a decision 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 closed.

4.9.9 Voting Arrangements

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

- 4.9.9.2 Decisions shall be made on the basis of a show of hands of a majority of voting members present. The Chair may exercise a second or casting vote.

4.9.10 Meeting Frequency

- 4.9.10.1 The Board shall meet on a quarterly basis. The date, hour and place of meetings shall be fixed by the Board.
- 4.9.10.2 The Chair may convene an extraordinary meeting at short notice to consider matters of urgency. The notice must state the business to be transacted and no other business is to be transacted at the meeting.
- 4.9.10.3 The Chair will be required to consider convening a special meeting of the Board if they are in receipt of a written requisition to do so signed by no less than three of the constituent members of the Board. Such requisition shall specify the business to be transacted and no other business shall be transacted as such meeting. The meeting, if convened by the Chair, must be held within seven days of the Chair's receipt of the requisition.
- 4.9.10.4 The Chair of the Board, or majority of those present at a Board meeting, may adjourn meetings of the Board at any time, to be reconvened at any other day, hour and place, as the Board decides.

4.9.11 Sub-Groups

- 4.9.11.1 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 Health and Wellbeing Board meetings to be considered by members.

4.9.12 Visitors and Speakers

- 4.9.12.1 As the Board is a public meeting, observers may attend and will be seated in a viewing area or observe via YouTube if the meetings are held virtually.
- 4.9.12.2 Presenters who are not full Board Members may attend the meeting and should sit in the viewing area. They will be invited to address the floor by the Chair when their agenda item arrives.
- 4.9.12.3 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 Chair, and provided they have given 48 hours' written notice of the matter to be raised to the Chair and Board secretariat.

4.9.13 Meeting Administration

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

4.9.13.3 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 Chair moves 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”.

4.10 Senior Appointments Committee

4.10.1 Membership

4.10.1.1 Leader, Deputy Leader, Relevant Portfolio Holder, Leader of the Opposition, and three other councillors. The Committee is required to be politically balanced.

4.10.2 Terms of Reference of the Senior Appointments Committee

4.10.2.1 To recommend to the Council the appointment and, where appropriate, the dismissal of the Chief Executive, the Executive Director Finance or the Director of Legal and Democratic (Monitoring Officer), in accordance with the Staff Employment Procedure Rules (see section 9.5).

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

- Director of Children’s Services
- Director of Transformation
- Executive Director Adults, Communities and Wellbeing
- Executive Director Place and Economy
- Executive Director Corporate Services
- Assistant Chief Executive
- Director of Public Health

4.10.2.3 To take disciplinary action other than dismissal in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

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

5.0 EXECUTIVE

5.1 The Role of the Cabinet

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

5.2 Cabinet Arrangements

Cabinet Decisions

- 5.2.1. 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

- 5.2.2. 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.

- 5.2.3. 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.
- 5.2.4. 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 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.

Cabinet Portfolios

- 5.2.5. Cabinet portfolios showing details of portfolio holders and their ke areas of responsibility can be found on the Council's website ([Document West Northamptonshire Council Executive Portfolios - 2021 - West Northamptonshire Council \(moderngov.co.uk\)](#)) or by contacting Democratic Services.

Sub-Delegation of Executive Functions

- 5.2.6. Where the Cabinet, a 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.
- 5.2.7. Unless the Leader directs otherwise, functions delegated to the Cabinet may be delegated further to a committee of the Cabinet or to an officer.
- 5.2.8. Unless the Leader directs otherwise, functions delegated to a committee of the Cabinet may be delegated further to an officer.

5.2.9. 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

5.2.10. Subject to paragraph 5.2.11 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 Part 9.2 of the Constitution, the 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.

5.2.11. 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.

5.2.12. 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.

Planning Policy Committee

Purpose

5.2.13. The purpose of the Committee is to exercise the Council's executive functions in relation to the preparation and, where applicable, approval of planning policy and neighbourhood planning documents.

Membership

5.2.14. The members of the Committee represent as far as possible the political balance of the Council as a whole but this is not a counting committee for the purposes of establishing political balance.

5.2.15. Membership shall consist of:

(a) 5 Executive Members

(b) 5 Non-Executive Members (2 Labour, 1 Liberal Democrat, 2 Conservative)

5.2.16. As this is an Executive committee only the Executive members have a vote, but the aim of the committee is to try to establish broad consensus about the development of planning policy.

Terms of Reference

5.2.17. The exercise of the Council's functions, powers and duties (where not otherwise delegated to officers) in relation to the following:

- (a) To oversee the preparation of the West Northamptonshire Local Plan to ensure that it meets the 'tests of soundness' set out in the National Planning Policy Framework.
- (b) To consider and recommend the content of the Local Plan for consideration and formal approval by full Council for either public consultation (preferred options or pre-submission versions), submissions to the Secretary of State (to be examined by a Planning Inspector), or final adoption (following receipt of the Planning Inspector's report).
- (c) To prepare Supplementary Planning Documents (SPDs) and other planning documents for public consultation and, where applicable, approve those documents for final adoption.
- (d) To approve the preparation, commissioning and subsequent publication of studies, surveys and other technical documents that form part of the evidence base needed to justify the content of the Local Plan, SPDs and other planning documents.
- (e) Approve the work programme required for the committee to undertake its functions effectively and in a timely manner.
- (f) Approve non-statutory planning policy and guidance to be considered by the Council, the Planning Committees, this committee and officers in the discharge of statutory planning functions, including avoiding detriment to local neighbourhoods (as long as they are not contrary to the National Planning Policy Framework).
- (g) To carry out the Executive functions of the Council in relation to the approval of planning documents and recommendation of planning documents by the Executive to Council. Matters reserved to full Council or Non-Executive approvals fall outside the remit of this committee.
- (h) To carry out the Executive functions of the Council in relation to Neighbourhood Planning in particular to
 - i. taking decisions at key stages in the neighbourhood planning process within the time limits that apply;
 - ii. providing advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Meeting Times

5.2.18. The Committee will meet at 6pm 12 times per year.

- 5.2.19. Items for Planning Policy Committee will appear on the Forward Plan and arrangements for the committee will comply with the Executive Procedure Rules set out in the Constitution.

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/they see 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 their 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 their 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 an 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 that are Key Decisions and those that 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 their nominee 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 an Overview and Scrutiny committee 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 Council Procedure Rules.

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 they voted or abstained. Where there are equal votes cast, the Leader or, in their absence, the person chairing may exercise a second or 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 Council Meeting Procedure Rule 29

- 8.1 A mover of a motion under Council Meeting Procedure Rule 29 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when their 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 they 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 their 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 they have first consulted the Leader (or Deputy Leader if they are 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, they 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 public meetings of the Cabinet, Council, its committees and sub-committees, joint committees.

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 Rule 13 (Special Urgency) has been applied.

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 their 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 they consider it necessary, may refuse access by the public to any agenda or supporting papers which in their 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 Definition of Key Decision and procedure before taking a Key Decision

10.1 A Key Decision means an executive decision, which is likely:

- a. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- b. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.

10.2 In deciding what amounts to 'significant' in relation to paragraph 10.1a above, a guidance threshold figure of £500,000 is suggested, but discretion should be used to determine whether the amount in question is significant with regard to the particular budget area to which the decision relates.

10.3 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 Rules 10.3 and 11;
 - b. the Monitoring Officer has informed the Chair of the relevant Overview and Scrutiny committee, 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 their 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 Rules 10.3 and 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 the Chair of the relevant Overview and Scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee or if they are unable to act, then the agreement of the Chair of the Council, or in their 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 the relevant 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 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 that 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 Rules 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 Chair of the relevant Overview and Scrutiny committee; 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 their nominee, who shall have responsibility for recording and publishing any decisions.

20 Key Decisions by Portfolio Holders

- 20.1 Where an individual member of the Cabinet receives a report which they intend to take into account in making any Key Decision, then they 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 Cabinet, 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 9.2 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 they are 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 the reasons for their 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 they 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 paragraph 3 above is not exempt information if it is required to be registered under:

- a. the Companies Acts (as defined in section 2 of the Companies Act 2006);
- b. the Friendly Societies Act 1974;
- c. the Friendly Societies Act 1992;
- d. the Co-operative and Community Benefit Societies Act 2014;
- e. the Building Societies Act 1986; or
- f. 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 falls within any of the paragraphs 1-7 above 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.

There is no legal definition of 'public interest', but the following are relevant considerations in favour of disclosure:

- (a) The information would assist public understanding of an issue that is subject to current public debate.
- (b) Proper debate cannot take place without wide availability of all the relevant information.
- (c) The issue affects a wide range of individuals or companies.
- (d) Facts and analysis behind major policy decisions.

- (e) Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions.
- (f) Accountability for proceeds of sale of assets in public ownership.
- (g) Openness and accountability for tender processes and prices.
- (h) Public interest in public bodies obtaining value for money.
- (i) Public health or public safety.
- (j) Damage to the environment.
- (k) Contingency plans in an emergency.
- (l) Promoting accountability and transparency for decisions taken by public authorities and the spending of public money.

A practice of applying "Exempt" status to a report without reasons being set out and consideration of the public interest is not acceptable.

6.0 JOINT ARRANGEMENTS

6.1 West and North Shared Services 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 s.101 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 s.113 Local Government Act 1972.

- p. 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.

Procedure Rules of the Joint Committee

- a. Each council shall appoint three Members (being Executive members of that Council) as its nominated members of the Joint Committee. The Members appointed will have full voting rights.
- b. Each council may nominate one or more substitute Members to attend any meeting in place of an appointed Member subject to notification being given to the Monitoring Officer via the relevant Democratic Services before the start of the meeting. The Member appointed as a substitute shall have full voting rights.
- c. Each member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a member of the Joint Committee.
- d. Each member of the Joint Committee shall serve on the Joint Committee for as long as they are appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if they cease to be a member of the Executive appointing them or if the relevant Council removes them from the Joint Committee.
- e. Meetings of the Joint Committee shall be carried out on a rotational basis in the North and West Council areas or by remote means where this is permitted by law.
- f. The Council hosting the first meeting shall appoint one of its nominated members as Chair and that member shall remain Chair until the first meeting taking place after the elapse of 6 months from the time of their appointment unless they cease 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 their appointment. The same procedure shall be followed for the appointment of the Chair in subsequent years.
- g. The Council not appointing the Chair of the Joint Committee in any year shall appoint one of its nominated members as Vice Chair.
- h. Proposed key decisions of the Joint Committee will be published on the Forward Plan for each Council in accordance with their own Access to Information Rules.
- i. Requirements in relation to Overview and Scrutiny will be met in each case by the Overview and Scrutiny committees of the relevant Council. The relevant Overview and Scrutiny Committee will be the closest to the Corporate Scrutiny Committee for each Council.
- j. Meetings will be governed by the Executive Procedure Rules and the Access to Information Rules for each Council and where they differ by agreement between the Monitoring Officers of the two Councils as to which of the two sets of Rules will be applied.

- k. The Joint Committee shall normally meet once every two months (bi-monthly) unless otherwise determined by the Joint Committee. Cancellation of meetings shall be agreed by the Joint Committee or both Leaders.
- l. Additional meetings can be called by Monitoring Officer for the Chair by providing at least five clear days' notice to members of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings. Additional meetings may be called if either Leader requests it.
- m. The Democratic Services for the Chair will send out the agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Council.
- n. A meeting of the Joint Committee will require a quorum of at least two members from each Council.
- o. The rules of the Joint Committee will otherwise be the rules of the Council associated with the Chair for the time being, and where there is any conflict or uncertainty the relevant rules will be agreed between the Monitoring Officers for each of the Councils.
- p. Public speaking at the Joint Committee will be at the discretion of the Chair but in any event limited to one speaker for or against an item on the agenda for a maximum of two minutes.

6.2 Rainsbrook Crematorium Joint Committee

In February 2011, Daventry District Council agreed to establish a Joint Committee with Rugby Borough Council to create and operate a crematorium facility to meet the needs of both areas. Rainsbrook Crematorium based in Rugby is managed by the Rainsbrook Crematorium Joint Committee. Each council has a 50% share and appoints two elected members.

A Collaboration Agreement (March 2013) provides for the delegation of functions (crematoria and ancillary services) to the Joint Committee. Daventry District Council were responsible for the construction of the crematorium. Rugby Borough Council are responsible for the operation of the crematorium. The Joint Committee provides oversight and exercises decision-making powers.

Terms of Reference

- a. The committee shall comprise four members in total, two being nominated by each authority. All members of the Committee shall be Members of the authority by which they are nominated.
- b. The committee shall appoint its own Chair and Vice Chair subject to the rules that:
 - (i) each year the Chair shall be drawn from members of the committee from one authority, and the following year from members of the committee from the other authority; and
 - (ii) the Vice Chair shall be a member of the committee from the authority which is not currently providing the Chair.

- c. The quorum of the Committee shall be two members, being at least one from each authority.
- d. The Chair or in their absence the Vice Chair may exercise a second or casting vote.
- e. The Committee shall exercise on behalf of the authorities the functions of providing crematoria and ancillary services under the Cremation Act 1902, section 2 of the Local Government Act 2000, the Local Authorities (Land) Act 1963 and all other powers enabling the provision and operation of crematoria and related services.
- f. The Committee shall arrange to discharge its responsibilities through officers of the authorities subject to the requirements that:
 - (i) administration of the Committee shall be exercised through officers of Rugby Borough Council;
 - (ii) creation of the crematorium shall be exercised through officers of Daventry District Council;
 - (iii) practical operation of the crematorium shall be exercised through officers of Rugby Borough Council.

6.3 PATROL Adjudication Joint Committee

Representation: one Member from each Council

Over 300 local authorities in England (outside London) and Wales who undertake civil traffic enforcement are members of the PATROL (**P**arking and **T**raffic **R**egulations **O**utside **L**ondon) Adjudication Joint Committee. Such authorities are required by statute to make provision for independent adjudication of traffic enforcement decisions.

The PATROL Adjudication Joint Committee has been established to enable all councils having Civil Enforcement Area Orders to carry out civil enforcement of parking contraventions, in exercise of their functions under Section 81 of the Traffic Management Act 2004 and Regulations 16 and 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The main function of the Joint Committee is to provide resources to support independent adjudicators and their staff, who together comprise the Traffic Penalty Tribunal. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 and, in the case of the Bus Lane Adjudication Service Joint Committee, the Transport Act 2000.

Additional information

Further details are available from the PATROL website: www.patrol-uk.info/patrol-joint-committee.

6.4 Northamptonshire Police, Fire and Crime Panel

Representation: 5 Members of West Northamptonshire Council

5 Members of North Northamptonshire Council
3 independent co-opted lay members

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

6.5 Children's Trust Joint Committee

Terms of Reference

Purpose

The West Northamptonshire and North Northamptonshire Councils have established a Joint Committee (The Children's Trust Joint Committee) pursuant to powers under the Local Government Acts 1972 and 2000.

The Joint Committee discharges functions on behalf of the two councils as follows and is convened as and when required, to:

- a. Exercise the functions on behalf of both councils insofar as they relate to the joint ownership of, and commissioning of services from, the jointly owned local authority company 'The Northamptonshire Children's Trust' (NCT)
- b. Exercise the functions of the councils in respect of the discharge of the functions and the delivery of the support services to NCT under the Support Services Agreement;
- c. Consider all matters arising in relation to the discharge of the functions, the delivery of the services and their financial position;
- d. Ensure the effective, efficient discharge of the functions and delivery of the services;
- e. Agree the responsibilities of each council required to support the discharge of the functions and the delivery of the services;
- f. Monitor and review the performance of discharge of the functions and the delivery of the services;
- g. Consider matters reported to the Joint Committee by the Joint Officer Boards and the Councils;
- h. Determine those disputes or differences arising between the councils in respect of the discharge of the functions and/or delivery of the services referred to the Joint Committee by the Joint Officer Boards;
- i. With the assistance, support and advice of the Joint Officer Boards and the councils, develop the strategies and plans for the longer-term discharge of the functions and the delivery of the services beyond the arrangements provided for in the Support Services Agreement.

The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant to a decision of the Joint Committee must be made by either of the authorities which will be indemnified appropriately.

These terms of reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over the Constitutions of each council so far as they relate to the matters for which the Joint Committee is established. The Joint Committee may vary the terms of reference rules as it considers appropriate.

Definitions

Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).”

Functions

The Joint Committee will discharge functions on behalf of both councils.

Membership

There are 6 elected members of the Joint Committee, 3 appointed from each council. Appointments are made in line with each council’s governance arrangements. The appointments should include the Leader of each council and a Member whose portfolio areas include responsibility for Children’s Services.

Appointments will be made for a maximum period not extending beyond each Member’s remaining term of office as a councillor.

As nominees of their respective councils, members of the Joint Committee are governed by the provisions of their own council’s codes and protocols including the Members’ Code of Conduct and the rules on disclosable pecuniary interests.

Each council will utilise existing mechanisms for substitution as laid down in their own Procedure Rules.

Chair

Each council will appoint one Member as a Co-Chair each of whom, in rotation, presides over meetings of the Joint Committee.

Meeting venues shall rotate between the councils’ main offices with the Co-Chair from the council which is hosting the meeting presiding over the meeting. Where the host Co-Chair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.

The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each council.

Delegation to Officers

The Joint Committee may delegate specific functions to officers of either of the councils. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other council. It may also be subject to the requirement for the officer with delegated authority to consult with the Co-Chairs of the Joint Committee before exercising their delegated authority.

Administration

Organisational and clerking support for the Joint Committee will be provided for by the host authority.

Budget

The Joint Committee will not have an allocated budget.

Agenda Management

All prospective items of business for the Joint Committee shall be agreed by the Joint Officer Board in accordance with the wider NCT agreements and governance and shall be confined to the matters set out in these terms of reference.

To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key decisions must be included in the Forward Plan for the Joint Committee.

Meetings

The Joint Committee will meet as and when required for the purposes of fulfilling its function with regards dispute resolution.

The quorum for a meeting of the Joint Committee shall be at least two members from each council.

Access to meetings and papers of the Joint Committee by the press and public is subject to Part VA of the Local Government Act 1972 (as amended) and Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.

Notice of Meetings

The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements. At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all members of the Joint Committee.

Member Participation

Any Member of each council who is not a member of the Joint Committee may ask a question or address the Joint Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

Business to be Transacted

Standing items for each meeting of the Joint Committee will include the following:

- a. Apologies for absence
- b. Declarations of Interest
- c. Minutes of the Last Meeting
- d. Substantive items for consideration

The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at their discretion. An item of business may not be considered at a meeting unless:

- a. A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- b. Where the meeting is convened at shorter notice from the time the meeting is convened; or
- c. By reason of special circumstances which shall be specified in the minutes the Co-Chair of the meeting (following consultation with the other Co-Chair) is of the opinion that the item should be considered at the meeting as a matter of urgency "Special Circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a later meeting allowing the proper time for inspection of documents by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

Cancellation of Meetings

If in the event a dispute is resolved prior to the meeting of the Joint Committee called to resolve the issue, after consultation with all three Co-chairs the meeting will be cancelled

Rules of Debate

Meetings shall be conducted in accordance with the Rules of Debate set out within the Committee Procedure Rules of West Northamptonshire Council.

Request for Determination of Business

Any member of the Joint Committee may request at any time that the Joint Committee move to vote upon the current item of consideration.

Urgency Procedure

Where all Co-Chairs of the Joint Committee are of a view that an urgent decision is required in respect of any matter within the Joint Committee's terms of reference and it cannot wait until an Ordinary meeting of the Joint Committee has been called and notice been given under Paragraph 12 of this Schedule (Notice of Meetings), then arrangements will be made to call an urgent meeting of the Joint Committee.

Voting

With regards the Joint Committee's function in the resolution of disputes under the conflict resolution mechanism, each elected member will be entitled to one vote.

Where there is an equality of votes the Co-chair may exercise a second or casting vote. However, if the matter cannot be resolved between the councils then the dispute resolution procedure may be engaged.

Minutes

At the next suitable meeting of the Joint Committee, the Co-Chair presiding will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes. Once agreed, the Co-Chair presiding at the meeting will initial each page and sign the minutes.

Exclusion of Public and Press

Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded.

The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as they think is necessary.

To comply with the Executive Arrangements (Access to Information) Regulations 2012 all background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

Overview and Scrutiny

Decisions of the Joint Committee will be Executive and subject to scrutiny and call-in. For any Joint Committee meeting, including decisions, the minutes will be published within two working days. On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.

Decisions of the Joint Committee which are defined as executive decisions will be subject to the “call-in” arrangements operating in each Council as set out in its constitution. Where a decision is called in, arrangements will be made at the earliest opportunity for it to be heard.

Joint Arrangements between the NCT and West Northamptonshire Council are in accordance with the agreements made by Northamptonshire County Council prior to re-organisation. These agreements are binding on the Council and cannot be altered other than as set out below.

Nature of Decision	Council	Executive	Conditions
In relation to the Northamptonshire Children’s Trust, to approve: <ul style="list-style-type: none"> a. The appointment and removal of the Chair and Chief Executive, or alterations to their terms of appointment; b. The appointment and removal of a Council Director to the Board of the Trust; c. Any changes to the membership of the Trust; d. Any changes to the Articles of Association; e. The voluntary winding up of the company (of the Trust) or its dissolution; 		X	In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.

f. Any changes to governance arrangements arising from the annual review thereof.			
In relation to the Northamptonshire Children's Trust, to annually approve the Business Plan and Interim Business Plan and any in year variation to these plans.		X	In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.
In relation to the company of the Children's Trust, to approve the entering into by the company (the Trust) for: any new third party contracts for the provision of services by the Company to third parties which are outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.		X	<p>a) In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.</p> <p>b) Where the value exceeds £500,000.</p>
<p>In relation to the company of the Children's Trust, to approve the entering into by the company (the Trust):</p> <p>a. any borrowing, credit facility, or investment arrangements with third parties;</p> <p>b. any other contractual arrangement with the Council for the provision of other services to the Council;</p> <p>c. any proposal to form any legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction or acquiring shares in any other company;</p> <p>d. participating by the Company in any partnership or joint venture, amalgamation with another company or business undertaking;</p>		X	<p>In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement.</p> <p>In relation to (a) other than trade credit in the ordinary course of business.</p> <p>In relation to (b), and (d) only to the extent that any such arrangement falls outside the</p>

<ul style="list-style-type: none"> e. the Company giving any guarantee, suretyship or indemnity outside the ordinary course of its business to secure the liabilities of any person or assume the obligations of any person (other than the Company or a wholly owned subsidiary of the Company); f. the selling or disposing of any part of the business (including assets) of the Company; g. dealing with any surpluses of the Company, other than those surpluses which are agreed, pursuant to the Business Plan or Service Delivery Contract, that may be retained by the Company; h. the Company acquiring, or agreeing to acquire, any freehold or leasehold interest in or licence over land; i. the Company creating any encumbrance over the whole or a significant part of its undertaking or assets; j. any changes to the company name, trading name or registered office of the Company or physically relocating the headquarters of the Company; k. the Company commencing, settling or defending any significant claim, proceedings or other litigation brought by or against it, except where they are a part of the Company's ordinary course of business and/or operations; and l. acquiring assets outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan. 			<p>scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.</p> <p>In relation to (h), except where the Council is the seller, lessor or licensor of the land in question.</p> <p>In relation to (l), where the amount is more than £100,000.</p>
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7.0 OVERVIEW AND SCRUTINY

7.1 Overview and Scrutiny Arrangements

1 The Role of Overview and Scrutiny

- 1.1 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.
- 1.2 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.
- 1.3 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:
 - a. Corporate Overview and Scrutiny Committee
 - b. People Overview and Scrutiny Committee
 - c. Place Overview and Scrutiny Committee
- 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, comprised 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 5 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 People 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 People 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 supporting papers.
- 3.2 Any member of an Overview and Scrutiny Committee shall be entitled to request, in writing, that an item be included on the agenda of their committee. 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 areas of responsibility. 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 41 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 Councillor Call for Action

- 4.1 The Councillor Call for Action (CCfA) enables any member of the council to bring matters of community concern (including crime and disorder issues) within their ward to the attention of the council via the Scrutiny process. It is intended to enhance the council's Scrutiny arrangements and provide a formal mechanism to enable elected

members to seek positive outcomes for the citizens they represent, provided all other means of resolution have been exhausted.

4.2 A CCfA will be included on an Overview and Scrutiny Committee agenda if the Chair is satisfied that:

- a. the member has made all reasonable efforts to resolve the matter via liaison with council officers and/or relevant partner agencies; and
- b. the issue of concern relates to the discharge of a council function (including where this is undertaken with partners and other service providers); and
- c. the issue of concern has a demonstrable impact on all or part of the member's ward; and
- d. The CCfA does not relate to:
 - i. individual complaints concerning personal grievances or commercial issues, for which the council's complaints procedure should be followed;
 - ii. matters that have a statutory appeals process, e.g. planning and licensing applications, council tax queries, housing benefits complaints, issues under dispute in a court of law, etc;
 - iii. matters where there is a statutory right of review or appeal (not including the right to complain to the Ombudsman), e.g. a matter relating to a housing benefit appeal;
 - iv. matters that are vexatious, discriminatory or unreasonable;
 - v. matters of wider council policy, i.e. if an issue affects more than one ward it may be appropriate to refer it to the Corporate Scrutiny Committee for consideration of its wider strategic or policy implications, rather than focusing on one particular ward;
 - vi. questioning Cabinet decisions that have been taken but not yet implemented, for which the call-In procedure may be used.

4.3 Having considered a CCfA, the Overview and Scrutiny Committee may take one or more of the following actions:

- a. ask for further information to be brought to a future meeting
- b. require the attendance of Cabinet members or senior officers to attend a future meeting to answer questions
- c. set up a Task and Finish Group to undertake an in-depth review
- d. make a report or recommendations to full Council, the Cabinet or partner agency and:
 - i. publish that report
 - ii. request full Council or Cabinet to consider and respond to the report, setting out what action it proposes to take and to publish its response
 - iii. request a partner agency to have regard to the report when exercising its functions

4.4 If the Overview and Scrutiny Committee decides to take any action then it will inform the member who raised the CCfA and provide them with a copy of any report or

recommendations made in relation to the CCfA, together with any response received from full Council, the Cabinet or a partner agency.

- 4.5 If the Overview and Scrutiny Committee decides not to consider a CCfA or on consideration decides no further action is necessary, it will inform the member who raised the CCfA and explain the reasons why.

5 Policy review and development

- 5.1 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.
- 5.2 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.

6 Reports from an Overview and Scrutiny Committee

- 6.1 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).
- 6.2 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.

7 Minority Reports

- 7.1 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. In order for a minority report to be produced, no fewer than three voting members of the committee must support such a proposal.

7.2

7.3 Procedure for dealing with Minority Reports

- 7.3.1 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.

- 7.3.2 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.
- 7.3.3 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.
- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 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.

8 Rights of Overview and Scrutiny Committee members to documents

- 8.1 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.

9 Councillors and Officers giving account

- 9.1 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.

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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 they are 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.
- 9.8 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.

10 Attendance by others

- 10.1 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.

11 Call-in

- 11.1 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.

11.2 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.

11.3 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 its respective terms of reference.

11.4 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.

11.5 The Call-In Procedure

11.5.1 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.

11.5.2 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.

11.5.3 Requests for call-in may be made by the submission of a notice in accordance with paragraph 11.5.4 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.

11.5.4 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 emails (as appropriate) will be acceptable.

11.5.5 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.

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

- a. The procedures set out in Procedure Rules 11.5.3 to 11.5.5 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 12 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.

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

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

11.6 Consideration by the Overview and Scrutiny Committee

11.6.1 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.

11.6.2 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.

11.6.3 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.

11.7 Decisions Referred Back to the Decision-Maker

11.7.1 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.

11.7.2 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.

12 Call-In and Urgency

12.1 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.

12.2 The decision note shall state whether the decision is an urgent one, and therefore not subject to call-in.

12.3 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.

12.4 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.

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.

8.0 COUNCILLORS

8.1 Roles of Councillors and Officer Holders

Part A All councillors

8.1.1 Responsibilities

1. Be at the centre of community life:
 - Spend time out and about, learning about the communities that you represent, supporting your residents, working with local organisations (such as GPs, schools, police, local businesses and voluntary organisations) developing a shared understanding of local issues and ensuring that communities make the most of all the opportunities available to them.
 - Build good working relationships and earn the trust and respect of local partners, other members and council officers
 - Be an active member of local networks and partnerships, for example by acting as a school governor.
 - Communicate regularly with your community including communicating council policy and decisions.
2. Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
3. Represent effectively the whole community with a special duty to their constituents, including those who did not vote for them.
4. Represent the Council on outside bodies as required.
5. Participate constructively in the good governance of the Council.
6. Fulfil the statutory and locally determined requirements of an elected Member of a local authority, including compliance with all relevant codes of conduct, regulations, protocols and procedures, and participation in those decisions and activities reserved for the full Council.
7. Share responsibility with officers of the council to act as effective and caring corporate parents for looked after children.

8.1.2 Key Tasks

1. Attend and participate effectively as a member of any committee to which the councillor is appointed.

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

8.1.3 Additional Responsibilities and Tasks for Cabinet councillors

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

Part B Executive Leader

8.1.4 Responsibilities

1. Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of the West Northamptonshire Council, in the short, medium and long term.
2. Provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
3. Lead the Cabinet in its work to develop the Policy Framework and budget and take overall political control of the Council within the agreed Policy Framework.

4. Lead the development of local and regional strategic partnerships.
5. Ensure the appropriate representation of the Council on key outside bodies.

8.1.5 Key Tasks

1. Provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council.
2. Represent the Council's political and strategic decision-making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
3. Appoint members of the Cabinet and allocate Cabinet portfolios.
4. Develop and maintain good working relations and effective channels of communication with the Chair of each Scrutiny Committee
5. Direct, manage and chair meetings of the Cabinet and to take responsibility, individually and/or collectively for any specific portfolio, including providing a political lead in proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesperson for the Council.
6. Direct and manage the Chief Executive, and to meet regularly (with or without the Cabinet) with the Chief Executive and other relevant senior officers to consider and recommend action within approved policies and strategies.
7. Consider the development and training needs of the Cabinet and members generally and arrange for training sessions or suitable briefings as appropriate.
8. Receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.

Part C All Cabinet councillors with Portfolio

8.1.6 Responsibilities

1. Take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a portfolio of services or functions of the Council.
2. Input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.

3. Contribute actively through the portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

8.1.7 Key Tasks

1. Participate in the Cabinet and to implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Executive Leader, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
2. Develop a clear understanding and in depth knowledge of the respective portfolio, the scope and range of the relevant services for which they are responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
3. Consult and communicate with all members, council officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
4. Ensure that the Council is briefed at the appropriate time on significant issues within the respective portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
5. Act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
6. Work closely with the Chief Executive, Director and other senior officers responsible for the services within the portfolio and the relevant Overview Committee Chair.
7. Work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Cabinet of progress and performance.
8. Participate in scrutiny or performance reviews of services as requested by a Scrutiny Committee.
9. Represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

8.1.8 Additional Responsibilities and Tasks for Non-Cabinet councillors

Part D Chair of the Council

8.1.9 Responsibilities

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

8.1.10 Key Tasks

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

8.2 Members' Code of Conduct

PART 1: THE CODE

SECTION 1: INTRODUCTION

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

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

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

SECTION 2: GENERAL PROVISIONS

1. Introduction and Interpretation

1.1 This Code applies to all councillors and co-opted members of West Northamptonshire Council. It is your responsibility to comply with the provisions of this Code.

1.2 In this Code:

- a) “the Council” refers to West Northamptonshire Council.

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

2. Scope

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

3. General Obligations

- 3.1 You must treat others with respect.
- 3.2 You must not do anything which may cause the Council to fall foul of UK equalities legislation.
- 3.3 You must not bully or intimidate any person or do anything which compromises the independence of those who work for the Council.
- 3.4 For the purposes of this paragraph, bullying is defined as: "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples of bullying include:
- spreading malicious rumours, or insulting someone by word or behaviour.
 - copying communications that are critical about someone to others who do not need to know.
 - ridiculing or demeaning someone – picking on them or setting them up to fail.
 - exclusion or victimization.
 - unfair treatment.

- overbearing supervision or other misuse of power or position.
 - unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
 - making threats or comments about job security without foundation.
 - deliberately undermining a competent worker by overloading and constant criticism.
 - preventing individuals progressing by intentionally blocking promotion or training opportunities.
- 3.5 You must not intimidate or attempt to intimidate any person who is or may be:
- a complainant;
 - a witness; or
 - involved in the administration of this Code.
- 3.6 You must not make trivial or malicious allegations against others.
- 3.7 You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council.
- 3.8 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 3.9 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity.
- 3.10 You must not pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
- you have the consent of a person authorised to give it
 - you are required by law to do so
 - the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
 - the disclosure is:

- reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Council.
- 3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 3.12 You must not use or attempt to use your position as a councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.
- 3.13 You must, when using, or authorising the use by others of, the resources of the Council:
- act in accordance with the Council's reasonable requirements
 - ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.14 You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.15 You must comply with any formal standards investigation into your conduct or the conduct of another councillor.
- 3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:
- the Council's Chief Finance Officer; or
 - the Council's Monitoring Officer
- 3.17 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

SECTION 3: INTERESTS

1. Registration of Interests

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

registered interest, notify the Monitoring Officer.

- 1.3 The register of interests of all councillors is a public record and must be available online for members of the public to view.
- 1.4 Under the provisions of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you must give the Monitoring Officer written notice of any pecuniary or other interests (and any changes), which apply to you or where it is an interest of your spouse or partner (a person with whom you are living as a husband and wife; or a person with whom you are living with as if you are civil partners) within 28 days of:
 - a. election or appointment to office (if that is later);
 - b. any change to the interests;
 - c. disclosing an interest at a meeting (where not otherwise entered on the register);
 - d. becoming aware of the interest when solely discharging a function of the authority as a member of the council's Cabinet.
- 1.5 It is a prosecutable offence to fail to notify the Monitoring Officer of your interests or knowingly/recklessly provide false or misleading information.

2. Disclosable Pecuniary Interests

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

3. Other registerable interests

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

4. Non-registerable interests

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

you must disclose the interest;

- 4.3 Where the matter referred to in paragraph 4.2 affects the financial interest to a greater extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

5. Sensitive Interests

- 5.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.
- 5.2 In granting any dispensation, the overriding concern should be the safety and welfare of the councillor and their family. If the Monitoring Officer is satisfied that there is a genuine and well-founded threat of violence or intimidation to the councillor if their details were published by the Council, then such details should not be published. Receiving criticism or complaint may not amount to such and may be seen as simply part of the expected role of an elected politician. The Monitoring Officer will usually ask for evidence to substantiate the threat to hold on record.
- 5.3 It should be noted that, even if a dispensation is granted, the Register shall still show the existence of an interest with an explanatory note saying that the details have been withheld under these provisions.

6. Single Member Action

- 6.1 If you are empowered to discharge functions of the Council acting alone (for example, as a member of the Cabinet), and:
- have and are aware that you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in that role, you must not take any action, or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means);
 - have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B ('Other Registerable Interest'), you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);

- the matter to be dealt with by you in that role relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must not take any action or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means) and you must notify the Monitoring Officer;
- the matter to be dealt with by you in that role affects your own financial interest or a financial interest of a relative, friend close associate or body covered by Appendix B, you must notify the Monitoring Officer before taking any action or further action, and if the Monitoring Officer determines that the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not take any action or further action.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

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

INTEREST	DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you (or a body in which you have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which you have a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to your knowledge) has a place of business or land in the area of the Council; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) where the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B - OTHER REGISTERABLE INTERESTS

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

PART 2: GIFTS AND HOSPITALITY OFFERED TO COUNCILLORS

1. General Principles

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

- 1.4 As with all other aspects of this Code, councillors should be confident that whatever they do should be seen to be an example to the community of proper conduct and behaviour.

2. Registering Gifts and Hospitality

- 2.1 This Code of Conduct sets out the requirement for councillors to register the receipt of any gift or hospitality worth £10 or over that they receive in connection with their official duties as a councillor. If in doubt as to the value, the councillor should register the offer anyway. An accumulation of gifts from the same source over a short period that adds up to £10 or more should also be registered. The Member must register the gift or hospitality and its source by completing a written declaration within 28 days of receiving it.
- 2.2 The Council will maintain a register of gifts and hospitality received by councillors where the value is £10 or more in value. The register is maintained by Democratic Services on behalf of the Monitoring Officer. Members should immediately notify Democratic Services of any such gifts or hospitality received and enter the relevant details in the register. The register will be made available to the public via the Council's website. It will be updated at least quarterly.
- 2.3 Councillors do not need to register gifts and hospitality that are not related to their role as a councillor.

8.3 Member Complaints Procedure

1. Context

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

2. The Code of Conduct

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

3. Making a complaint

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

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

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

3.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which is available on request or can be downloaded from the Council's website, next to the Code of Conduct.

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

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

4. Initial Assessment of Complaints Received

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

'CAN' we investigate your complaint?

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

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

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

‘SHOULD’ we investigate your complaint?

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

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

- a. warrants investigation or,
- b. may be suitable for alternative resolution without investigation,

4.5 For the complaint to be admissible it must be in a legible format and relate to an existing Member of the Council.

4.6 In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Persons will have regard to a range of factors including the following:

- a. Whether there is sufficient information upon which to base a decision;
- b. How serious is the alleged complaint;
- c. Is the complaint politically motivated, vexatious or tit for tat;
- d. Did the action complained about occur recently or not;
- e. Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- f. Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.

4.7 The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer. You will be informed on progress throughout the process.

- 4.8 Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.
- 4.9 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.10 If, during the assessment of the initial complaint, it becomes clear that either the Monitoring Officer or the Independent Person have a conflict of interest in relation to the complaint, they will not play any further role in the assessment of the complaint. In order that the complaint can be assessed, steps will be taken to appoint a Monitoring Officer (or suitably qualified person) or an Independent Person from another authority to assess the complaint and take any further steps required under this procedure.

5. Alternative Resolution

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

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

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer will consult with an Independent Person about the need for a formal investigation.
- 6.2 The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be

asked to provide their explanation of events. The Investigating Officer will identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

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

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

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

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

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

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

8.2 Local Resolution

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

8.3 Local Hearing

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Sub-Committee, which will conduct a

local hearing in private to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

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

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

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

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

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

9.1 The Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members (including town and parish council members) as may be necessary to promote and maintain high standards of conduct.

9.2 If, following an investigation and hearing, it is established that a member has failed to comply with their council’s Member Code of Conduct, one or more of the following sanctions may be applied:

- a. Publish findings in respect of the member’s conduct;

- b. Report findings to the relevant council for information;
- c. Recommend to the relevant council that the member be issued with a formal censure or be reprimanded;
- d. Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the relevant Council or committees) that they be removed from any or all committees or sub-committees of the council;
- e. Where Executive arrangements exist, recommend to the Executive Leader that the member be removed from Cabinet, or removed from particular portfolio responsibilities;
- f. Instruct the Monitoring Officer to arrange or recommend training for the member;
- g. Instruct the Monitoring Officer to mediate between the complainant and the Member;
- h. Remove or recommend the removal of the member from any outside appointments to which they have been appointed or nominated by their council where the complaint relates to that appointment and for a specified period of time;
- i. Withdraw or recommend withdrawal of facilities provided to the member by their council, such as a computer, website and/or email and internet access, which may have been abused or improperly used;
- j. Exclude or recommend the exclusion of the member from their council's offices or other premises, with the exception of meeting rooms as necessary for attending full Council, committee and sub-committee meetings.
- k. Recommend that the member concerned makes a formal written or oral apology to the full Council.

9.3 There are no powers that allow the Council to suspend or disqualify a Member or to withdraw Members' basic allowances. However, removing a Member from the Cabinet or other Committee may lead to a loss of a Special Responsibility Allowance that position was entitled to for the period of the suspension.

10. What happens at the end of the hearing?

10.1 At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

10.2 As soon as reasonably practicable thereafter and subject to any adjournment as set

out in 8.3 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee and send a copy to you and to the Member. The decision notice will be made available for public inspection after 20 working days have elapsed from the date the decision notice was issued (provided there has not been a request for a review under paragraph 11 of these Arrangements) and the decision reported to the next convenient meetings of the Democracy and Standards Committee and of the Council.

11. Appeals and Reviews

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

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

12. What is the Hearings Sub-Committee?

- 12.1 The Hearings Sub-Committee is a sub-committee of the Council's Democracy and Standards Committee. It will comprise three members of the Democracy and Standards Committee.
- 12.2 Independent Persons are invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

13. What is the Review Panel?

- 13.1 The Review Panel is a sub-committee of the Council's Democracy and Standards Committee. It will comprise three members of the Democracy and Standards Committee who did not sit on the Hearings Sub-Committee, have not previously been involved in the matter concerned and who do not otherwise have any conflict of interest.
- 13.2 Independent Persons are invited to attend all meetings of the Review Panel and their views are sought and taken into consideration before the Review Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

14. Who are the Independent Persons?

- 14.1 The Council has five Independent Persons.
- 14.2 A person cannot be "independent" if they:
- a. are, or have been within the past five years, a Member, co-opted Member or officer of the Council or of a parish council within the Council's area; or
 - b. are a relative or close friend of a person involved in making or determining the complaint. For this purpose, "relative" means:
 - (i) the other person's spouse or civil partner;
 - (ii) living with the other person as husband and wife or as if they were civil partners;
 - (iii) a grandparent of the other person;
 - (iv) a lineal descendant of a grandparent of the other person;
 - (v) a parent, sibling or child of a person within paragraphs (i) or (ii);
 - (vi) the spouse or civil partner of a person within paragraph (iii), (iv) or (v); or
 - (vii) living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they were civil partners.

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

- 15.1 Both the complainant and the Member complained about may choose to bring another person with them to the Local Hearing and any Review Panel meeting (if one takes place) to support (but not represent) them. It shall be a matter for the Chair of the Hearings Sub-Committee and the Chair of the Review Panel to issue directions as to the manner in which a supporting person may participate in the Local

Hearing/Review Panel meeting, to ensure there is a balance between a party's need to be supported and the need for the Hearings Sub-Committee and/Review Panel to conduct its business fairly and efficiently.

16. Principles of Natural Justice

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

17. Service

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

18. Revision of these arrangements

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

8.4 Member/Officer Protocol

1. Introduction

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

2. Roles of councillors and Officers

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

2.2 Councillors

Councillors have the following main areas of responsibility:

- a. contributing to determining the policy of the Council and giving it leadership;
- b. monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- c. representing the Council in their local areas and externally;
- d. acting on behalf of their constituents.

- 2.3 All councillors must respect the impartiality of officers' information and advice, must not ask them to undertake work of a party-political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.
- 2.4 Councillors must recognise that no officer should be expected to give political advice, and those that are in 'politically restricted' posts are specifically debarred from engaging in active political work.
- 2.5 When dealing with Council business, councillors must be mindful of the provisions relating to interests in the councillor Code of Conduct and avoid involvement in matters that could be deemed to be breaches of these provisions. Councillors should also be aware of legislative constraints on their behaviour. For example, they should not visit certain Council establishments without the appropriate checks having been completed.
- 2.6 Members of the Cabinet and Committee Chairs
- 2.7 Members of the Cabinet and Chairs and Vice Chairs of committees, Boards, Panels etc, have additional responsibilities and their relationships with officers whilst carrying out those roles may be different from, and more complex than those of councillors without those responsibilities.
- 2.8 Officers
- 2.9 An officer's role is:
- a. to give advice and information to all councillors on an impartial basis, using their professional expertise and
 - b. to implement the policies determined by the Council, provided the policies are within the law.
- 2.10 In all advice, including reports, it is the responsibility of the officer to express their own advice in an objective and professional manner, and make recommendations based on this. An officer may report the views of individual councillors on an issue. If the councillor wishes to express a view contrary to the recommendation, they must not pressure the officer to make a recommendation contrary to the officer's professional view.
- 2.11 Certain officers e.g. Chief Executive of the Council, Monitoring Officer and Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and to individual councillors. These obligations should be respected. These officers must not be obstructed in the discharge of these responsibilities, and/or be victimised for discharging these responsibilities.
- 2.12 Officers who are professionally qualified may be bound to observe professional

standards in giving advice and councillors must respect this. Officers will also be bound by the limits of their authority in the Council.

3. Expectations

3.1 Councillors can expect from officers:

- a. A commitment to the Council as a whole, and not to any political group;
- b. A working partnership;
- c. An understanding of and support for respective roles, workloads and pressures;
- d. Timely response to enquiries and complaints;
- e. Objective advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
- f. Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- g. Awareness of and sensitivity to the political environment;
- h. Respect, courtesy and dignified behaviour appropriate to the occasion;
- i. Training and development in order to carry out their role effectively;
- j. A high level of integrity and confidentiality, appropriate to the situation;
- k. Not to have officers' personal issues raised with them outside the agreed procedures;
- l. That they will not attempt to influence improperly any councillor to advance officers' personal interests, those of others, or influence improperly a decision;
- m. At all times compliance with the Code of Conduct for Officers;
- n. Support for the role of councillors as the local representatives of the Council, within any scheme of support for councillors, which may be approved by the Council.

3.2 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the ward or wards affected should, as a matter of course, be invited to attend the meeting unless a lead Councillor has been agreed. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward councillors should be notified at the outset of the exercise.

3.3 Correspondence between an individual councillor and an officer should not normally be copied by the officer to any other councillor without that councillor's consent. Officers should not be copied into political group correspondence.

3.4 Officers can expect from councillors:

- a. A working partnership;
- b. An understanding of and support for respective roles, workloads and pressures; and of officer work/life balance;
- c. Leadership and direction;
- d. Respect, courtesy and dignified behaviour appropriate to the occasion;
- e. A high level of integrity and confidentiality, appropriate to the situation;
- f. Not to be subject to intimidation, harassment or bullying;
- g. Not to have councillors' personal issues raised with them outside the agreed procedures;
- h. Not attempt to influence improperly any officer to advance their personal interests, or those of others, or influence improperly a decision;
- i. That councillors will at all times comply with the Council's councillors Code of Conduct;
- j. That councillors will not comment adversely on the conduct or capability of an individual Council employee or officer at meetings held in public;
- k. The councillors will not ask for support other than to assist in carrying out their roles in the Council.

4. Limitations on Behaviour

4.1 The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- a. Close personal relationships between councillors and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment for themselves, their group or otherwise. Where close personal relationships do exist, it is necessary to ensure that confidential knowledge is respected and not discussed inappropriately;

- b. The need to maintain these separate roles means that there are limits to the matters on which officers should be expected to give advice. Officers are unlikely to be able to give advice on personal matters and should not give advice on party political matters;
- c. Relationships with particular individuals or party groups should not be such as to give cause for suspicion that an officer favours that councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

5. Political Groups

5.1 The operation of political groups is an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Council. It is in the interests of the Council to support the effective operation of political groups, but the operation of political groups can pose difficulties in terms of the impartiality of officers (note: the Cabinet is not a political group even if all members are from a single party).

6. Officer Attendance

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

8. When Things go Wrong

7.1 From time to time the relationship between councillors and officers may break down or become strained. If this is the case, issues will be dealt with informally where possible, or through conciliation by an appropriate senior manager or councillor.

7.2 Procedure for officers

Formal complaints against councillors must follow the Code of Conduct processes found elsewhere in the Constitution. Before an officer initiates a complaint under the Code of Conduct or the Whistleblowing Procedure, they should consider raising their concerns about the behaviour of a given councillor with the Monitoring Officer.

7.3 Procedure for councillors

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

8.5 Planning Protocol

1 Background and Scope

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

2 Introduction

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

3. General Roles and Conduct

- 3.1 The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group or locality; nor put themselves in a position where they appear to do so. Decisions

should clearly be based upon the development plan and material planning considerations.

- 3.2 The role of Members at a Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their constituents.
- 3.3 Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.
- 3.4 Members whose business or other interests bring them into frequent contact with the planning system should consider whether it is appropriate or practical to accept appointment to a Planning Committee: nor should other Members seek to appoint such a Member to a Planning Committee.
- 3.5 The role of officers at Planning Committee is to advise the Members on professional matters, and to assist in the smooth running of the meeting.
- 3.6 If Members have questions about a development proposal, they are encouraged to contact the case officer in advance. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

4. Training

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

5. General Principles for Dealing with Planning Matters

- 5.1 A Member should consider the interests of local residents and businesses as a whole and should not favour any individuals or groups. They should also act in the interests of the whole Council area.
- 5.2 A Member shall not accept a nomination to serve on a Planning Committee unless they agree to abide by the terms of the Planning Protocol.
- 5.3 Members (and officers) should not act as paid agents or consultants on planning matters within the jurisdiction of the Council as local planning authority.

- 5.4 Planning applications will be determined in a transparent, fair and open manner and Members should have regard only to the development plan and material planning considerations and should disregard all other factors.
- 5.5 Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Member misses part of an item being discussed then they must not vote.
- 5.6 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
- 5.7 Members should pay full regard to officers' professional recommendations, relevant national/regional planning statements and guidance, and relevant Development Plan Policies.
- 5.8 Members are recommended to be cautious of social contact with applicants and agents.
- 5.9 Members should not disclose to a third party information submitted to them or a committee on a confidential basis.

6. Determination of Planning Applications

- 6.1 Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.
- 6.2 In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
- 6.3 Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Development Plan Policies.
- 6.4 Members can always ask for clarification from officers. However, if there are issues which require factual clarification, preferably these should be directed to the case officer before the committee meeting, not at the meeting itself.
- 6.5 Members will then debate the application, including giving an indication of how they intend to vote.
- 6.6 After Members have debated the application, a vote will be taken.
- 6.7 Whilst officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Members, acting in the

interests of the whole Council, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Members may decide to apply different weight to certain issues and may reach a decision contrary to officer advice.

- 6.8 If, in moving contrary to the advice and/or recommendation in an officer's report, Members require further advice about the details of the motion, the meeting can be adjourned for a short time to allow Members and officers to draft the motion. This may include reasons for the decision that are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged.
- 6.9 Where Members propose to determine a planning matter contrary to officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 6.10 Members may move that any vote should be recorded at any meeting of the Planning Committee. This means that a formal record is taken of how each individual Member voted (For, Against, or Abstain).

7. Officer Reports to Committee

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

8. Disclosable Pecuniary and Personal Interests

- 8.1 The Code of Conduct sets out requirements for Members on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Members should review their situation regularly.
- 8.2 Members should avoid membership of the Planning committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
- 8.3 A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The Member may in their personal capacity and if registered to speak make representations and answer questions prior to any debate on the matter but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the Monitoring Officer or legal advisor to the committee at the earliest opportunity if in any doubt.
- 8.4 Ward Members who are also members of a Planning committee may participate in the committee debate on an application in their ward and subject to any disclosable pecuniary interest will normally be allowed to vote on the application.
- 8.5 A Member who has a disclosable interest in a planning matter is still able to represent the interests of their Ward constituents at committee meetings in respect of that matter, subject to the Council's rules on public participation at committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

9. Pre-determination and Predisposition

- 9.1 Members of the Planning Committees need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.
- 9.2 Members must not prejudice their ability to participate in planning decisions at a Planning committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning committee and hearing the officer's presentation and evidence and arguments on both sides.

- 9.3 Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 9.4 If a Member has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter.
- 9.5 Members who are members of a Planning committee and who in that capacity attend any ancillary meeting or committee/sub-committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Member in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Member was biased.
- 9.6 Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at committees, and withdraw from the meeting.
- 9.7 Members must be aware that they are likely to have pre-determined a matter where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal.
- 9.8 For advice on predetermination and predisposition, Members should seek the advice of the Monitoring Officer.

10. Lobbying of Councillors

- 10.1 Lobbying is a normal part of the planning process. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to members of a Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.

- 10.2 Members of a Planning committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view, members of a Planning committee should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Members should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.
- 10.3 Members can raise with officers issues which have been raised by their constituents, It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning committees.
- 10.4 If a member of a Planning committee responds to lobbying by deciding to go public in support of a particular outcome; or actively campaigns for it, they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a Member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias, they may in the interests of maintaining public confidence decide not to participate in a decision.
- 10.5 If any Member, whether or not a committee member, speaks on behalf of a lobby group at the decision making committee, they must withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.
- 10.6 If a Member requires advice about being lobbied, they should seek advice from the Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

11. Political Influence

- 11.1 Given that the point at which a decision on a planning application is made cannot occur before a Planning committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how Members should vote and political whips must not be used.

11.2 Members of the Planning committees should avoid organising support for or against a planning application and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Where a member of a Planning committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they will need to absent themselves from the vote on that particular application when it was being considered.

12. Pre-application Discussions

12.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should take place within clear guidelines.

12.2 Where Members are involved in pre-application discussions, at least one officer should attend any meetings and a follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all meetings.

12.3 All officers taking part in such discussions should make clear whether or not they are the decision-maker.

12.4 Any advice that is given should not be partial, nor seen to be partial, by any party involved. It should always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional. Advice and observations should be based on the adopted plan and material considerations.

12.5 The following terms of engagement shall apply:

- Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
- Members should maintain an impartial listening and questioning role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.

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

13. Site Visits

13.1 When deciding whether a site visit is appropriate prior to the meeting at which the planning application is to be considered, all circumstances should be considered including whether:

- Matters of judgement are involved on the context of the site such as the effect on landscape, impact on character, residential amenity, or highway considerations rather than purely on principle;
- It is a finely balanced case; or
- It is a contentious application where there are strong local views.

13.2 Members are expected to register their request for a site inspection in connection with a particular application or proposal with the Assistant Director: Growth, Climate & Regeneration within 25 days of notification of receipt of a planning application (by email to jim.Newton@westnorthants.gov.uk or by post to Assistant Director: Growth, Climate & Regeneration, Place & Growth Directorate, West Northamptonshire Council, One Angel Square, Angel Street, Northampton NN1 1ED).

13.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning committee.

13.4 Where visits are arranged, they must be undertaken in a consistent manner, and Members should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.

13.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.

- 13.6 The primary aim of a site visit is to enable Members to judge for themselves the likely impacts of the proposed development and appreciate the issues involved. All members of a Planning committee are encouraged to attend the site visits.
- 13.7 Site visits should only be attended by Members and officers. No representations will be permitted during the site visit from parishes, members of the public, applicants or agents.
- 13.8 Ward Members should be invited to attend all site visits and invited to attend the Planning committee meeting in respect of applications within or affecting their wards.
- 13.9 Where a Member proposes deferral of a planning application at a Planning committee meeting in order that a site inspection may be carried out, the planning reason for conducting such an inspection should be clearly stated.
- 13.10 Any of the Members responsible for calling an application into a Planning committee may wish to attend the site visit to explain why they called the application in to Planning committee.

14. Call-Ins

- 14.1 Planning applications can be 'called-in' to a Planning committee for determination.
- 14.2 Applications can be called in by any Member of the Council.
- 14.3 Call-in requests must be submitted in writing to the Assistant Director: Growth, Climate & Regeneration within 25 working days from the beginning of the consultation period, or within 10 working days from the beginning of any subsequent re-consultation period.
- 14.4 Call-ins have to be based on valid and relevant planning grounds. Any issue relating to the propriety of the specified planning grounds will be determined by the Monitoring Officer.
- 14.5 By making a call-in request, a Member is indicating that they consider the issues require debate by the Planning Committee.
- 14.6 A Member who has called-in a planning application is expected to attend the Planning Committee meeting at which the application they referred is to be discussed, to address the Planning Committee and explain their views on the application and expand on their call-in reasons.
- 14.7 The Member who has called-in an application is required to register to speak on the item in accordance with the Planning Protocol on Speaking at Planning Committees.
- 14.8 If a Member who has called-in an application does not register to speak on the item or having registered to speak is not present at the start of the Planning Committee

meeting at which the application is to be considered, then the item will be withdrawn from the agenda and determined by an officer in accordance with the Council's scheme of delegations.

15. Where a Member Represents Two Councils

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

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

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

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

15.4 When exercising this right, they should:

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

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

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

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

17. Development Proposals submitted by Councillors and Officers

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

- Use their position to gain access to officers to pursue their interest; or
- Bring improper pressure to bear on officers.

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

18. Planning Applications by the Council

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

19. Regular Review of Decisions

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

8.6 Protocol on Speaking at Planning Committees

This Protocol details the rules on public speaking at the Strategic Planning Committee and each of the Council’s three Local Area Planning Committees.

As an overarching, guiding principle, decisions should always be taken in a fair and transparent manner to ensure there are no grounds for suggesting that a planning decision has in any way been biased, partial, or not well founded.

The separate Planning Protocol (see above) applies to Members at all times when they are involving themselves in the planning process. The Monitoring Officer can also provide guidance to Members in relation to conduct on planning matters, as necessary.

1. Speaking at Planning Committee Meetings

1.1 The following can speak at Planning Committee Meetings

- The applicant or their agent.
- Up to two persons who wish to object up to two persons who wish to support an individual planning application, an enforcement recommendation or any other quasi-judicial matter on the Agenda. If there are more than two objectors/supporters, each group may organise a spokesperson to speak on their behalf.
- Ward Councillors who are not members of the Planning Committee. (If Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak).
- Members of Parliament with the whole or part of their constituency within West Northamptonshire Council’s boundaries.
- A representative of a Parish Council in whose area the application relates.

1.2 Additional speakers may be allowed at the discretion of the Chair of the Committee.

1.3 Arrangements for Speaking

It is necessary to register with Democratic Services as soon as possible and in any event not later than midday on the last working day before the Committee. This applies to all speakers, including Ward Councillors. Speakers are required to indicate whether they will be speaking against or in support of an application.

Speakers may register by telephone, email or in writing using the following contact details:

Contact details for registration			
Planning Committee	E-mail address	Tel. no.	Postal Address

Daventry Local Area Planning Committee	MemberSupport.ddc@westnorthants.gov.uk	01327 302324 / 302236	Democratic Services, Lodge Road, Daventry, Northants, NN11 4FP
Northampton Local Area Planning Committee	democraticservices@westnorthants.gov.uk	01604 837722	Democratic Services, One Angel Square, Angel Street, Northampton , NN1 1ED, for the attention of The Democratic Services Officer, Planning Committee.
South Northamptonshire Local Area Planning Committee	democraticservices@westnorthants.gov.uk	01327 322043	Democratic Services, The Forum, Moat Lane, Towcester, NN12 6AD
Strategic Planning Committee	democraticservices@westnorthants.gov.uk	01327 322195	Democratic Services, The Forum, Moat Lane, Towcester, NN12 6AD

Late representations will not be heard. If there are several objectors/supporters, each group should organise a spokesperson to speak on their behalf. In the absence of agreement, the Council will operate a “first come first served” policy. In the event that more than two people have already registered, a person wishing to make their views known to the Committee may contact their Ward Councillor to request that they put across their points.

Where a member of the public has registered to speak but fails to attend the meeting, the Chair shall have discretion to reallocate that speaking place to another member of the public present who would otherwise have wished to speak. For the avoidance of doubt, such reallocation will be on a like-for-like basis, i.e. if the original registration was ‘for’, the reallocated place will also be ‘for’.

If objectors intend to speak, the applicant will be contacted to ensure that they have the opportunity to reply.

2. Procedure at the Meeting

The discussion on applications will be in the following order:

- The Chair of the Committee will announce the application
- the [*Head of Planning tbc*] or their representative may present the item and will add any further information relevant to the application and report
- Members of the public can then speak in the following order:
 - Objector
 - Parish or Town Council(s)
 - MP
 - Ward Councillor(s)
 - Supporter
 - Applicant/agent
- A planning officer may summarise issues before the matter is debated by the Planning Committee Members and a vote taken.

The Chair has discretion to permit questions from the Planning Committee Members to the various speakers, after the end of their allotted 3 minutes.

A planning officer may summarise issues before the matter is debated by the Planning Committee Members and a vote taken.

In the event of any dispute over these procedures or the protocol, the Chair's decision is final.

2.1 Time

All speakers either in support or against the application or speaking on behalf of the applicant will be allowed a maximum of three minutes to address the Committee. Participants addressing the Committee will be advised when they have 60 seconds of their allotted three minutes remaining and will be expected to cease talking immediately on being advised that their three minutes is up.

2.2 Notes

- Any speakers who are not members of the Committee are only allowed to make statements. They may not ask questions of officers, the Committee or each other and must take no further part in the procedure once they have finished their address to the Committee.
- Consideration of an application will not be delayed simply because someone who has registered to speak is unable to attend the meeting.
- Addresses should only be about planning issues and should not refer to non-planning issues, such as private property rights, moral issues, loss of views or effects on property values.
- Fresh material may not be circulated to the councillors, which has not first been seen by Planning officers.
- Speakers may speak about material planning considerations and relevant facts pertinent to any planning application submitted to the Council that they have made a written representation on, and which is on the agenda for determination at the Committee. Some examples of material planning

considerations include:

- the environmental impact of the development
 - the impact of the development on the highway network
 - any policy in the Council's Local Development Framework, or the relevant Local Plan for your area.
 - central and regional Government planning policy guidance, circulars, orders and statutory instruments
- Issues that may be taken into account by the Committee include:
 - planning laws and previous decisions
 - noise, disturbance, smells
 - residential amenity
 - design, appearance and layout
 - impact on trees, listed buildings and conservation areas
 - public open space
 - Issues that will not be taken into account by the Committee include:
 - boundary disputes
 - private rights of way, private covenants or agreements
 - the applicant's conduct, private affairs or how a business is run
 - the applicant's motives (including profit)
 - the impact on property values
 - suspected further development
 - loss of views over other people's land
 - land ownership
 - The circulation of plans, photographs, or other material at the Committee meeting will not be permitted. Any such documentation should be submitted to the Assistant Director Economic Growth and Regeneration marked for the attention of the relevant Planning Officer as part of the existing consultation arrangements.

8.7 Scheme of Members' Allowances

1. Allowances for the period 11 May 2021 to 31 March 2022

Post Holder	Amount
Basic Allowance (All Members)	£13,750
Leader	£34,375
Deputy Leader	£24,063
Cabinet Members	£20,625
Lead Member for Children's Services	£22,825
Chair of the Council	£10,313
Vice Chair of the Council	£6,875
Chair of Strategic Planning Committee	£13,750
Chair of Area Planning committees	£13,750
Chair of Planning Policy Committee *	£nil
Chair of Licensing Committee	£13,750
Chair of Audit Committee	£13,750
Chair of Overview and Scrutiny Committee	£13,750
Vice Chair of Overview and Scrutiny Committee	£2,750
Chair of Pension Fund Committee *	£nil
Chair of Senior Appointments Committee *	£nil
Chair of Democracy and Standards Committee	£13,750
Party Group Leaders:	
Leader of the Largest Opposition Group	£11,000
Leader of the second largest Opposition Group	£5,500
Leader of the third largest Opposition Group	£2,750
Leader of the fourth largest Opposition Group	£1,375
Co-Optees and Independent Persons:	

Co-opted members of the People Overview and Scrutiny Committee	£500
Co-opted members of the Northamptonshire Police and Crime Panel	£500
Independent Persons to the Democracy and Standards Committee	£500

*Cabinet members will be appointed to these roles.

2. Limitations on Payment of Special Responsibility Allowances (SRA):

Members may not receive more than one SRA, and where a Member occupies multiple roles with an SRA they shall be entitled to receive the higher SRA from the roles they hold.

3. Indexation

Allowances shall be adjusted annually by an amount equivalent to the officers' annual pay award. Adjustment to the Scheme of Allowances by indexation is limited to a maximum period of four years, however Members may request the Independent Remuneration Panel to review allowances at an earlier time.

4. Other Allowances

Members may make claims for the following expenditure when undertaking official Council business. The approved duties are the categories contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 shown in Part 5.

4.1 Travelling

4.1.1 Sustainable modes of transport are encouraged where possible. The use of a Member's car, motorcycle or bicycle for approved duties (see Part 5 for list of approved duties) will be paid at the same rate as the officers, i.e. the rate published from time to time by HM Revenue and Customs: www.hmrc.gov.uk/rates/travel.htm.

4.1.2 The agreed rates as at February 2021 are as follows, including electric and hybrid models:

Cars and vans* 45p per mile

Motor cycles* 24p per mile

Bicycles (includes e-bikes) 20p per mile

4.1.3 Public Transport

- Train fares for approved duties to be paid at standard fare. Officers of the Council to book train fares for the Member.
- Bus fares for approved duties to be paid on production of a receipt/ticket.

- Approved taxi fares to be paid on production of a receipt. Officers of the Council to book a taxi for the Member where possible.
- Parking fees to be paid upon production of a receipt/ticket.

4.2 Subsistence

Subsistence Allowance	Breakfast (more than 4 hours away before 11am).	£6.00
	Lunch (business journeys entailing working away from normal place of work between 12 and 2pm).	£8.00
	Dinner (can be claimed when required to work outside of usual rostered requirements and away from usual place of work after 8.30pm).	£12.00
Overnight expenses	Accommodation (if a member is required to stay overnight); overnight accommodation bookings to be made by officers of the Council.	

4.3 Dependent Carers' Allowance

4.3.1 The maximum rates at which dependent care may be claimed is:

- Where professional care is provided, an hourly rate of £20 per hour will be paid.
- Where care is provided by friends or relatives an hourly rate of £10 per hour will be paid.

There is no upper limit for a claim.

5. Forgoing Allowances and Part-Year Entitlements

5.1 A councillor, co-opted member or independent person may elect to give up any part of their entitlement to an allowance under this scheme by notifying Democratic Services in writing.

5.2 Where a Member ceases to be a member of West Northamptonshire Council, or ceases to occupy a role attracting an SRA, that the Member only receives pro-rata payment for the period that they are entitled to receive an allowance. The authority may require that such part of any allowance as relates to any such period be repaid to the authority where an overpayment is made.

6. Approved Duties

6.1 Members may make claims for travel, subsistence and dependant carers' allowance when undertaking official Council business in line with the approved duties categories contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 set out below:

- a. the attendance at a meeting of the authority or of any committee or subcommittee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or subcommittee of such a body;
- b. the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a subcommittee of such a joint committee provided that:
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- c. the attendance at a meeting of any association of authorities of which the authority is a member; (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- d. the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- e. the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- f. the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996, and
- g. the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees. The law prevents payment for:
 - Members' surgeries
 - Political activities
 - School Governor meetings (Section 58 of the Education (No. 2) Act 1986)

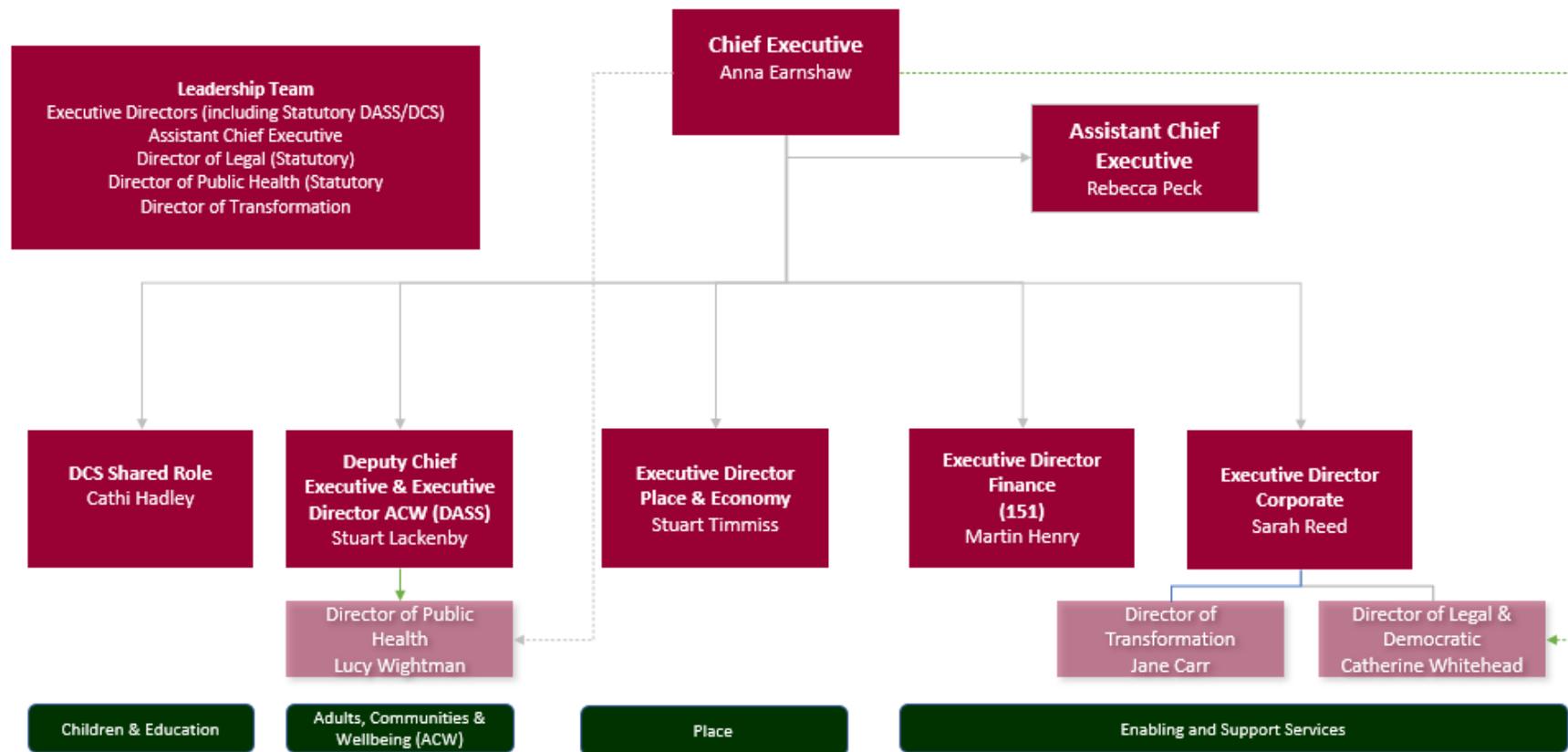


**West
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Council**

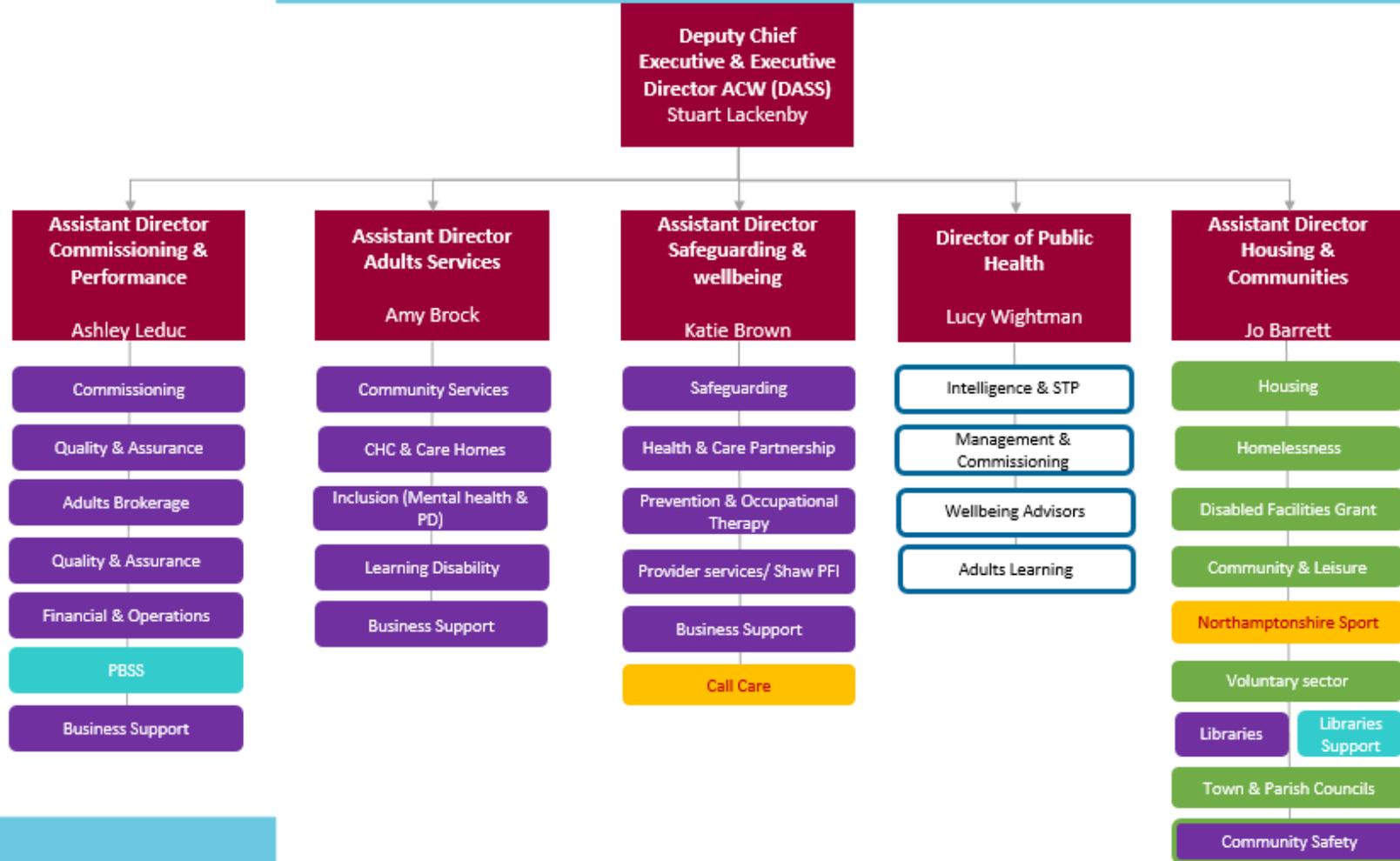
9.0 OFFICERS

9.1 Management Structure

Executive Leadership team



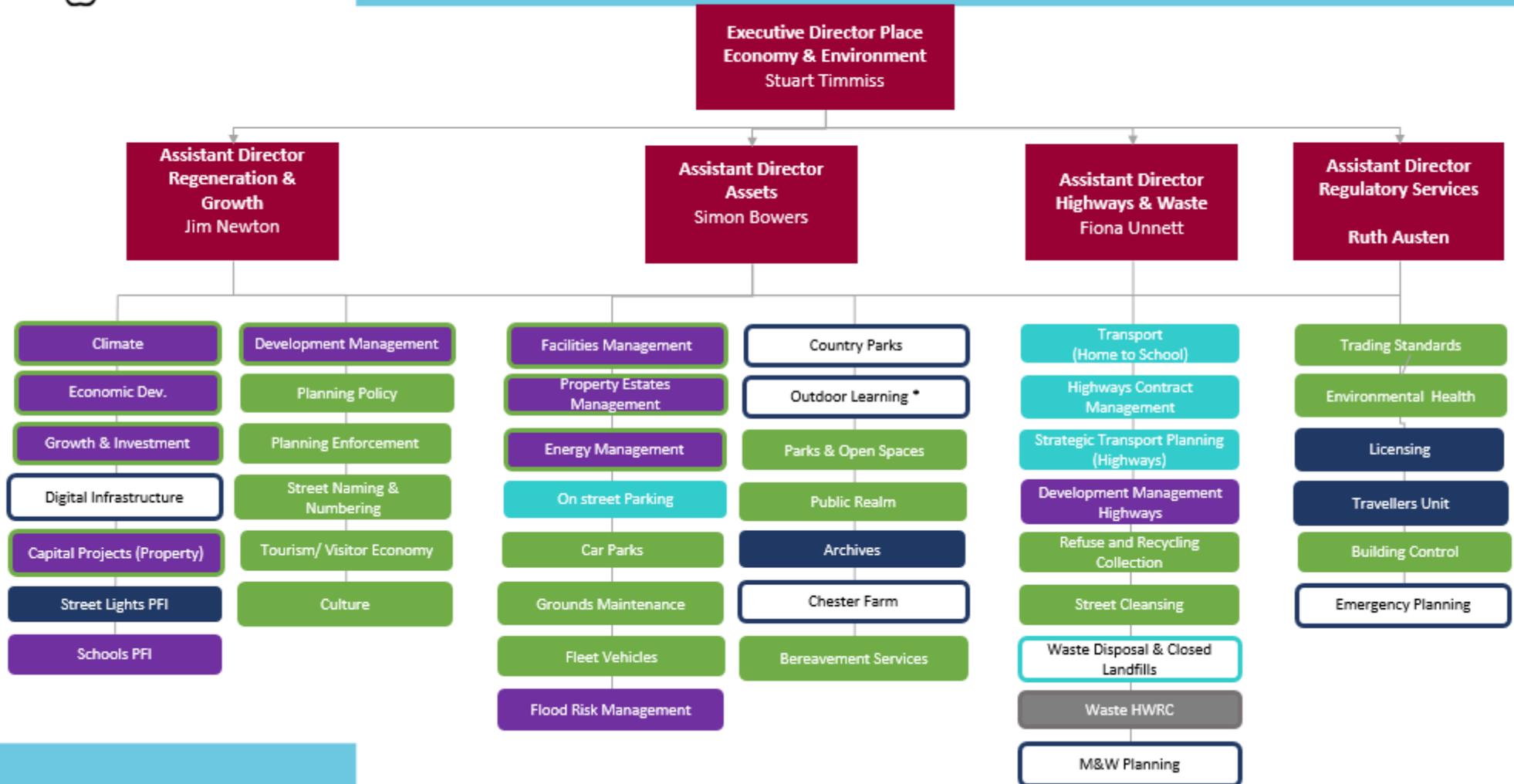
Adults, Communities & Wellbeing Directorate



Childrens Services Directorate



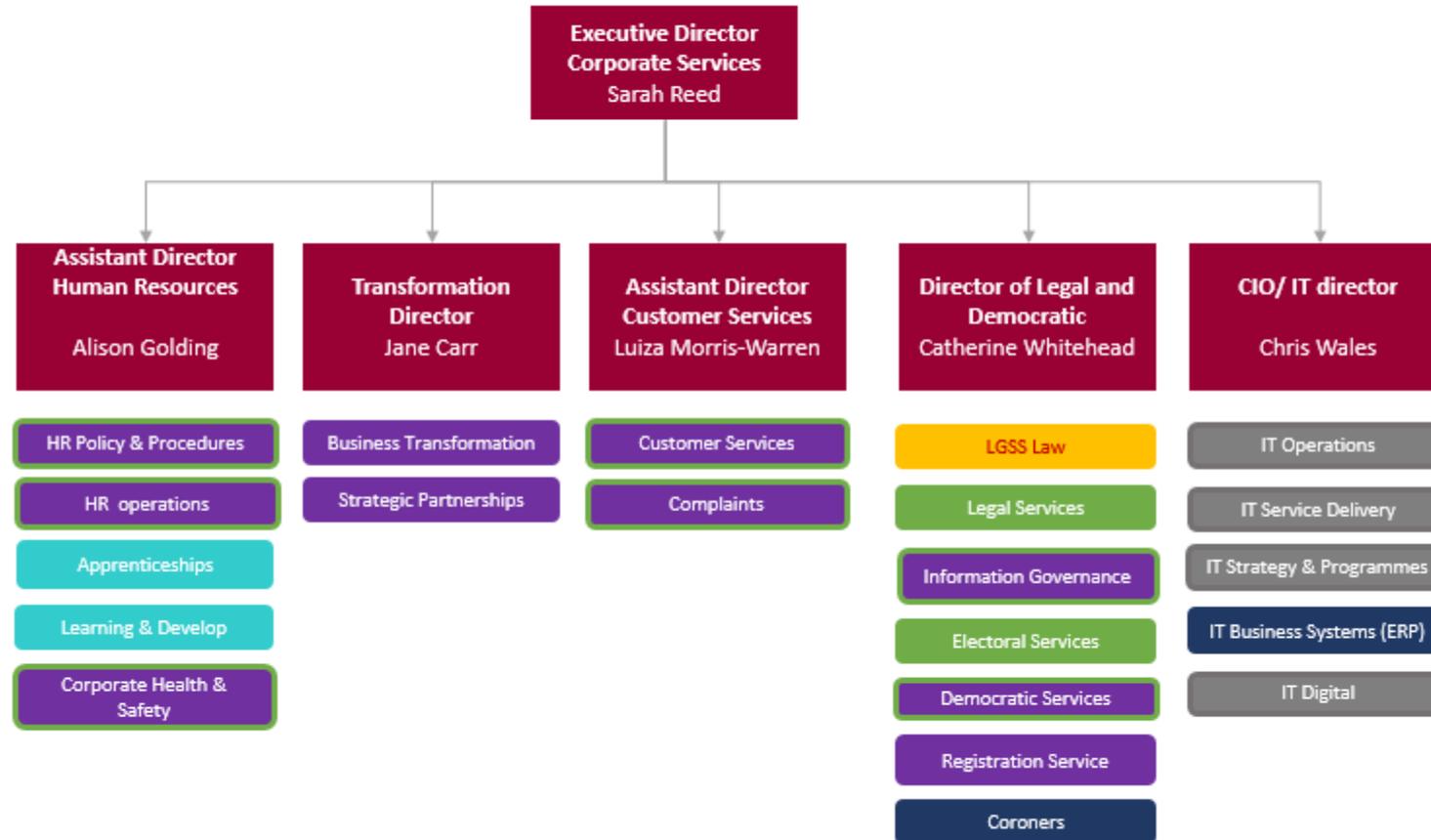
Place, Economy & Environment Directorate



Finances & Resources Directorate



Corporate Services Directorate



9.2 Scheme of Delegation to Officers

9.2.1 The Scheme:

- Introduction
- Member Consultation
- Reservations
- Restrictions
- Permissions

9.2.2 Areas of Responsibility

9.2.3 Exceptions:

- Contracts
- Property
- Financial
- Staff and Employment
- Legal and Planning

9.2.4 Statutory Officer and Proper Officer Powers

INTRODUCTIONS AND PERMISSIONS

Introduction

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

Overall Limitations

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

Member Consultation

3. Officers set out in the scheme are expected to:

- a. maintain a close liaison with the appropriate portfolio holder or in their absence the Leader;
 - b. consult relevant portfolio holders when exercising temporary or project specific delegations;
 - c. ensure the Ward Councillor(s) is/are consulted or advised of the exercise of any delegated powers that particularly affect their area ; and
 - d. ensure that the Chief Executive (Head of Paid Service), Executive Director of Finance (s151 Officer) and the Director of the Legal and Democratic (Monitoring Officer) are consulted and advised of any decisions as necessary.
4. Portfolio holders for the relevant area should be consulted on the exercise of a delegated power in all cases where:
- a. there is likely to be opposition from members of the public;
 - b. where there are political sensitivities;
 - c. there is likely to be media (including social media) interest or
 - d. expenditure is unusual for the Budget area.
5. Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.
6. The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.
7. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant ward members, scrutiny chairs and interested groups in reaching decisions.

Reservations

8. The scheme does not delegate to officers:
- a. any matter reserved to full Council;
 - b. any matter which by law may not be delegated to an officer;
 - c. any Key Decision; or

- d. any matter expressly withdrawn from delegation by the Council, committees, Leader or Cabinet.

Restrictions

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

Permissions

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

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

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

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

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to property to acquire, dispose

of, let and licence except as detailed in the Contracts and Property Exceptions Charts.

c. Powers in relation to planning

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

d. Powers in relation to finance

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

e. Powers in relation to legal action

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

The Chief Executive

11. The Chief Executive may carry out the powers and duties of the Assistant Chief Executive and Executive Directors and Director of Legal and Democratic in their absence or in consultation with them and will also have the following additional powers:

- a. to carry out the powers and duties of any of the officers in their absence or in consultation with them;

- b. to incur expenditure in the event of a civil emergency;
- c. in cases of emergency to take any decision which could be taken by the Council, the Cabinet or a committee, in consultation with the Leader; emergency to include cases which fall short of a declared emergency but are nevertheless situations in which there will be a risk of significant detriment to the wellbeing of residents if action is not taken.
- d. to alter the areas of responsibility of the Assistant Chief Executive, Executive Directors and Directors set out in the Areas of Responsibility section of this scheme;
- e. to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles.
- f. to agree the Human Resources Policies following relevant consultation.
- g. to make any changes necessary to the Employee Code of Conduct following relevant consultation.

The Monitoring Officer

12. The Monitoring Officer has delegated authority to:

- a. grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Democracy and Standards Committee.
- b. To make consequential amendments to the Constitution to give effect to a lawful decision; as a direct consequence of a change made outside the council e.g. a change in legislation and to correct an error or resolve an inconsistency. All such changes to be reported to Council.
- c. To Interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.

The Section 151 Officer

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

Assistant Chief Executive and Executive Directors and Director

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

Officer Delegation

15. West Northamptonshire Council operates an 'executive' form of governance, under which most decisions are taken by a Leader and a small Executive or Cabinet of elected members. These members take decisions on executive functions. Other decisions - non-executive decisions - are taken by full Council, committees and sub-committees. In both cases, decisions can be delegated to officers. The non-executive functions are listed in legislation, principally The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and includes decisions by full Council and committees on planning, licensing, staffing, audit, member conduct and other miscellaneous matters. Anything not in the list is an executive function.
16. Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

Recording and Publishing Officer Decisions

17. This protocol establishes a system to document certain decisions taken by officers under delegated authority.

Types of officer decisions

18. An 'Executive decision' is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.
19. A 'Non-Executive decision' is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.
20. The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing.
21. Although administrative and operational decisions are not required to be formally reported, they must be recorded within the service area so as to provide an audit trail.
22. Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:
23. **Key Decisions** are Executive decisions that are likely to:
 - (a) result in expenditure or savings of £1million or more; or
 - (b) have a significant effect on communities living or working in an area comprising two or more wards.

24. **Material Decisions** are Executive decisions (other than purely operational or administrative in nature) taken by officers under delegated powers by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:

- (a) That are contentious, controversial or politically sensitive; or
- (b) Where there is likely to be a strong public interest; or
- (c) Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or
- (d) Raise new issues of policy

25. **Significant Decisions** are Non-Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/interest; where the effect of the decision:

- (a) is to grant a permission or licence
- (b) affects the legal rights of an individual
- (c) is to award a contract or incur expenditure which ‘materially’ affects the authority's financial position

26. **Urgent Decisions** are decisions made in circumstances where:

- (a) a decision is required by statute or otherwise within a specified timescale; or
- (b) any delay likely to be caused by not making the decision would seriously prejudice the Council’s or the public’s interests; or
- (c) any delay likely to be caused by not making the decision would be likely to expose the Council, its members or the public to a significant level of risk, loss, damage or disadvantage

27. The following types of officer decision must be formally recorded and published subject to the exceptions set out:

Type of Officer Decision	Exception	Publication
Key Decisions Executive decisions that are likely to result in spending or savings that are ‘significant’:	Officers are only to take Key Decisions under the urgency provisions.	As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for

<ul style="list-style-type: none"> • in relation to the budget for the service or function in question or • in terms of the effect on communities living or working in two or more electoral divisions 		<p>inspection at County Hall and published on the Council's website, that includes details of:</p> <ul style="list-style-type: none"> • the decision and the date it was made; • the reasons for it;
<p>Material Decisions</p> <p>Executive decisions under powers delegated by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:</p> <ul style="list-style-type: none"> • That are contentious, controversial or politically sensitive; or • Where there is likely to be a strong public interest; or • Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or • That raise new issues of policy. 	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Where the expenditure or saving has already been approved by Cabinet or Cabinet Member and the decision has been published;</p> <p>(iii) Confidential or Exempt Information; or</p> <p>(iv) Where the expenditure or saving is already recorded and published under separate statutory requirements.</p>	<ul style="list-style-type: none"> • any alternative options considered and rejected; • any conflicts of interests declared by any Cabinet Member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict; • the report considered by the decision-maker; • any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision. <p>The decision record must be kept for inspection for 6 years and the background papers for 4 years.</p>
<p>Significant Decisions</p> <p>Non-Executive decisions under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/ interest; where the effect of the decision:</p>	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Confidential or Exempt information;</p> <p>(iii) Where the date, details of and reasons for the decision are already</p>	

<ul style="list-style-type: none"> • is to grant a permission or licence • affects the legal rights of an individual • is to award a contract or incur expenditure which 'materially' affects the authority's financial position 	<p>required to be produced under a statutory requirement;</p> <p>(iv) If only the rights of an individual or business are affected, unless there is a wider public impact/ interest in the action.</p>	
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AREAS OF RESPONSIBILITY

See Management Structure charts above for a detailed list of functions. Further details of the contents of each heading is in the list held by the Chief Executive, which they have authority to change and responsibility for keeping up to date.

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

Director of Legal and Democratic	<ul style="list-style-type: none"> • Registration of Births, Marriages and Deaths • Coroners • Elections Administration • Legal and Democratic Services • Information Governance
Director of Public Health	<ul style="list-style-type: none"> • Public Health • Intelligence and Local Sustainability and Transformation Partnerships • Management & Commissioning • Wellbeing Advisors • Adults Learning
Director of Transformation	<ul style="list-style-type: none"> • Business Transformation • Strategic Partnerships

EXCEPTIONS – CONTRACTING

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

All contracts and procurement must be in accordance with the Contract Rules in Part 9.6

***Contract value is over the whole contract and any extension provision not the annual spend**

Process	Over the Regulations Threshold	£100,000 to Regulations Threshold	£25,000 - £100,000	Over £5,000 - £25,000
Pre-Procurement Authorisation	Officer and Procurement Team. PGG Group. Executive Process if Key Decision	Officer and Procurement Team. Executive Process if Key Decision	Officer. Executive Process if Key Decision.	Officer. Executive Process if Key Decision.
Advertising	Head of Procurement through the Procurement Team	Head of Procurement through the Procurement Team	None	None
Procurement Process	Head of Procurement through the Procurement Team must be consulted	Head of Procurement through the Procurement Team must be consulted	Officer	Officer
Contract Execution	Written contract signed/sealed. Terms approved by	Written contract signed/sealed. Terms approved by	Written contract signed by one (1) Chief Officer or	Officer Contract terms issued via purchase order.

	Director of Legal and Democratic.	Director of Legal and Democratic.	Officer with appropriate authority to enter into a Contract. Standard terms approved by Director of Legal and Democratic.	
Contract Register	Officer or Head of Procurement through the Procurement Team if leading procurement.	Officer or Head of Procurement through the Procurement Team if leading procurement.	Officer	Officer
Framework Agreements or DPSs	Head of Procurement through the Procurement Team. Executive Process if Key Decision	Head of Procurement through the Procurement Team. Executive Process if Key Decision	Officer. Executive Process if Key Decision	Officer. Executive Process if Key Decision
Waive Contract Procedure Rules	Chief Officer, Head of Procurement, s.151 Officer and Monitoring Officer. Executive Process if Key Decision	Chief Officer, Head of Procurement, s.151 Officer and Monitoring Officer. Executive Process if Key Decision	Chief Officer, Head of Procurement, s.151 Officer. Executive Process if Key Decision	Chief Officer Approval. Executive Process if Key Decision
Emergencies	Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer. If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer. If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer If Key Decision Executive Process.	Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer If Key Decision Executive Process.

Apply an exemption – use of negotiated procedure	Officer on advice of Head of Procurement through the Procurement Team and if Key Decision Cabinet	Officer on advice of Head of Procurement through the Procurement Team and if Key Decision Cabinet	Officer on advice of Head of Procurement through the Procurement Team	Officer on advice of Head of Procurement through the Procurement Team
Notification of Award	Officer on advice of Head of Procurement through the Procurement Team	Officer on advice of Head of Procurement through the Procurement Team	Officer	Officer
Contract Variations (material change)	Not permitted. A new Procurement is required.	Officer with the agreement of Director of Legal and Democratic	Officer with the agreement of Director of Legal and Democratic	Officer with the agreement of Director of Legal and Democratic
Non recovery of liquidated damages/settlement of formal claims	Director of Legal and Democratic and with the approval of s.151 Officer.	Director of Legal and Democratic and with the approval of s.151 Officer.	Officer with the approval of s151 Officer and Monitoring Officer.	With the agreement of the Executive Director
Extension of Fixed Term Contracts with option to extend	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director of Legal and Democratic.	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director of Legal and Democratic.	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director of Legal and Democratic.	With the agreement of Head of Procurement and Director of Legal and Democratic.
Termination of Contract	Termination prior to its expiry date without first obtaining advice from Head of Procurement and Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.	Authorised Officer in consultation with Director of Legal and Democratic.

Execution of Contracts		£1,000,000 or over shall be in writing sealed by affixing the Common Seal of the Council and attested by the Director of Legal and Democratic.	Over £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s.151 Officer or their nominated representative.	Up to £250,000 shall be in writing signed by the Chief Officer.
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EXCEPTIONS – INFORMATION TECHNOLOGY

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

All contracts and procurement must be in accordance with the Contract Rules in Part 9.6

***Contract value is over the whole contract and any extension provision not the annual spend**

Process	Over £100,000	£5,000 - £100,000	Under £5,000
<p>IT Hardware</p> <p>Any devices which store or process personal data and their associated peripherals. Including, but not limited to: printers, laptops, mobile phones, monitors, tablets, etc</p>	<p>Chief Information Officer and Head of Procurement through the Procurement Team.</p> <p>Executive Process if Key Decision</p>	<p>Chief Information Officer acting on the advice of the relevant officer from the service in question, and via the CIO's delegated team and ordering processes</p>	<p>Requests authorised by the Chief Information Officer and via the CIO's delegated team and ordering processes</p>
<p>Enterprise Application and Systems</p> <p>Any digital system, whether hosted internally or software-as-a-service (SaaS) that stores and uses council data; whether purchased directly as a system or outsourced to a third-party to run.</p>			

EXCEPTIONS PROPERTY

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme). NB The term Property/Land includes all interests in Land including (wayleaves, easements,

buildings). Values relate to 'the interest disposed of value' not 'the unrestricted value' of the land).

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Disposal and Acquisition of Land				
Asset Management Plan	No	Yes	No	No
Acquisition over £500,000	No	Yes and a key decision	Where it exceeds the Capital or Revenue Budget	No
Acquisition under £500,000	Assistant Director Assets and Environment in consultation with the s151 Officer and Portfolio Holder	Not unless required by the Portfolio Holder	No	No
Disposal where the estimated value of the combined properties is over £500,000	No	Yes and a key decision	No	No unless required by law
Disposal at an undervalue	No (unless already set out in agreed policy)	Yes and a key decision	No	No unless required by law
Disposal of or allowing the occupation of or sharing the use of any property under £500,000	Assistant Director Assets and Environment in consultation with s151 Officer over £100k	No	No	No
Leases	Grant of leases up to 10 years or with discretion to break not exceeding 10 years	Grant of leases over 10 years	No	No
Non-Land Based Asset Disposal	Yes in accordance with the Finance Procedure Rules	No	No	No

EXCEPTIONS FINANCE

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

Exception	Over £500k	Up to £500k	Up to £100k	Up to £25k	Up to £1k
Capital Expenditure	Council	Cabinet	CFO	Cabinet	Cabinet

outside the Capital Programme					
Unbudgeted Revenue Expenditure	Council	Cabinet	CFO	Budget Manager	Budget Manager
Virements	Cabinet	CFO in consultation with Cabinet Portfolio	CFO	CFO	CFO
Ex gratia payments	N/A	N/A	N/A	N/A	CFO
Write off debts	Cabinet	Cabinet	Cabinet	CFO	CFO
Negotiate and Approve Borrowing Limits	Council	Cabinet	Cabinet	Cabinet	Cabinet
Submit bids for funding to the relevant body	Executive Director in consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO
To agree conditions and approve agreements in relation to grant funding to be received by the Council	CFO	CFO	CFO	CFO	CFO
Write off any surplus or deficiencies in respect of items of stock	Cabinet	CFO	CFO	CFO	Budget Manager
Negotiate leasing arrangements	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy	Executive Director Place and Economy
Invest any temporary surplus of monies until such monies are required	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement	CFO in accordance with Treasury Management Statement

Effect necessary insurances	CFO	CFO	CFO	CFO	CFO
Settle insurance claims	CFO and MO	CFO and MO	CFO and MO	CFO and MO	CFO
To vary the scale of fees and charges within year to reflect market conditions	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager
To set new fees and charges within year	Council (except where delegated)	Cabinet	Cabinet	CFO	CFO

EXCEPTIONS – STAFF AND EMPLOYMENT

	Officer Delegation	Statutory Cabinet Member Consultation	Member Decision	Council Decision
NB This element of the scheme is dictated by 2 LGHA 1989 and the Standing Orders Regulations				
Appointment of Chief Executive	No (cannot be carried out by officers.	Yes, through the MO	Yes must be made by Full Council	On recommendation from Senior Appointments Committee
Appointment of Chief Officers (Executive Directors)	No (possible exception where there is change management and the appointment is internal)	Yes, through the MO	Senior Appointments Committee	Only if required by Council
Appointment of Deputy Chief Officers (Service Directors)	Yes	No	No	No
Appointment below Deputy Chief Officer (DCO)	Yes	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO

Dismissal of Chief Executive (as Head of Paid Service)	Cannot be delegated to officers	Yes	An independent report must be prepared before a decision can be made	Special Meeting of Council must be convened
Dismissal of Statutory Chief Officers	Cannot be delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
Dismissal of non-Statutory Chief Officer	Not delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
Dismissal by way of redundancy or voluntary redundancy for Chief Officers	No	No	In accordance with prescribed procedure	In accordance with prescribed procedure
Dismissal of staff below Chief Officer	Chief Executive for DCOs, and Executive Directors below DCO	No	No	No
Determine Appeals against final written warnings below DCO	Relevant authorised managers.	No	No	No
Issue HR1 notices in respect of potential redundancies	Assistant Director HR	No	No	No
To carry out powers and duties under the Health and Safety at Work Act	Chief Executive	No	No	No
Issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of	Assistant Director HR	No	No	No

political sensitivity				
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EXCEPTIONS - LEGAL

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

Function	Officer
Determine all applications made under powers and duties of the local planning authority and planning legislation in relation to applications and enforcement	Executive Director Place and Economy except where: <ul style="list-style-type: none"> a) The decision would lead to a significant departure from the local plan b) Where called in by at least 1 member c) Major applications to develop the Council's own land d) Applications by relevant officers employed by the Council <p>Applications deemed by the Executive Director to require a member decision.</p>
Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Executive Director of Adults, Communities and Wellbeing
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Executive Director of Adults, Communities and Wellbeing
Carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999	Executive Director of Adults, Communities and Wellbeing
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates	Executive Director of Finance
Defend and/or settle all claims made against the Council up to £100,000	Director Legal and Democratic
Determine details required by conditions imposed on any permission.	Executive Director of Place and Economy
Determine minor amendments to approved plans where these do not materially alter the form of the approved development	Executive Director of Place and Economy
All powers and functions of the Authority in respect hackney carriage and private hire licensing matters	Executive Director of Place and Economy, except where an applicant has relevant convictions/cautions or a current licence holder is similarly convicted/cautioned

	and/or where an applicant for, or the current holder of a Hackney Carriage/Private Hire drivers licence has nine or more points on their DVLA driving licence
All powers and functions in respect of the Scrap Metal Dealers Act 2013.	Executive Director of Place and Economy
To approve Public Spaces Protection Orders (PSPOs), unless they are likely to be considered to be sensitive or significant.	Executive Director of Adults, Communities and Wellbeing
To attest the seal of the Council (and to authorise any other Solicitor of the Council to attest the seal) and hold a book kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has attested the seal.	Director of Legal and Democratic
Under section 91 of the Local Government Act 1972 to appoint by order persons to fill vacancies in the office of parish [or community] councillor.	Director of Legal and Democratic
Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council unless otherwise delegated.	Director Legal and Democratic
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce.	Director Legal and Democratic
Exercise the powers and functions of the local authority under the Proceeds of Crime Act 2002 or any variation or amendment thereof or regulations made thereunder.	Director of Legal and Democratic.
Authorise any officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972	Director Legal and Democratic
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Director Legal and Democratic
Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then	Director Legal and Democratic

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

EXCEPTIONS - PENSIONS

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

<p>Chief Finance Officer (Section 151 Officer) (Further delegations to Head of Pensions can be found in the administering authority's discretions or within individual policy or strategy documents published on the Pension Fund's website as approved by the Pension Committee).</p>	<p>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.</p> <p>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:</p> <p>Part 1 – Governing Principles</p> <ul style="list-style-type: none"> 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. <p>Part 2 - Functions in relation to the Pool</p> <ul style="list-style-type: none"> In response to decisions made by the JC, the Section 151 Officers shall (in addition and without prejudice to
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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).

9.3 List of Proper Officers

SCHEDULE OF APPOINTMENTS

PURPOSE OF APPOINTMENT	PROPER OFFICER
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	Director of Legal and Democratic
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	Director of Finance

PUBLIC HEALTH ACT 1936

Section	Brief Details of Responsibility	Proper Officer
85(2)	Serving a notice requiring action to deal with verminous people and things	Director of Public Health

REGISTRATION SERVICE ACT 1953

Section	Brief Details of Responsibility	Proper Officer
9(1) and (2)	Appointment of interim superintendent registrars and registrars	Director of Legal and Democratic
13(2)(h) and 3(b)	Powers under the local scheme of organisation	Director of Legal and Democratic
20	Proper officer to be subject to regulations made by the Registrar General	Director of Legal and Democratic

AGRICULTURE ACT 1970

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

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

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

TOWN AND COUNTRY PLANNING ACT 1971

Section	Brief Details of Responsibility	Proper Officer
54(4)	Appointment as clerk of the local planning authority	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
13 (3)	Parish Trustee where no Parish Council	Director of Legal and Democratic
All appointments under sections 83, 84, 86, 88(2), 89(1)(b), 99 and Sch.12, 100A to F	To witness and receive declarations of acceptance of office of Chair, Vice Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Director of Legal and Democratic
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistant to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance
146(1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance
All appointments 191, 204(3), 210(6) and (7), 223, 225(1), 228(3), 229(5), 233, 234, 236(9)-(10), 238, 248(2), Sch.12 para 4(2)(b) and 4(3) and Sch.14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Director of Legal and Democratic
Sch.29, Para 4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Director of Legal and Democratic
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Director of Legal and Democratic
Sch.29 Para 41	Proper Officer for Births, Marriages and Deaths	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 1974

Section	Brief Details of Responsibility	Proper Officer
30(5)	Provides that the Proper Officer must give public notice of the ombudsman's reports	Director of Legal and Democratic

LOCAL ELECTIONS (PRINCIPAL AREA) RULES

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

LOCAL LAND CHARGES ACT 1975

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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

LOCAL AUTHORITIES CEMETERIES ORDER 1977

Regulation	Brief Details of Responsibility	Proper Officer
10	To sign exclusive rights of burial	Executive Director of Place and Economy

RENT ACT 1977

Section	Brief Details of Responsibility	Officer
63	Appointment of rent officers under a scheme	Assistant Director Housing and Communities
Schedule 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Assistant Director Housing and Communities

HIGHWAYS ACT 1980

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

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Brief Details of Responsibility	Proper Officer
8(1) and (2)(a)	Appointment as Electoral Registration Officer	Chief Executive
35(1)	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Returning Officer
131	Providing accommodation for holding election count	Chief Executive

BUILDING ACT 1984

Section	Brief Details of Responsibility	Proper Officer
61	Provides that the proper officer or any other authorised officer to be given free access to works or repairs to an underground drain	Executive Director of Place and Economy

78	To take action in relation to dangerous buildings and structures	Executive Director of Place and Economy
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by them in writing	Executive Director of Place and Economy

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Section	Brief Details of Responsibility	Proper Officer
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health
59	Authentication of documents	Director of Public Health
61-62	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health

WEIGHTS AND MEASURES ACT 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Assistant Director: Regulatory Services

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115, 115A and 115B	Responsibility for Chief Financial Officer Reports	Executive Director of Finance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance
139A	Provision of information to the Secretary of State in relation to the exercise of their powers under this Act as and when required	Executive Director of Finance
Sch.4 (10)(1) Paragraphs 6 – 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning:	Executive Director of Place and Economy

	<ul style="list-style-type: none"> The acquisition of way leaves over Council-owned land The felling and lopping of trees, etc 	
Sch. 8, 36(8) Para 1, 36(8) Para 2	Where applications have to be made for consent to construct generating stations on Council-owned land Where applications for consent have to be served on the local planning authority	Executive Director of Place and Economy

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Regulation	Brief Details of Responsibility	Proper Officer
6	Reporting of infectious diseases to the Chief Medical Officer	Director of Public Health
8	Submission of weekly or quarterly returns to the Registrar General	Director of Public Health
10	Arrangements for immunisation and vaccination	Director of Public Health
Sch.3 and 4	Reporting and issuing notices to prevent the spread of infection	Director of Public Health

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 - 17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (committees and Political Groups) Regulations 1990	Director of Legal and Democratic
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Director of Legal and Democratic
18	Receipt of notice in writing that a councillor wishes to forego any part of entitlement to an allowance	Director of Legal and Democratic
19(1) and (4)	Receipt of notice of direct and indirect pecuniary interests	Director of Legal and Democratic

ENVIRONMENTAL PROTECTION ACT 1990

Regulation	Brief Details of Responsibility	Proper Officer
149	Discharging the functions in this section for dealing with stray dogs	Assistant Director Regulatory Services

FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer
5	Authorised officer to act in matters arising under the Act	Assistant Director Regulatory

		Services
27(1)	Appointment of Public Analyst	Assistant Director Regulatory Services
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within their province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director Regulatory Services

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Brief Details of Responsibility	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to committees	Director of Governance

CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Director of Legal and Democratic

PARTY WALL ETC. ACT 1996

Section	Brief Details of Responsibility	Proper Officer
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place and Economy

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Section	Brief Details of Responsibility	Proper Officer
	Certification of relevant powers to enter into contracts	Executive Director of Finance

CRIME AND DISORDER ACT 1998

Section	Brief Details of Responsibility	Proper Officer
12	To apply for the discharge or variation of a Child Safety Order	Director of Children's Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children's Services

**CRIME AND DISORDER ACT 1998, SECTION 115
CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY)
REGULATIONS 2007/1830**

Regulation	Brief Details of Responsibility	Proper Officer
4(3)	Primary Designated Officer for information sharing	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Director of Legal and Democratic
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic
6	Making available for inspection a list of background papers	Director of Legal and Democratic
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public	Director of Legal and Democratic
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed	Director of Legal and Democratic
81	Establish and maintain a Register of Interests	Director of Legal and Democratic

**LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO
INFORMATION) (ENGLAND) REGULATIONS 2012**

Regulation	Brief Details of Responsibility	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Director of Legal and Democratic
10	Inform the relevant Select Committee Chair or the committee members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Key Decisions Plan") and make available for public inspection notices relating to this	Director of Legal and Democratic
12	Produce a written statement of Cabinet decisions made at meetings	Director of Legal and Democratic
13	Produce a written statement of decisions made by individual Cabinet Members	Director of Legal and Democratic
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic

15 and 2	Make available for inspection a list of background papers	Director of Legal and Democratic
16(5)	Determine whether certain documents contain exempt information	Director of Legal and Democratic
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Director of Legal and Democratic
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Democratic

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000

Regulation	Brief Details of Responsibility	Proper Officer
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Legal and Democratic

**REGULATION OF INVESTIGATORY POWERS ACT 2000 SECTION 30
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITION) ORDER 2000**

Regulation	Brief Details of Responsibility	Proper Officer
2	Authorise the carrying out of directed surveillance of the conduct of a covert human intelligence source	Executive Directors, Director of Legal and Democratic, Chief Executive in accordance with Council's RIPA policy
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA	Director of Legal and Democratic

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2)
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010
THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010
THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010**

Regulation	Brief Details of Responsibility	Proper Officer
-	Designated Senior Responsible Officer for the use of surveillance and the acquisition and disclosure of communications data	Director of Legal and Democratic
Sch. 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Director of Legal and Democratic

FREEDOM OF INFORMATION ACT 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Legal and Democratic

ACCESS TO THE COUNTRYSIDE (MAPS IN DRAFT FORM) (ENGLAND) REGULATIONS 2001

Regulation	Brief Details of Responsibility	Proper Officer
9-11	Authorised officer to receive deposit of reduced scale maps	Executive Director Place and Economy

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Section	Brief Details of Responsibility	Proper Officer
Sch.1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Director of Legal and Democratic

MONEY LAUNDERING REGULATIONS 2003

Regulation	Brief Details of Responsibility	Proper Officer
7(1)(a)	Nominated officer to receive disclosures of suspected money laundering	Executive Director of Finance

LOCAL GOVERNMENT ACT 2003

Section	Brief Details of Responsibility	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Executive Director of Finance

CHILDREN ACT 2004

Section	Brief Details of Responsibility	Proper Officer
18	To carry out the role of the proper officer function of Director of Children's Services	Director of Children's Services

THE HOUSING ACT 2004

Section	Brief Details of Responsibility	Proper Officer
4(2) and 249	In relation to the inspection of premises and endorsing of a certificate of evidence.	Assistant Director of Housing & Communities

TRAFFIC MANAGEMENT ACT 2004

Section	Brief Details of Responsibility	Proper Officer
17	Appointment as Traffic Manager to perform such tasks as the authority considers will assist it to perform its network management duty	Executive Director Place and Economy

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 (AS AMENDED)

Section	Brief Details of Responsibility	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts, where applicable	Director Legal and Democratic

NATIONAL HEALTH SERVICE ACT 2006

Section	Brief Details of Responsibility	Proper Officer
73A	Appointment as Director of Public Health	Director of Public Health

HEALTH ACT 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, "authorised officer", in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give them a penalty notice in respect of the offence	Authorised Officer

SMOKE-FREE (PREMISES AND ENFORCEMENT) REGULATIONS 2006

Regulation	Brief Details of Responsibility	Proper Officer
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3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services
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LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006

Regulation	Brief Details of Responsibility	Proper Officer
Rule 50 and Sch.2	Receipt from Returning Officer of the names and persons elected to the Council	Director of Legal and Democratic
54	Registration officer for the retention and destruction of documents following an election	Director of Legal and Democratic

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Regulation	Brief Details of Responsibility	Proper Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director Housing and Communities

LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009

Section	Brief Details of Responsibility	Proper Officer
31	Statutory Scrutiny Officer	Director of Legal and Democratic

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

	Brief Details of Responsibility	Proper Officer
-	Local Authority Designated Officer (LADO)	Executive Director Adults Communities and Wellbeing
-	Caldicott Guardian	Executive Director Adults Communities and Wellbeing

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Brief Details of Responsibility	Proper Officer
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2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Director of Public Health
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LOCALISM ACT 2011

Section	Brief Details of Responsibility	Proper Officer
29	Establish, maintain and publish a Register of Interests	Director Legal and Democratic
31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the authority's register	Director Legal and Democratic
32	Consideration of whether a member's interest is a sensitive interest	Director Legal and Democratic
33(1)	Receiving applications for dispensations	Director Legal and Democratic
33(2)	Grant dispensations to members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Director Legal and Democratic
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Executive Director Corporate Services

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
7, 8, 11 and 13	Various steps relating to petitions	Director Legal and Democratic

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions, including exclusion of information from agenda and reports relating to private meeting matters	Director Legal and Democratic
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Director Legal and Democratic
12-14	Recording of executive decisions and by individual members and making documents available for inspection by members of the public	Director Legal and Democratic

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Executive Director Adults Communities and Wellbeing
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Executive Director Adults Communities and Wellbeing

HEALTH AND SOCIAL CARE ACT 2012

Section	Brief Details of Responsibility	Proper Officer
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Legal and Democratic
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State	Director of Public Health
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority’s role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health
73A(1)(f)	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health

COUNTER-TERRORISM AND SECURITY ACT 2015

Section	Brief Details of Responsibility	Proper Officer
	The officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the	Executive Director Adults,

	need to prevent people vulnerable from being drawn into terrorism	Communities and Wellbeing
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DATA PROTECTION ACT 2018

Section	Brief Details of Responsibility	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Data Protection Officer and Information Manager

LANDLORD AND TENANTS ACTS

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of s.23 of the Landlord and Tenant Act 1927 and s.66 of the Landlord and Tenant Act 1954	Executive Director of Place and Economy

OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or their nominee

IN THE ABSENCE OF THE DESIGNATED PROPER OFFICER:

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

9.4 Employee Code of Conduct

Code of conduct

The Council Code of Conduct sets out the general standards expected of all employees; these are in addition to any rules which apply in Service areas. The Code is not exhaustive and should be read in conjunction with other Council policies.

It is your responsibility to read this Code and to make sure your conduct meets its provisions at all times.

Some service areas will have their own service specific rules about behaviour, usually in relation to their service users. Employees must ensure that they understand the service specific rules, and discuss them with their line manager if they do not understand how they apply.

1. What are the principles?

The public have the right to expect the highest standards of integrity from our employees.

Employees should:

- always conduct themselves in a proper manner
- not allow personal or private interests to influence their conduct
- not do anything as an employee which they could not justify to the Council
- tell management of any breach of standards or procedure without fear of reprimand. If appropriate employees should use the Whistleblowing policy
- engage in any investigations about actual or potential breaches of this code

If employees fail to follow this code they may be liable to disciplinary action which could lead to termination of employment.

2. What are the rules about gifts and hospitality?

There are no hard and fast rules about accepting hospitality or gifts offered on a personal basis. However, employees should treat any offers with extreme caution. The person or organisation making the offer may be:

- doing, or hoping to do, business with the Council; or
- applying to the Council for some kind of decision

In some cases, accepting the offer may constitute a criminal offence.

Employees should seek permission before any offers of gifts or hospitality above the value of £25 are accepted.

It is important that such offers of a gift or hospitality are recorded, even where the employee or their line manager, has decided to decline the offer. As a public service there is a need to demonstrate impartiality and merit in remaining totally open about anything received and understand the perception of the general public regarding offers of gifts or hospitality. Please note that if there have been separate or previous offers from the same organisation or individual within the past three months which combined would total over £25.00 it is appropriate to declare the cumulative total.

If employees have any doubts about whether to accept a gift below £25, they should talk to their line manager. Guidance is provided in the Gifts and Hospitality Form. Managers should maintain a record of gifts and hospitalities received by their staff.

Hospitality or Gifts over the value of £25 should be declared through the Gifts and Hospitality form.

3. What are the rules about use of Council facilities?

Employees should only use Council premises, facilities or other resources for Council business, unless you have been given prior approval through your line manager. This includes:

- transport
- stationery
- secretarial services

4. What are the rules about the use of Information Technology?

Employees should use information technology in compliance with the Council's relevant Use of IT Policy. In addition to this policy, employees should make sure they understand and comply with the Council's guidance on Information Technology.

5. What are the rules about confidential and private information?

Employees may come into contact with confidential information during the course of their work and have a responsibility to maintain confidentiality and ensure their actions comply with the Data Protection Act and General Data Protection Regulation (GDPR).

Confidential information includes, but is not limited to; any information regarding other employees, service users, financial information, information regarding business plans or other commercially sensitive information and any information or matter which relates to the affairs and/or services of the Council that should not be in the public domain.

Employees must never:

- disclose or share such information (oral, written or electronic) given in confidence
or, information acquired during the course of their work to other people without a clear, legal basis for doing so e.g. safeguarding or crime

prevention, and only when the identity of the individual requesting has been verified.

- access or use any information obtained in the course of their employment for personal gain or, to disadvantage or discredit the Council or anyone else.

The Council has specific rules on data security, outlined in the relevant Information Security Policy which you need to read and familiarise yourself with. You are required to comply with these rules when handling information. There are set procedures for releasing personal information and guidance for relevant Information Sharing. It is essential that employees follow these procedures and must seek advice from their line manager if unsure before releasing information or personal data.

6. What are the rules about financial conduct?

Employees must ensure that they use funds and resources entrusted to them for the purpose intended, and in a responsible and lawful manner. They should seek to safeguard such funds and resources from abuse, theft or waste and should strive to ensure value for money for the Council, service users and any public or charitable funds.

Employees should be aware that it is a serious criminal and disciplinary offence to corruptly receive or give any gift, loan, fee, reward or other advantage in return for doing (or not doing) anything, or showing favour (or disfavour) to any person or organisation. If an allegation of corrupt behaviour is made, this will be fully investigated.

Any form of bribery, either direct or indirect, is prohibited. Allegations of bribery or wrongdoing can be reported confidentially through the Whistleblowing policy. See also the Anti-Fraud policy.

Employees should manage the organisation's finances in compliance with the Council's financial procedure rules. This sets out individual financial responsibilities, and provides more information on the Whistleblowing and Anti-Fraud policy.

7. What are the rules about declaring financial/personal interests in other organisations Which deal with the Council?

Employees must declare any financial/personal interest that they or their partner have or may have in any contract or proposed contract with the Council or its partners, including any interest they may have in tendering for a contract from the Service Area/Group – this interest may be direct or indirect.

Employees should also consider declaring non-financial interests. For example, they may do voluntary work for an organisation in receipt of grant aid from the Council.

An employee wishing to make a declaration should complete the Declaration of Conflict of Interest form providing as much detail as possible and submit this to their line manager.

See section 21 – Making a Declaration.

8. What are the rules about buying goods for personal use?

Employee should not use an official order, or the Council's name to buy goods for their personal use. To do so could lead to prosecution under the Theft Act and disciplinary action being taken which could result in termination of employment.

9. What are the rules about discount schemes offered to employees?

Employees should take care before accepting discounts or special terms from someone:

- who normally supplies the Council and,
- who is not offering this discount to members of the public

This does not apply if the supplier has an agreement with the Unions or the Council to supply goods or services on special terms. If an employee has doubts as to how to proceed, they should refer to their line manager in the first instance who will then discuss with their Executive Director who may refer to Legal Services where necessary.

10. What are the rules about equality issues?

Employees must ensure that they follow the Council's Equality, Inclusion and Diversity policies and conduct themselves in accordance with expected practice.

Managers must ensure that employees are aware of these policies, expected practice and how this applies to the work that the employee undertakes.

11. What are the rules about employees having other jobs?

Some contracts specify that an employee cannot undertake other jobs without written permission or, there are service specific or other circumstances that would prevent undertaking other jobs.

Where this does not apply, employees should make sure that any additional work they undertake does not:

- relate to their duties as an employee
- impact or affect the hours of work in their role with the Council and does not contravene any provisions under the Working Time Regulations or, their health and safety
- impact on their duties and effectiveness
- conflict with the interests of the Council (are they a competitor organisation, engaged in similar business or a customer of the Council. Do they provide or receive goods or services from the Council and is there any contractual arrangement with the Council)
- weaken public confidence in the Council

If you have any doubt as to whether a conflict exists you should complete a Declaration of conflict of interest form and submit this to your line manager.

In order to sustain service delivery and core functions, employees may be asked to curtail any other private work they have been carrying out when the Critical Incident Policy is invoked.

See section 21 – Making a Declaration

12. What are the rules about employee conduct outside work?

Generally, what employees do outside work is their own concern. However, they should avoid doing anything which might adversely affect the reputation of the Council, this includes comments on social media.

Further information and guidance is provided in the Council's relevant Use of IT Policy which covers Facebook, Social Media and use of mobile devices.

13. What are the rules about political impartiality?

Employees must be politically neutral when carrying out their work. This does not affect their right to be a member of a political party, unless they work within a specified politically restricted post.

Politically restricted posts fall into two categories - 'specified posts', and 'sensitive posts'. Specified posts include Tier 2 and above, and Political Assistants. Sensitive posts apply in Democratic Services and the Communications and Marketing team, based on their link to journalists and broadcasters. Further information and guidance is provided in the Council's document Politically restricted posts.

Employees can stand for election to local authorities, other than Northamptonshire County Council. They should complete a Declaration of conflict of interest form and submit this to their line manager to resolve any potential conflicts of interest and consideration of any requirements for time off.

See section 21 – Making a Declaration.

If an employee holds a politically restricted post, they can only be a member of a parish council.

14. What are the rules about employment of people who are relatives, partners, or have a close relationship?

Employees should not be involved in taking significant decisions where it involves a relative, partner or close friend.

This includes:

- recruitment or appointment
- disciplinary situations
- promotional opportunities
- pay related adjustments

Employees are expected to maintain professional relationships with colleagues. The general principle is that an outsider should not be able to detect any difference in the professional working relationship of people who have a close relationship to those who are not.

15. What are the rules about how employees interact with customers?

Employees should never allow any personal relationship with a customer to conflict with the duties of their employment, or the best interests of any customer or service user. They must never allow themselves to be compromised by, or take advantage of, their relationship with a customer.

Some service areas will have their own service specific rules about behaviour in relation to their service users. This may be underpinned by professional Codes of Conduct or Guidance in relation to client group needs. Employees must ensure that they understand such service specific rules, and discuss them with their line manager if they do not understand how they apply.

16. What are the rules about employees' relationships with colleagues or Elected Members?

Mutual respect and trust between employees and councillors is essential to the effective operation of the Council. Any close personal familiarity can damage the relationship. It can also prove embarrassing to other employees and therefore, such familiarity should be avoided.

Any personal relationships that develop, which may conflict with the impartial performance of your duties, should be declared by completing a Declaration of conflict of interest form and submitting this to your line manager for consideration.

See section 21 – Making a Declaration.

17. What are the rules about media activities?

If an employee is contacted by the media, they should not respond individually, as media inquiries need to be directed immediately to the communications team.

Media includes any kind of published or broadcast material, including items published on the internet. Employees should contact the Communications Team for clarification if they are unsure about the rules regarding speaking to the media or sharing information externally.

In addition, employees should be aware of relevant Guidance on Social Networking Sites and Personal Internet Presence. The aim of this Guidance is:

- to protect the reputation of the Council and its employees from intended or unintended abuse via personal employee usage of social networking and personal internet sites, and:
- ensure that employees are aware of the potential legal implications of material which could be considered abusive or defamatory.

18. What are the rules about smoking?

In order to help support the health of our staff, deliver our services and maintain legal compliance the Council has a Smoke-free policy. For reputational and health reasons, smoking is prohibited within, or on Council controlled sites, including areas outside and around buildings where smokers should not be visible to the public and customers visiting council buildings, or be identifiable by their lanyards or ID badges. More information is provided in the relevant Smoke-free policy.

19. What are the rules about clothing and appearance?

Employees are expected to dress in a manner that is appropriate to the job role they undertake, and the environment in which they work. All employees are ambassadors for the organisation and therefore need to maintain a professional appearance, appropriate to their role. There are a variety of settings and roles within the organisation; for some areas health and safety issues will determine what constitutes appropriate dress, therefore employees should refer to any service specific rules, including those on personal protective clothing where relevant.

Managers are responsible for applying this in their specific setting; should an employee wear clothing that is inappropriate for the role they are undertaking, they can reasonably expect their manager to point this out to them. Managers can get support from the HR Advisory Team on what constitutes inappropriate clothing.

20. What are my responsibilities as a line manager?

As a line manager it is your responsibility to read this Code and to make sure you and your employees conduct meets its provision at all times. You are responsible for:

- making sure that your staff are aware of the Code of Conduct
- abide by the Code and thereby set your staff an example
- taking appropriate action if any member of staff fails to follow this Code
- seeking the advice of your HR Advisor if you have any doubt about how to proceed
- keeping a record of gifts or hospitality received by your staff
- reviewing any Declaration of conflict of interest form (whether at recruitment stage or following employment), escalating to your Executive Director
- advising the employee of the outcome and retaining the information

It is also the line manager's responsibility to review the information and ensure:

- where circumstances have changed and no longer relevant for the role the employee is undertaking or their involvement has ceased - the form should no longer be retained

- If the employee moves to another role or service area, the information should be reviewed to ensure no conflict exists and where this remains relevant it is transferred and retained within that new role/service area
- If the line manager leaves or moves to another role or service area, the information must be provided to the new manager where this remains relevant

For employees working in a social care setting – please also refer to the Adult Social Care and Healthcare Support Workers Code of Conduct – Skills for Care.

21. Making a Declaration

There are two instances in which a Declaration can be made;

- (i) New recruits – as part of the recruitment process and,
- (ii) Where a conflict or potential conflict has been identified by an existing employee

Declarations will normally be made in circumstances of;

- Financial/personal interests in other organisations which deal with the Council
- Undertaking other jobs or engaging in other jobs or business
- Political impartiality
- Personal relationships

Conflict identified by existing employee

Where a conflict or potential conflict has been identified by an existing employee they should complete a Declaration of conflict of interest form and submit this to their line manager.

The employee's line manager will assess the contents of the form to ensure that sufficient information has been provided in order to determine whether the request is likely to be in conflict with or have a detrimental impact on the employee's or the Council's work.

The line manager may seek to consult their HR Advisor as required and then refer to the Executive Director for consideration. In circumstances that relate to financial/personal interests in other organisations the Executive Director will refer this to the Council's Monitoring Officer.

Declaration and levels of approval

Employees	Line Manager	Executive Director (and Monitoring Officer if involves Financial/Personal interests)
Assistant Director or Head of Service	Line Manager	Executive Director (and Monitoring Officer if involves Financial/Personal interests)
Director/Executive appointment	HR Assistant Director	Monitoring Officer

Failure to disclose a Conflict of Interest

If you fail to inform the Council of a possible conflict of interest could result in disciplinary action being taken and your employment being terminated.

22. Potential outcome of a Declaration

Any outcome as a result of a declaration being made must be advised and discussed with the employee to ensure they understand any implications and agreed actions where necessary.

Where it is found that the employees' involvement or actions are deemed unacceptable to continue, the employee may be asked to withdraw from that interest or the responsibilities may need to be changed.

Declaration of Conflict of Interest Form

Subject	Make a Declaration	Responsibility
Gifts & Hospitality	Record on Gifts & Hospitality form	Line Manager
Council facilities	No	Line Manager
Confidential & private information	No	Line Manager
Financial/Personal interests	Yes	Line Manager, Executive Director and Monitoring Officer
Buying Goods	No	Line Manager
Discount Schemes	No	Line Manager
Equality	No	Line Manager
Other jobs	Yes	Line Manager, Executive Director
Conduct outside work	No	Line Manager
Political Impartiality	Yes	Line Manager, Executive Director
Employment of relatives	No	Line Manager
Personal relationships	Yes	Line Manager, Executive Director

9.5 Staff Employment Procedure Rules

1. Definitions

In these Rules:

“The 1989 Act” means the Local Government and Housing Act 1989; “the 2000 Act” means the Local Government Act 2000;

“The 2001 Regulations” means the Local Authorities (Standing Orders) Regulations 2001;

“The 2015 Regulations” means the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015;

“Head of Paid Service”, “Chief Finance Officer”, “Monitoring Officer” and “disciplinary action” have the same meanings as set out in regulation 2 of the 2001 Regulations;

“Member of staff” means a person appointed to or holding paid office or employment to the Council;

“Independent Person” means a person appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate;

“Independent Persons Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers in accordance with Schedule 3 of the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order:

- (a) an independent person who has been appointed by the Council and who is a local government elector in the Council’s area;
- (b) any other independent person who has been appointed by the Council;
- (c) an independent person who has been appointed by another council or councils.

“Statutory Chief Officer” has the same meaning as set out in section 2(6) of the 1989 Act and for this council will be:

- Chief Executive (Head of Paid Service)
- Executive Director Finance (Chief Finance Officer)
- Director of Legal and Democratic (Monitoring Officer)
- Executive Director Adults, Communities and Wellbeing and Deputy Chief Executive (Director of Adult Services)

- Director of Children’s Services
- Director of Public Health;

“Non-Statutory Chief Officer” means a person who reports or who is directly accountable to the Head of Paid Service, to the Council, or any committee or sub-committee of the Council as set out in section 2(7) of the 1989 Act (other than persons whose duties are solely secretarial or clerical or are otherwise in the nature of support services) and for this council will be any other Executive Director, Director or Assistant Chief Executive appointed by the Council who are not Statutory Chief Officers;

“Deputy Chief Officer” are people who report directly or are directly accountable to one or more of the Statutory or Non-Statutory Chief Officers (other than persons whose duties are solely secretarial or clerical or are otherwise in the nature of support services) as set out in section 2(8) of the 1989 Act, and for this council will be its Assistant Directors.

2. Responsibility for Appointing, Dismissing and Disciplining Employees

- 2.1 Staff are employed, appointed, designated or engaged on behalf of the whole council and not by parts of the organisation or individuals.
- 2.2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 2.3 The appointment or dismissal of the Head of Paid Service, the Chief Executive, the Executive Director Finance and the Director of Legal and Democratic may only be made by a meeting of the Full Council, which may either be direct or as confirmation of a recommendation from the Senior Appointments Committee.
- 2.4 The Senior Appointments Committee is responsible for the appointment and dismissal of Chief Officers apart from the Chief Executive, the Executive Director Finance and the Director of Legal and Democratic and for this purpose the Senior Appointments Committee must include at least one member of the Cabinet.
- 2.5 The Chief Executive or by an officer nominated by them is responsible for all appointments and dismissals in respect of staff positions that are not Chief Officers.
- 2.6 The procedures for such appointments and dismissals are set out in paragraphs 3 to 6 of these Rules. It should be noted that the designation of statutory officers such as the Section 151 Officer and the Monitoring Officer must be authorised by full Council before the offer of employment is made.
- 2.7 The Senior Appointments Committee is responsible for the function of taking disciplinary action other than dismissal in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

- 2.8 With regard to recruitment, the Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, niece of an existing councillor or officer of the Council, or the partner of such persons. A candidate who deliberately fails to disclose such a relationship shall be disqualified from appointment and if appointed shall be liable to dismissal.
- 2.9 The Assistant Director HR shall ensure that the provisions contained in Clause 2.8 are reflected in application forms or in any accompanying detailed procedures for any post advertised.
- 2.10 The Assistant Director HR in consultation with the Leader shall be responsible for the suspension of the Head of Paid Service. The Head of Paid Service shall be responsible for the suspension of any Chief Officer. The appropriate Chief Officer (statutory or non-statutory) shall be responsible for the suspension of any Deputy Chief Officer.

3. Appointment of the Head of Paid Service

- 3.1 Where the Council proposes to appoint the Head of Paid Service, the Senior Appointments Committee will oversee the arrangements for filling the vacancy.
- 3.2 The Senior Appointments Committee shall:
- (a) draw up a statement specifying the duties and salary of the post of the Head of Paid Service and any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
 - (d) select from the applications a short list of qualified candidates and interview those included in the short list.
- 3.3 Following the interview of candidates, the committee will come to a view as to the most suitable person for the position.
- 3.4 The committee must advise the Assistant Director HR of:
- (a) the name of the person in question:
 - (b) any other particulars that the committee consider are relevant to the appointment.
- 3.5 Within five clear working days of receiving the notification in 3.4 above, the Assistant Director HR will notify each member of the Cabinet of:

- (a) the information notified in paragraph 3.4 above;
- (b) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Assistant Director HR; such period shall not exceed five clear working days.

3.6 An offer of appointment must wait until:

- (a) the Leader has, within the period of the notice under paragraph 3.5 above, notified the committee through the Assistant Director HR that neither they nor any member of the Cabinet has any objection to the making of the offer;
- (b) the Assistant Director HR has notified the committee that no objections have been received by them within the period of notice under 3.5 above;
- (c) the committee is satisfied that any objection received from the Leader within the notice period is not well founded. In this regard, where necessary the advice of the Director of Legal and Democratic (or if appropriate an alternative legal adviser) should be sought.

3.7 Where following the above procedure there are no objections to the proposed appointment or any objections are not upheld, the committee will recommend that person for appointment at the next meeting of the Full Council or at a specially convened meeting of the Council. If Full Council approves the recommendation, then a formal appointment can be made.

3.8 Where following interviews the committee is of the view that there is no suitable candidate, it will re-advertise the post.

3.9 Where Full Council does not approve the recommendation of the committee, it shall indicate how it wishes to proceed.

4. Appointment of Chief Officers (Statutory or Non-Statutory) and Deputy Chief Officers

4.1 Where the Council proposes to appoint a Chief Officer (statutory or non-statutory) or a Deputy Chief Officer, then:

- (a) the Senior Appointments Committee shall oversee the arrangements for filling the vacancy of a Chief Officer;
- (b) the appropriate Chief Officer (statutory or non-statutory) shall be responsible for the appointment of a Deputy Chief Officer.

4.2 The Senior Appointments Committee or the Chief Officer shall:

- (a) draw up a statement specifying the duties and salary of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request;
 - (d) select from the applications a short list of qualified candidates and interview those included in the short list.
- 4.3 Following the interview of candidates, the Senior Appointments Committee or the Chief Officer will come to a view as to the most suitable person for the position.
- 4.4 The Senior Appointments Committee or the Chief Officer must advise the Assistant Director HR of:
- (a) the name of the person in question;
 - (b) any other particulars that the committee or Chief Officer consider are relevant to the appointment.
- 4.5 Within five clear working days of receiving notification in 4.4 above, the Assistant Director HR will notify each member of the Cabinet of:
- (a) the information notified under paragraph 4.4 above;
 - (b) the period in which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Assistant Director HR; such period not to exceed five clear working days.
- 4.6 An offer of appointment must wait until:
- (a) the Leader has within the period of notice under paragraph 4.5 above, notified the Senior Appointments Committee or the Chief Officer through the Assistant Director HR that neither they nor any member of the Cabinet has any objection to the making of the offer; or
 - (b) the Assistant Director HR has notified the Senior Appointments Committee or the Chief Officer that no objections have been received by them within the period of notice set out in 4.5 above; or
 - (c) the Senior Appointments Committee or the Chief Officer is satisfied that any objection received from the Leader within the notice period is not material or not well founded. In this regard, where necessary, the advice of the Director of Legal and Democratic (or if appropriate an alternative legal adviser) should be sought; or
 - (d) In respect of the Section 151 Officer and the Monitoring Officer, until Full Council has approved the statutory designation.
- 4.7 Once the conditions in 4.6 above have been satisfied, a formal offer of appointment may be made to the successful candidate.

4.8 Where following interviews the Senior Appointments Committee or the Chief Officer is of the view that there is no suitable candidate the post must be re-advertised.

5. Dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer

5.1 The Senior Appointments Committee is designated as the committee discharging, on behalf of the Council, the function of dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer. Full Council must, however, approve that dismissal before notice of dismissal is given to them.

5.2 Notice of dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer must not be given until:

- (a) the Senior Appointments Committee has notified the Assistant Director HR that it wishes to dismiss the officer and any other particulars that the Senior Appointments Committee considers are relevant to the dismissal;
- (b) the Assistant Director HR has notified every member of the Cabinet of:
 - (i) the fact that it wishes to dismiss the officer;
 - (ii) any other particulars relevant to the dismissal which the Senior Appointments Committee has notified to the Assistant Director HR;
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Assistant Director HR; and
- (c) either:
 - (i) the Leader has within the period specified in the notice under subparagraph (b)(iii), notified the Assistant Director HR that neither they nor any member of the Cabinet has any objection to the dismissal;
 - (ii) the Assistant Director HR has notified the Senior Appointments Committee that no objection was received by them within that period from the Leader on behalf of the Cabinet;
 - (iii) the Senior Appointments Committee is satisfied that any objection received from the Leader within that period is not well founded or material. In this regard, where necessary, the advice of the Director of Legal and Democratic (or if appropriate an alternative legal adviser) should be sought.

5.3 Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Senior Appointments Committee will:

- (a) follow the procedure set out in paragraph 5.5; and
- (b) recommend the dismissal to a meeting of Full Council

- 5.4 (a) This procedure applies if the Senior Appointments Committee proposes disciplinary action involving the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- (b) Where this procedure applies, the Senior Appointments Committee will provide the Independent Persons Panel with the matters provided to members of the Cabinet and any other particulars relevant to the dismissal that the Senior Appointments Committee considers appropriate or that the Panel may reasonably require.
- (c) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to Full Council.
- (d) The Council may pay such remuneration, allowances or fees to an Independent Person appointed to the Panel as it thinks appropriate but the payment must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of their role as an independent person under the Localism Act 2011.
- (e) Full Council will not meet to consider whether or not to approve the proposal of the Senior Appointments Committee to dismiss the officer until a period of at least 20 working days has elapsed from the appointment of the Independent Persons Panel.
- (f) Before Full Council takes a vote at a meeting on whether or not to approve such a dismissal, they must take into account, in particular:
- (i) any advice, views or recommendations of the Independent Persons Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the officer.

5.5 If Full Council approves the recommendation of the Senior Appointments Committee, then notice of dismissal can be issued. Where Full Council does not approve the recommendation, it shall indicate how it wishes to proceed.

6. Dismissal of Chief Officers (Statutory and Non-Statutory) and Deputy Chief Officers

6.1 Subject to the rules relating to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, the Senior Appointments Committee is designated as the committee discharging, on behalf of the Council, the function of dismissal of Chief Officers (statutory and non-statutory) and the appropriate Chief Officer (statutory and non-statutory) is responsible for the dismissal of a Deputy Chief Officer.

6.2 Notice of dismissal of any such Chief Officer or Deputy Chief Officer must not be given until:

- (a) the Senior Appointments Committee or Chief Officer has notified the Assistant Director HR of the name of the person they wish to dismiss;

- (b) any other particulars which the Senior Appointments Committee or Chief Officer considers are relevant to the dismissal;
- (c) The Assistant Director HR has notified every member of the Cabinet of:
 - (i) the name of the person the Senior Appointments Committee or Chief Officer wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the Senior Appointments Committee or Chief Officer has notified to the Assistant Director HR;
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Assistant Director HR; and
- (d) either:
 - (i) the Leader has within the period specified in the notice under subparagraph (b)(iii), notified the Assistant Director HR that neither they nor any member of the Cabinet has any objection to the dismissal;
 - (ii) the Assistant Director HR has notified the Senior Appointments Committee or Chief Officer that no objection was received by them within that period from the Leader on behalf of the Cabinet;
 - (iii) the Senior Appointments Committee or Chief Officer is satisfied that any objection received from the Leader within that period is not well founded or material. In this regard, where necessary, the advice of the Director of Legal and Democratic (or if appropriate an alternative legal adviser) should be sought.

6.3 Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Senior Appointments Committee or Chief Officer may issue the notice of dismissal.

7. Saving Regarding the Hearing of Appeals

- 7.1 Nothing in these rules shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

8. Director of Public Health

- 8.1 The appointment of the Director of Public Health who is appointed in pursuance of section 73A(7) of the National Health Service Act 2006 (inserted by section 30 of the Health and Social Care Act 2012) is the responsibility of the Senior Appointments

Committee, subject to the approval of the appointment by the Secretary of State for Health.

- 8.2 The Senior Appointments Committee may terminate the appointment of the Director of Public Health having followed the relevant procedures and following prior consultation with the Secretary of State for Health.

9. Policies and Procedures

- 9.1 The Council's suite of HR procedures (as updated from time to time) set out in more detail the procedures for managing Disciplinary; Capability; Health and Attendance; Redundancy and the expiry of Fixed Term Contract matters in compliance with the 2001 & 2015 Regulations, which set out some particular matters with relation to employment processes for Chief Officers.

9.6 Contract Procedure Rules

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Part 1 – Introduction, Scope and Responsibilities

1. Introduction

- 1.1. These Rules apply to all procurement activities (the purchase of goods, services and works) undertaken by the Council. They must be read in conjunction with any other relevant laws, regulations, policies and/or procedures.
- 1.2. Anyone making procurement decisions on behalf of the Council must be familiar with these Rules.
- 1.3. These Rules are required by law and failure to comply with them could lead to disciplinary action. Officers have a duty to report breaches of these Rules to their line manager and/or the Monitoring Officer.
- 1.4. Any change to English law must be observed until these Rules are revised. If there is any conflict between these Rules and English law, the legislation shall take precedence. The Council also reserves the right to consider the application of intervening government guidance when making decisions about the application of these Rules.

2. Basic Principles

- 2.1. Whether or not a procurement is subject to the UK Procurement Regulations, it must be conducted in accordance with the Agreement on Government Procurement (GPA). This means all procurements must be carried out in a fair, open and transparent way.
- 2.2. These Rules are designed to ensure that procurements:
 - Achieve Value for Money for public money spent;
 - Are consistent with the highest standards of integrity;
 - Ensure fairness and transparency;
 - Ensure that the Council complies with all legal requirements and established government and commercial codes of conduct;
 - Comply with the Council's associated policies;
 - Manage the Council's risk effectively;
 - Are proportionate in regard to value and risk; and
 - Ensure that Non-Commercial Considerations e.g. prior knowledge of contractors do not influence any contracting decision.

3. Advice and Guidance

- 3.1. It is a mandatory requirement that advice and guidance on all procurement activities equal to and above £100,000 must be sought, in the first instance, from the Purchasing Gateway Group (PGG).
- 3.2. Notwithstanding 3.1 above, advice and guidance can be obtained from the PGG by any officer who wishes to participate in a procurement activity of any value.
- 3.3. Advice on compliance with legislative requirements may be obtained from the Director of Legal and Democratic who will liaise with the Head of Procurement as necessary.

4. Responsibilities

4.1. Chief Officers

- a. Chief Officers are responsible for all procurement activity in their Directorates. They must ensure sufficient oversight and governance is in place to satisfy themselves of compliance with these Rules;
- b. Chief Officers must ensure that procurement activities are undertaken by authorised Officers who can demonstrate knowledge and understanding of these Rules and have the skills appropriate to the task.
- c. Chief Officers must ensure that:
 - staff within their Directorates are adequately trained and that their procurements are in compliance with these Rules;
 - they have in place and keep up to date a scheme of delegation that records in writing what action officers in their Directorates are authorised to take under these Rules;
 - there is full budgetary provision for the contract and that the sources of funding are fully detailed before awarding a contract;
 - Value for Money is achieved in all procurements within their Directorates;
 - They keep a register of contracts completed by signature (rather than by the Council's Seal) within their Directorate and arrange for their safe keeping; and
 - They maintain records of all waivers or exemptions of these Rules.

4.2. Officers

- a. The officer responsible for the procurement must comply with these Rules, the Financial Regulations and UK or English Legislation (including any treaties incorporated into UK law);
- b. The officer is responsible for ensuring that agents acting on behalf of the Council to conduct procurement agree in writing that they will also comply with these Rules;
- c. Officers must keep records of all quotations, tender documentation and contracts, including those documents relating to unsuccessful bids and quotes in accordance with the relevant legislation and the Council's policy on the retention of documents;
- d. Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure that they deliver the requirement as intended;
- e. When any employee of the Council or of an external service provider may be affected by a transfer arrangement, the officer must ensure that TUPE issues are considered and obtain advice from Director of Legal and Democratic before proceeding with any procurement;
- f. Where an officer has a potential conflict of interest with a supplier from whom a quotation/tender is being sought, the officer must declare this immediately to the Monitoring Officer. The officer may be required to withdraw from the procurement process;
- g. Any officer who fails to declare a conflict of interest may be subject to disciplinary proceedings and sanctions and risks being prosecuted under the Bribery Act 2010; and
- h. Officers must ensure that no contract commences without a purchase order being raised for the goods, services and/or works in accordance with the provisions detailed in the Financial Procedure Rules.

5. Amendments to these Rules

- 5.1. The Monitoring Officer in consultation with the Head of Procurement shall have the power to make incidental amendments from time to time to these Rules, to ensure that they remain consistent with legislation, the Council's organisational structure and generally with best practice.

6. Exemptions to the Rules

- 6.1. These Rules do not apply to the following transactions:

- a. Any contracts entered through collaboration with another contracting authority and/or public body, where the person awarding the contract (the lead authority) can demonstrate the arrangements comply with the requirements for Value for Money and applicable legislation, including where relevant UK Procurement Regulations;
- b. Employment contracts;
- c. Land transactions to acquire or dispose of some interest in land, even if these also contain provisions relating to works, goods or services;
- d. Lending or borrowing of money; and
- e. For existing goods, services or works where there is no genuine satisfactory alternative available such as public utility infrastructure providers, e.g. gas mains, sewage and water supply.

7. Exceptions for Care Placements

7.1. Exceptions are granted for Adult Social Care and Children Care Placements when underpinned by the following tiered placing of contractual arrangements. This must be approved by the Chief Officer of the relevant Directorate:

- a. Tier 1: Placements from Block Contracts – when a supplier is procured with guaranteed service levels and pre-agreed prices;
- b. Tier 2: Placements made from a Dynamic Purchasing System (DPS) or Framework Agreement – must contain fixed or average rates. Tier 2 is utilised only when Tier 1 is unable to meet the required needs; or
- c. Tier 3: Spot Placements – may be awarded when the required needs cannot be met by Tier 1 or Tier 2 and if the placement is urgent, complex and unique to the receiver of the care. Tier 3 Placements must be reviewed by the Chief Officer and will form part of a quarterly report to the relevant Member detailing the following:
 - The nature, extent and value of spot contracts entered into in the previous quarter;
 - The specific rationale for utilising Rule 7.1; and
 - Append a summary of the previous instances where this Rule is used in the current financial year.

8. Requesting A Waiver from these Rules

- 8.1. Subject to the UK Procurement Regulations and any other relevant legislation, an officer may seek a waiver where they are unable to comply with these Rules.
- 8.2. Officers must follow the procedure for obtaining a waiver detailed in Appendix 3.
- 8.3. A waiver will only be granted in exceptional or unavoidable circumstances, or where there is a clear Value for Money case. Lack of appropriate planning will not be considered as sufficient justification to be granted a waiver.
- 8.4. In cases of emergency and where there is a significant risk of danger to life, or damage to property or a major impact on the Council or its service users, the Monitoring Officer, or their nominated deputy may choose to waive these Rules or any element of them.
- 8.5. Where a waiver is to be used, the waiver must be formally completed and signed prior to entering into any contract for goods, services and/or works.

9. Prevention of Corruption and Conflicts of Interest

- 9.1. The officer responsible for the procurement must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 9.2. Where Officers wish to report a potential instance of fraud or corruption, they must refer to the Council's Whistleblowing Policy on the appropriate way to do so.
- 9.3. Officers must have regard to and comply with the Council's Anti-Fraud and Corruption Policy when undertaking a procurement exercise.
- 9.4. Officers are advised that any inappropriate behaviour that is deemed contrary to the Bribery Act 2010 could result in dismissal and the matter may be reported to the police.

10. Recommended Reading

- 10.1. It is strongly recommended that Officers and Chief Officers read the following documents in conjunction with these Rules:
 - a. Financial Procedure Rules;
 - b. Procurement Best Practice Guide;
 - c. The Council's policies and processes relevant to the procurement; and
 - d. Contract Register guidance, system instructions and protocol.

Part 2 – Pre-Procurement

1. Competition Requirements

- 1.1. Officers must establish the Total Value of the procurement for the life of the contract, including any potential extension periods which may be awarded.
- 1.2. Officers shall not sub-divide goods, services and/or works that could reasonably be treated as a single contract to avoid these Rules, thresholds, or any legal requirements. For the avoidance of doubt sub-division is permitted provided the genuine reason for doing so is to secure Value for Money.
- 1.3. Based on the Total Value, Quotations or Tenders must then be invited in line with the financial thresholds detailed in Appendix 2.

2. Steps Prior to Procurement

- 2.1. Where a procurement is required, the officer must establish:
 - a. The contract term, this must not exceed four (4) years in total (including any optional extension period(s)) unless otherwise agreed by the Head of Procurement and Monitoring Officer in advance of the procurement commencing.
 - b. The size, scope, term and specification of the goods, services and/or works required;
 - c. the duration of the contract that will provide the most economically advantageous outcome for the Council. This decision must be made in advance of the procurement process and done in accordance with these Rules;
 - d. That they have the appropriate authority to start the procurement activity under the scheme of delegation;
 - e. That they have the relevant budget approval to cover the Total Value of the contract or it is reasonable to believe that such a budget will be available; and
 - f. A project plan to allow sufficient time for Bidders to prepare and submit Tenders or Quotations to maximise the opportunity for Value for Money to be achieved.
- 2.2. The officer must consult Finance, where the procurement is of an innovative nature or poses a new potential material risk to the Council to discuss the potential risks to ensure they are adequately mitigated.

3. Pre-Tender Market Research and Consultation

- 3.1. The officer responsible for the procurement may consult potential Suppliers in general terms about the nature, level and standard of the contract packaging and other relevant matters, provided this does not prejudice any potential Bidder.
- 3.2. The officer must not adopt any technical advice in the preparation of an Invitation to Tender or Quotations from anyone where this may prejudice the equal treatment of all potential Bidders or otherwise distort competition.
- 3.3. Pre-tender consultation with service users on what is being procured is encouraged and is considered good practice to ensure the Specification correctly addresses what is required.
- 3.4. When considering undertaking any of these activities, the officer must seek advice from the Procurement Team.

4. Public Services (Social Value) Act 2012

- 4.1. The Public Services (Social Value) Act 2012 requires the Council to consider for service contracts above the Regulation Threshold at the pre-procurement stage:
 - a. How the proposed procurement might improve the economic, social, and environmental well-being of the area;
 - b. How the Council may act with a view to securing that improvement in conducting the process of the procurement; and
 - c. Whether it should undertake any community consultation on the above.
- 4.2. It may well also be appropriate to apply this approach to service contracts below the threshold and to procurements for goods and works.
- 4.3. Officers must consult the Procurement Team for advice on specifying requirements under Social Value and how to evaluate this as a part of any bids received.

5. Corporate Contracts and Corporate Frameworks

- 5.1. The Council has a selection of Corporate Contracts, Frameworks and Dynamic Purchasing Systems (DPSs) created by the Procurement Team for goods, services and works where the prices and terms have been negotiated to achieve Value for Money for the Council as a whole.
- 5.2. Before undertaking a procurement exercise, Officers must check if a Corporate Contract, Framework or DPS exists, and where they do, the officer must use the relevant Corporate Contract.

5.3. Where the officer is conducting a collaborative procurement, the Council's sole financial value alone will be the amount the officer must use to determine the Key Decision threshold.

6. Framework Agreements and Dynamic Purchasing Systems (DPS)

6.1. Any officer intending on using an externally let Framework Agreement or DPS must ensure that they have approval from the Procurement Team before they call-off any goods, services and/or works from the framework.

7. Contracts Reserved for Social Enterprises and Mutuals

7.1. Officers must contact the Procurement Team and Director of Legal and Democratic for advice where they are considering using this procedure.

8. Consultants, Temporary Agency and/or External Subject Matter Experts

8.1. Officers must follow the Council's HR Consultancy policy published on the Council's intranet when considering the appointment of consultants or External Subject Matter Experts to assist in the preparation of procurement documents and/or providing advice throughout the procurement process. The procurement of consultants and/or external subject matter experts must be conducted in accordance with the appropriate procurement rules, as determined by cost threshold.

9. Setting up a Dynamic Purchasing System (DPS)

9.1. Officers must contact the Procurement Team for support and advice if they intend to create a DPS.

10. Electronic Auctions

10.1. Officers must contact the Procurement Team and Director of Legal and Democratic for support and advice if they intend to enter into an Electronic Auction.

11. Concession Contracts

11.1. The Council may wish to enter into contracts where the Supplier receives payment from a third party, or where the Supplier receives non-monetary benefits. Such contracts must be let in accordance with these Rules and where relevant the Concession Contracts Regulations 2016.

11.2. Officers must contact Director of Legal and Democratic for advice if they intend to enter into such contracts.

12. Purchases over the Regulation Threshold

- 12.1. All goods, services and/or works over the Regulation Threshold are covered by the Public Contracts Regulations 2015. These Regulations govern the processes for advertising, timetabling and Supplier selection.
- 12.2. The latest thresholds and regulations can be found at the following site <https://www.ojec.com/Thresholds.aspx>.
- 12.3. Officers must consult with the Procurement Team and Director of Legal and Democratic before commencing the procurement or any soft market testing over the Regulation Threshold.
- 12.4. The officer, in collaboration with the Procurement Team, shall decide the procurement process which is most appropriate (e.g. quotation or another compliant competitive model) where the procurement is identified as falling in the scope of the Light Touch Regime in the Public Contracts Regulations.

Part 3 – Procurement Documents

1. Invitations to Tender and Quotations

- 1.1. All Invitations to Tender or Quote must:
 - a. Clearly specify the goods, services or works that are required. The specification must describe the requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared;
 - b. Include evaluation methodology, such as the selection and award criteria which details the cost and quality split;
 - c. Clearly and unambiguously specify the award procedure on which Tenders or Quotations will be evaluated, such as on the most economically advantageous tender;
 - d. Attach or refer to a copy of the contract terms and conditions that will apply;
 - e. Ensure that the same information is issued or made available to Bidders at the same time and on the same terms; and
 - f. Any additional information or amendments must be provided to the Bidders on the same basis.
- 1.2 For the avoidance of doubt, the price/quality split may be constructed on any basis which unambiguously defines how Tenders or Quotes will be evaluated, including fixed prices with pure quality scores.

2. Local Providers

- 2.1. For requirements up to £100,000, the officer should wherever possible obtain at least one (1) quote from a Local provider.

3. Advertising Requirements

- 3.1. Under these Rules it is not mandatory for procurements valued below £100,000 to be advertised unless the officer decides that the procurement would benefit from this. If the opportunity is advertised anywhere, it must also be advertised on Contracts Finder.
- 3.2. Procurements over £100,000 must be advertised on Contracts Finder and any other relevant media portal.
- 3.3. Procurements above the Regulation Threshold must be advertised in accordance with the UK Procurement Regulations.
- 3.4. Contracts valued over £5,000 must be recorded on the Contract Register.

4. Submission of Tenders or Quotations

- 4.1. Bidders must be given sufficient time to prepare and submit a proper Tender or Quotation, consistent with the urgency and complexity of the contract requirements.

5. Late Tenders

- 5.1. Late Tenders or Tenders that are not submitted in accordance with these Rules will be disqualified unless approved by the Monitoring Officer.

6. Evaluation

- 6.1. Tenders and Quotations must be evaluated in accordance with the pre-determined evaluation criteria set out in the procurement documents.
- 6.2. The evaluation must be carried out by a panel consisting of the officer and at least one (1) other officer of appropriate seniority, supported and moderated by the Procurement Team.
- 6.3. If, despite all reasonable efforts having been made to obtain the required minimum number of responses, fewer respond to the Council's requirement, then the procurement may progress with the Bidders who have provided a valid response.
- 6.4. The officer must keep a record of the efforts made to obtain the minimum number of responses.
- 6.5. The officer must retain the results of the Tender evaluation.

- 6.6. Officers shall ensure the successful Bidder has any required insurance cover in place before performance of the contract begins, and shall further ensure, at appropriate intervals, that such cover is maintained by the Supplier throughout the contract period.

7. Clarification Procedures

- 7.1. Officers may ask Bidders for clarifications to any of the details submitted as part of their bid. However, such clarifications must not result in a significant change to the bid or related documentation.
- 7.2. Prior to making any request for clarifications from a Bidder, the officer must discuss this with the Procurement Team, where the requirement is over £100,000.
- 7.3. Full written records of all clarification decisions must be made and retained by the officer. These records must be provided to the Procurement Team, where the Procurement Team have led the procurement.

8. Notification of Award

- 8.1. Following contract award the officer must inform successful and unsuccessful Bidders simultaneously in writing whether or not their bid was successful. If for some reason simultaneous notification is not possible, notice should be as close to simultaneous as possible.
- 8.2. Where the value of the contract is over £25,000 the officer must also publish an award notice on Contracts Finder.
- 8.3. Where a Tender is subject to the UK Procurement Regulations, the Procurement Team will adhere to the relevant Standstill Period, except in cases of urgency where it is judged that the risk of not adhering is sufficiently low.
- 8.4. If a Bidder requests in writing, a further debrief in relation to the award, the lead Officer is responsible for providing the appropriate response.
- 8.5. Any complaints from unsuccessful Bidders must be provided in writing to be considered. Officers must submit these to the Procurement Team for review. The Procurement Team must be notified immediately of any challenge to a procurement process, in order that appropriate action may be taken.

9. Legal Challenge

- 9.1. If there is a formal legal challenge to the award of a contract, then the officer must notify immediately their Chief Officer, Director of Legal and Democratic and the Head of Procurement.

Part 4 – Contract Formalities

1. Principles Relevant to Contracts at all Values

1.1. Every contract must be in writing and must clearly state:

- a. The goods, services and/or works to be provided;
- b. The start and end date or the means by which these are to be ascertained;
- c. The agreed programme of delivery or the means by which this is to be ascertained;
- d. The price, ways the price may be varied and terms of payment;
- e. All other terms that are agreed, e.g. insurance;
- f. Exit procedures, for when the contract comes to its natural end; and
- g. Termination procedures for early termination of the contract including when the Supplier has not fulfilled its contractual obligations.

2. Execution of Contracts

2.1. Contracts let under the UK Procurement Regulations may only (subject to Part 3, paragraph 8.3) be signed/sealed after the standstill period has elapsed without any challenge being received.

2.2. Contracts may only be executed by Officers with delegated powers as detailed below:

- a. Up to £250,000 shall be in writing signed by the Chief Officer.
- b. Over £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s151 Officer or their nominated representative.
- c. £1,000,000 or over shall be in writing sealed by affixing the Common Seal of the Council and attested by the Director of Legal and Democratic.

2.3. If after acceptance of its Tender or Quotation, a Supplier fails, within a reasonable period of time and without reasonable justification, to sign or otherwise enter into a formal written contract, the Council shall reserve the right to withdraw the Supplier from the contract. This decision shall be made by the relevant Chief Officer in consultation with Director of Legal and Democratic.

3. Commencement of Contracts

3.1. Subject to paragraph 6.1, no supply of goods, services or works shall commence until all contract documents have been completed.

4. Social Impact Bonds (SIBs)

- 4.1. Details of Social Impact Bonds (SIBs) are available through the Executive Director of Finance and their team.

5. Contract Register

- 5.1. The Procurement Team will provide access to the Contract Register of current contracts and framework agreements. The Contract Register will be published on the Council's website in accordance with Local Government Transparency Code 2015.
- 5.2. The Procurement Team will enter any contracts they have led the procurement process for on the Contract Register, however, it is the officer's responsibility to ensure these details are correct and updated with any changes and/or extensions.

6. Letters of Intent

- 6.1. Letters of Intent shall only be used in exceptional circumstances and where approved by the Chief Officer in consultation with Director of Legal and Democratic.

7. Performance Bonds and Parent Company Guarantees

- 7.1. Subject to paragraph 7.3, a performance bond or parent company guarantee shall be required:
 - a. where the Total Value of the contract exceeds £500,000; and/or
 - b. where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract; and/or
 - c. where there is concern about the stability of the Supplier, regardless of value.
- 7.2. Where a performance bond or parent company guarantee is required this must be clearly stated in the Invitation to Tender or Quotation and must be in place before the contract is completed by the Council.
- 7.3. Where a bidder or bidders request not using either of these provisions in a procurement process, or the officer can justify the disadvantages of this requirement, they must agree this in writing with the Chief Officer and s.151 Officer.

Part 5 – Contract Management

1. General Requirements

- 1.1. During the contract period the officer must monitor the overall performance of the contract closely to ensure any issues of under-performance are addressed as soon as possible and that the contract remains in-budget.

2. Contract Monitoring, Evaluation and Review

- 2.1. The Procurement Team will provide a high-level contract governance function that can offer a helicopter view of the Councils' contract management to ensure better strategic procurement delivery across the organisation. This is not a substitute for sound contract management and governance by the relevant Officer, but seeks to nurture, support and enhance that function.
- 2.2. The Procurement Team must have sight of the final contract and everything that has been agreed between the officer and the Supplier. This may include but not be limited to:
 - a. Service Level Agreements; and
 - b. Key Performance Indicators (KPI's) and/or Key Milestones.
- 2.3. Where the Supplier defaults on the Contract it shall be the duty of the officer to take appropriate action and, in the case of a significant default, to report any such action to the Chief Officer and Director of Legal and Democratic.
- 2.4. Officers shall ensure that Suppliers maintain adequate insurance for the duration of the contract period and shall verify this at appropriate intervals throughout the term.

3. Variations

- 3.1. Where a variation means that the value of a contract would exceed the relevant Regulation Threshold, or where there is any material change to the contract, the contract must be treated as a new procurement under these Rules.
- 3.2. A change will not be deemed material if the value of the modification is both below the Regulation Threshold and below 10% of the original contract value (15% for works) after any contract indexation.
- 3.3. Officers must consult with the Director of Legal and Democratic if they intend to make variations to their contracts except where such variations are provided for in the terms of the contract, such as changes in quantities or adjustments to works.
- 3.4. The officer will need to calculate how the Total Value of the contract will change as a result of any variation to determine the authority the officer needs to obtain. Any option, extension periods and/or previous variations must be included in this calculation.

- 3.5. All variations must be kept with the officer's signed copy of the contract and once agreed, all variations on contracts with a Total Value of £5,000 or more must be noted on the Contract Register.
- 3.6. Officers must be satisfied that they have sufficient budget to cover any variation and that the variation will achieve Value for Money and be reasonable in all the relevant circumstances.

4. Assignments and Novations

- 4.1. Officers must contact Director of Legal and Democratic where it is proposed that an assignment or novation should take place.

5. Termination of Contract

- 5.1. Officers must consult with Director of Legal and Democratic if they are considering the early termination of their contracts.

Appendix 1 – Definitions, Abbreviations and Glossary

Term	Definition
Bidder	A potential Supplier, vendor or organisation who responds to an invitation to Tender or Quote or any person who asks or is invited to submit a Quotation or Tender.
Chief Officer	An officer(s) as defined in the Constitution.
Contract Register	A register managed by the Procurement Team that stores details of the Council's Contracts such as duration and expiry dates. The register is published on the Council's intranet.
Corporate Contract and/or Corporate Framework	Contract let by a central team in the Council (such as Procurement) to support the Council's aim of achieving Value for Money by collectively ensuring staff use the contract/framework rather than individual arrangements.
Financial Regulations	The financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Framework Agreement	A formal tendered arrangement which sets out terms and conditions under which specific purchases can be made from the successful Bidders in unpredicted quantities at different times during the term of the Framework Agreement.
Invitation	Invitation to Tender or Quote in the form required by these Rules.
Light Touch Regime	Refers to social and other specific services covered by Part 2 Chapter 3, Section 7 of the Public Contract Regulations 2015.
Local	Areas within the Northamptonshire boundary.

	An organisation that is not local in its address but can help Local economy/employment within Northamptonshire may be included in this definition.
Non-Commercial Considerations	Those that are listed in section 17(5) of the LGA 1988.
Officer	An officer of the Council designated by the Chief Officer to be responsible for undertaking the procurement exercise and for the administration of the contract to include ensuring compliance with its terms and conditions and implementation of any required variations.
Parent Company Guarantee	A Contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a Contract with the Council, they can require the parent company to do so instead.
Performance Bond	An agreement that if the Supplier does not do what it has promised under a contract with the Council, the Council can claim from the Bondsman the sum of money specified in the Bond (usually 10% of the contract sum). It is intended to protect the Council against a level of cost arising from the Suppliers failure to comply with the terms of the contract.
Procurement Best Practice Guidance	The relevant procurement guidance document issued by the Procurement Team.
UK Procurement Regulations	The Public Contracts Regulations 2015 and any successor public regulations which specify in detail the procedures by which public authorities shall undertake their procurements.
Purchasing Gateway Group (PGG)	An identified group of Officers responsible for offering collective advice on procurement, legal and financial issues amongst others.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Regulation Threshold	The Total Value threshold at which PCR2015 public procurement directives must be applied. The current procurement thresholds and regulations can be found at the following site https://www.ojec.com/Thresholds.aspx
Request for Quotation	A formal quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Rules	These Contract Procedure Rules
Supplier	Any person or organisation, including companies or other bodies of persons providing, or seeking to provide, goods, services or works to the Council,
Tender	A Bidder's proposal submitted in response to an Invitation to Tender.
Total Value	The whole of the value or estimated value (in terms of money or equivalent value) for a single purchase, whether or not the purchase comprises several lots or stages across the Council as a whole and whether or not it is to be paid or received by the Council. The Total Value shall be calculated as follows:

	<ol style="list-style-type: none"> 1. Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the proposed contract period; 2. Where the contract is for an uncertain duration by multiplying the monthly payment by forty-eight (48) or the maximum permitted duration in months if less; 3. For nominated Suppliers and sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated Supplier or sub-contractor; 4. Where an in-house service provider is involved, by taking into account redundancy and similar/associated costs; and/or 5. In the case of a Framework Agreement, the estimated call off during the period of the contract.
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that employees and their rights are transferred along with the service.
Value for Money (VfM)	Combines goods, services and/or works that fully meet the Council's needs (including in its policy objectives) as identified, with the level of quality required, delivered at the time required and at an appropriate price. It is not necessarily the lowest possible price.

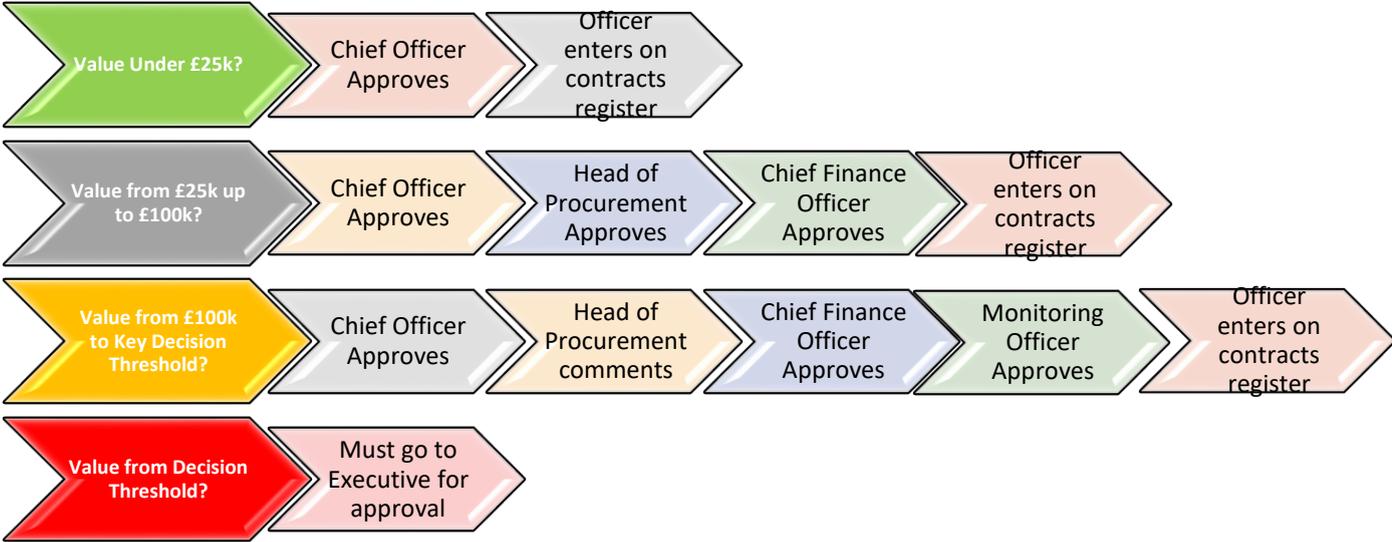
Appendix 2 – Summary of Procurement Thresholds

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
Up to £1,000	Officer. If "Key Decision", relevant Officer and Executive approval.	No requirement to advertise.	Obtain best value for money	Contract terms issued via purchase order.
£1,000 to £5,000	Officer. If "Key Decision", relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least two (2) written Quotations unless exception is granted by line manager (wherever possible obtain at least one (1) from a Local provider).	Contract terms issued via purchase order.

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
£5,000 to £25,000.	Officer. If “Key Decision”, relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least three (3) written Quotations (wherever possible obtain at least one (1) from a Local provider).	Contract terms issued via purchase order. Contract must be published on the Contract Register.
£25,000 to £100,000.	Officer. If “Key Decision”, relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least three (3) written Quotations (wherever possible obtain at least one (1) from a Local provider).	Written contract signed by one (1) Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Monitoring Officer. Contract must be published on the Contract Register and Contracts Finder
£100,000 to Threshold	Officer and the Procurement Team. If “Key Decision”, relevant Officer and Executive approval. Requirement to present requirement to PGG.	Advertising on Contracts Finder is mandatory unless the Regulations stipulate otherwise. All procurement Notices must be issued by the Procurement Team. Award notice must also be published on Contracts Finder.	Seek to obtain at least three (3) written Quotations. The Procurement Team must be consulted.	Written contract signed/sealed. Standard terms approved by Director of Legal and Democratic. Contract must be published on the Contract Register and Contracts Finder.
Above Threshold	Officer and Procurement Team.	Advertising on Contracts Finder is mandatory unless the	Procurement must be run in accordance with the Regulations	Written contract signed/sealed. Standard terms approved by

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
	If “Key Decision”, relevant Officer and Executive approval. Requirement to present requirement to PGG.	Regulations stipulate otherwise. Advertising on Find A Tender is mandatory unless the Regulations stipulate otherwise. All procurement Notices must be issued by the Procurement Team. Award notice must also be published on Contracts Finder and Find A Tender.	and in consultation with the Procurement Team.	Director of Legal and Democratic. Contract must be published on the Contract Register and Contracts Finder.
Framework Agreements or DPSs	Officer (and Council’s Procurement Team if over £100,000). If “Key Decision”, relevant Officer and Executive approval.	Not applicable	Follow call-off procedure within Framework Agreement or DPS. The number of Tenders will be determined by the Framework or DPS.	Written Contract created from Framework Agreement or DPS. Sign-off as per above thresholds. Contract must be published on the Contract Register and Contracts Finder.

Appendix 3 – Procurement Waiver Process Flowchart



9.7 Financial Procedure Rules

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1 Introduction

- 1.1 In order to conduct its business efficiently, this council recognises the need to ensure that it has sound financial management policies in place and that they are strictly adhered to.
- 1.2 The Financial Procedure Rules provide the framework for managing the Council's financial affairs, in order to ensure that they are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge to the Council. They are an integral part of the Council's Constitution and must be used in conjunction with those sections of the Constitution that apply generally to the management of the Council's business and affairs
- 1.3 Section 151 of the Local Government Act 1972 states that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". The officer designated by the Council as having the statutory responsibility set out in Section 151 of the 1972 Act is the Chief Financial Officer (CFO).
- 1.4 The Financial Procedure Rules apply to every councillor, officer, person acting on the Council's behalf in undertaking Council business, and any employee of a commissioned service within any organisation partly or wholly owned by the Council.
- 1.5 The term 'officer' in this document refers to Council employees and employees within a commissioned organisation partly or wholly owned by the Council. The term 'Council' in this document refers to the Council and all commissioned organisations partly or wholly owned by the Council.
- 1.6 Chief Officers are responsible for ensuring that all staff in their Service are aware of the existence, location and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
- 1.7 All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action with the CFO.
- 1.8 The CFO is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Chief Executive and to the Cabinet.
- 1.9 The Financial Procedure Rules shall only be suspended on the resolution of the full Council, or as varied by any part of the Scheme of Delegation approved by the Council or Executive as appropriate. A written record shall be kept if this was to occur.
- 1.10 The CFO is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the full Council for approval.

2 Financial Management

- 2.1 Financial management covers all financial accountabilities in relation to the running of the council, including the Budget and Policy Framework. The process of financial management involves:

- 2.1.1 Complying with statutory requirements
- 2.1.2 Development and approval of policy and management frameworks, the Constitution and financial plans including the revenue and capital budgets
- 2.1.3 Establishing protocols and standards
- 2.1.4 Implementing policies, protocols and standards
- 2.1.5 Monitoring compliance
- 2.1.6 Maintaining records
- 2.1.7 Reporting and providing advice
- 2.1.8 Specific financial techniques and functions e.g. virements, year end balances, statements of account.

3 Responsibilities

- 3.1 This section of the Financial Procedure Rules provides an overview of the responsibility and accountability of officers and councillors in respect of financial management, governance and the use of Council resources.
- 3.2 All officers and councillors are responsible for ensuring that they use Council resources and assets entrusted to them in a responsible and lawful manner. Consideration of value for money needs to be embedded in every financial decision made. These responsibilities apply equally to councillors and officers when representing the Council on outside bodies.
- 3.3 Failure to comply with these Regulations and associated policies, instructions and processes may constitute misconduct or gross misconduct, depending on the circumstances of the case in question and may well result in disciplinary action being taken in accordance with the Council's Disciplinary Procedures.
- 3.4 Any person charged with the use or care of the Council's resources and assets is responsible for reading the requirements within the Financial Procedure Rules. If anyone is unsure as to their obligations, they should seek advice from the CFO.
- 3.5 The financial instructions and processes that support these Regulations, as approved by the Chief Financial Officer, must be followed and carry the same weight as the Financial Regulations.
- 3.6 Any employee must report immediately to their manager, supervisor or other responsible officer any illegality, impropriety, serious breach of procedure or serious deficiency in the provision of service they suspect or become aware of. Employees are able to do this without fear or recrimination providing they act in good faith via the Council's Whistle Blowing Policy. In such circumstances managers must record and investigate such reports and take appropriate action.
- 3.7 Compliance with any Anti-Fraud and Corruption policy, Code of Conduct for councillors or Employees which the council has in place is mandatory.

4 Head of Paid Service

- 4.1 The Head of Paid Service is the Chief Executive. They have responsibilities set out s.4 Local Government and Housing Act 1989. These include providing members with a report about the staffing resources that are required for the delivery of the Council's plans. The Chief Executive is also responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for the Cabinet, the full Council, Scrutiny committees and other committees.
- 4.2 They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

5 Monitoring Officer

- 5.1 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct. They are also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet.
- 5.2 They are also responsible for ensuring that procedures for recording and reporting key decisions are operating effectively. They must also ensure that Council Members are aware of decisions made by the Cabinet
- 5.3 The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. They must also ensure that Council Members are aware of decisions made by Officers who have delegated executive responsibility.
- 5.4 The Monitoring Officer is responsible for advising all officers and councillors regarding where the authority to take a particular decision resides.
- 5.5 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the Policy Framework.

6 Chief Finance Officer (CFO) (Section 151 Officer)

- 6.1 The responsibilities of this post are described in Part 9.2 of the Constitution. It has specific statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden.
- 6.2 The CFO is responsible for the proper administration of the council's financial affairs and reports to Council and committees on the discharge of this responsibility. This includes:
 - 6.2.1 Maintaining strong financial management underpinned by effective financial controls
 - 6.2.2 Contribute to corporate management and leadership
 - 6.2.3 Providing financial information and advice
 - 6.2.4 Setting and monitoring compliance with financial management standards

- 6.2.5 Advising on the corporate financial position
- 6.2.6 Advising on the key financial controls necessary to secure sound financial management
- 6.2.7 Preparing the revenue budget and capital programme
- 6.2.8 Treasury management
- 6.2.9 Leading and managing an effective and responsive financial service.
- 6.3 The CFO has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure made on behalf of the council and that controls operate to protect the council's assets from loss, waste, fraud or other impropriety. The CFO shall discharge that responsibility in part by the issue and maintenance of Financial Procedures and Operational Procedures with which all councillors and staff of the council shall comply.
- 6.4 The CFO is the 'responsible financial officer' for the purposes of Sections 114 and 114A of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
- 6.5 Section 114 requires the CFO to make a report and inform the External Auditor if it appears that (full) Council, a committee or officers:
 - 6.5.1 Has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - 6.5.2 Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council; or
 - 6.5.3 Is about to make an unlawful entry in the council's accounts
- 6.6 Section 114A makes equivalent provision in respect of actions taken by or on behalf of the council. Under both sections the report must be sent to every Councillor as well as the External Auditor.
- 6.7 Section 114 also requires:
 - 6.7.1 The CFO to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally.
 - 6.7.2 The council provide the CFO with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under Section 114 and make similar arrangements for the purposes of the Accounts and Audit Regulations 2006
- 6.8 The CFO will have overall responsibility for the operation of internal audit throughout the authority. Internal Auditors will operate as a management control by examining, evaluating and reporting upon the effective of internal financial and operational controls and the efficient use of the Authority's resources.

- 6.9 The CFO and Internal Audit shall have full and unrestricted access to all council assets, systems, accounts, contracts, documents, information, officers, and councillors.
- 6.10 The CFO is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control the net expenditure of the council against budget allocations and report to the Cabinet on the overall position as appropriate.
- 6.11 The CFO is responsible for monitoring compliance with the virement scheme to ensure the scheme operates effectively and in accordance with the agreed budgetary and Policy Framework.
- 6.12 The CFO will consider and approve reports requesting virements between £10,000 and £500,000, in accordance with the scheme of virement (see section 9). Decisions on virements over £50,000 will be made in consultation with the relevant portfolio holder.
- 6.13 Reference to the CFO within the Finance Procedure Rules includes those authorised by them to undertake the various functions concerned.

7.0 Chief Officers

- 7.1 Chief Officers are individually responsible to ensure that all staff in their Service are aware of the existence of the Council's Constitution and Financial Procedure Rules, and have systems of control in place to monitor compliance, with any non-compliance by either officers, or partners reported to the CFO.
- 7.2 They are accountable for the overall financial stewardship of all Council resources allocated to them, and must seek approval from the Cabinet for any actions likely to materially affect the Council's finances by virtue of being a key decision. In such instances, consultation with the CFO will also be necessary.
- 7.3 They must ensure that the CFO is supplied with all information they feel is necessary to meet their statutory obligations.
- 7.4 Chief Officers must ensure that the relevant Cabinet members are advised of the financial implications of all significant budget proposals and service changes, which have been previously agreed by the CFO and Chief Executive.
- 7.5 They are responsible for ensuring the accuracy and deliverability of all budget estimates, which should be congruent with the strategic priorities set out in their annual Business Plans submitted as part of the annual budget. These estimates are to be prepared in line with guidance and timelines issued by the CFO.
- 7.6 With regard to the in-year financial monitoring against budget, it is the Chief Officer's responsibility to ensure that there are suitably competent Budget Managers in place within their Service who are aware of their budget allocation, including any savings requirement, as defined in the annual budget. These budget managers are also required to operate a robust system of control in order to monitor and report commitments and actuals throughout the year. This process will also ensure value

for money decisions are made and that risk is minimised. Any non-compliance must be escalated to the CFO in a timely manner.

- 7.7 Each Chief Officer is responsible for ensuring that the CFO is consulted about any information provided to councillors, external partners or members of the public which concerns the finances of the Council and that they are to be given adequate time to comment in advance of the agenda / deadline date.
- 7.8 Committee reports shall only be submitted once the CFO has validated and agreed the financial aspects of the report. The onus is on the report sponsor to obtain the agreement of the CFO.
- 7.9 If a Chief Officer, having regard to the CFO's views, does not wish to amend a committee report, the CFO may require inclusion of their comments within the report before it is finalised.
- 7.10 Chief Officers may delegate decision making powers relating to financial management to their Deputy Chief Officer or below. A record of all such delegations must be kept by the officers concerned.
- 7.11 All Chief Officer Functions are described in the Scheme of Delegation, Part 9 of the Constitution.

8 Councillors and Officers

- 8.1 All officers and councillors will contribute to the general stewardship, honesty and integrity in the council's financial affairs and comply with these regulations and any system, financial procedure or policy relating to the financial management of the council.
- 8.2 Before making any decision or voting on any decision the person responsible shall consider the financial implications and the effect on the council's financial position.
- 8.3 councillors or officers shall bring to the attention of the CFO any act or omission that is contrary to the financial regulations and/or the financial procedures.
- 8.4 councillors and officers should maintain the highest standards of financial probity and provide information or explanations on matters within their responsibility to the Monitoring Officer, the Governance and Audit Committee, the CFO, and the council's internal and external auditors.
- 8.5 Any Chief Officer, Head of Service or councillor who is involved in, or who has an interest in, a transaction between the council and a third party shall declare the nature and extent of this interest to the CFO. These will be reported in the council's accounts in accordance with the Accountancy Standards Board (ASB) Reporting Standards and the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Accounting Practice.
- 8.6 A Budget Manager is an officer with the overall responsibility of managing the commissioning of direct service or externalised service(s) for an area. This responsibility is specifically delegated to this Officer, using any document required by the Section 151 Officer or under the Part 9 Scheme of Delegation to Officers. A

Budget Manager cannot delegate the overall responsibility for managing budgets under their jurisdiction. A Budget Manager must be an employee of the Authority.

- 8.7 A Project Manager, in relation to capital, is the Budget manager responsible for delivering a capital project.

9 The Full Council

- 9.1 Full Council is responsible for adopting and approving the principles of financial governance and approving the council's budgetary and Policy Framework within which committees and the Executive operate

- 9.2 The full Council is also responsible for monitoring compliance with related executive decisions and is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated and decisions taken by the Council and its committees.

10 The Cabinet

- 10.1 West Northamptonshire Council operates a Leader and Cabinet model of Executive arrangements. The majority of financial decisions are taken by the Executive. In accordance with the Local Government Act 2000 (as amended) the Leader can take all Executive decisions alone or with Cabinet in accordance with the Executive Procedure Rules set out in part 5 of the Constitution. The Executive can take all decisions not specifically identified as non-executive within the Budget and Policy Framework as described in Part 3 of the Constitution.

- 10.2 The Cabinet also:

- (a) monitors revenue and capital spending against agreed limits
- (b) agrees externally funded initiatives
- (c) approves the commencement of tender processes where the value of the proposed contract is in excess of £500,000 or is otherwise a key decision
- (d) approves the termination of contracts where the value is in excess of £500,000
- (e) approves the introduction of charges, or changes to charges for services
- (f) approves the acquisition, retention or disposal of assets with a value in excess of £500,000
- (g) approves the write-off of individual debts deemed to be uncollectable over £25,000
- (h) approves virements in excess of £500,000

- 10.3 Executive decisions can be exercised by the Leader, by the Leader and Cabinet, delegated to a committee of the Cabinet, an individual Cabinet Portfolio Holder, an officer or joint committee.

11 The Audit and Governance Committee

- 11.1 The Audit and Governance Committee is charged with ensuring correct governance of the council.

- 11.2 The Committee will contribute to the development of and review of the effectiveness of the Medium Term Financial Strategy, the annual budget and capital programme.

- 11.3 The Committee will consider reports from the internal and external auditors in respect of performance issues in relation to the Medium Term Financial Strategy or financial processes, where considered appropriate by the CFO.
- 11.4 The Committee is also responsible for approving the council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 11.5 The Audit and Governance Committee is responsible for approving the Annual Statement of Accounts in accordance with the Account and Audit Regulations.

12 Regulatory committees

- 12.1 Regulatory committees include:

- 12.1.1 Licensing Committee

- 12.1.2 Planning Management Committee

- 12.2 Regulatory committees do not have delegated to them specific financial management responsibilities but due consideration must be given to the general stewardship, integrity and confidence in the council's financial affairs.

- 12.3 Decisions made by these committees could materially affect the council's financial position and/or expose the council to financial risk. The committees, and individual councillors, should ensure that proper consideration has been given to any exposure to risk in determining matters delegated to the committee.

13 Other committees

- 13.1 The Overview and Scrutiny committees has responsibility for the oversight of financial matters for the Council and for holding the Cabinet to account.
- 13.2 The Pension Committee sets the Pension Funds objectives and determines the appropriate strategies, policies and procedures for funding, investment, administration, communication, discretions, governance and risk management. This committee also has the power to manage any key matter pertaining to the Pension Fund.
- 13.3 Pensions Investment sub-committee implements the Pension Funds investment strategy and monitors fund performance against target.
- 13.4 West/North Northamptonshire Health and Wellbeing Board has the responsibility for preparing the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- 13.5 All Council, Cabinet and Committee functions and powers are described in the relevant section of the Constitution for the decision maker or in Scheme of Delegation to officers in Part 9 of the Constitution. All delegated functions within the Scheme of Delegation must be exercised within approved budgetary provision and abide by the Council's Financial Procedure Rules and Contract Procedure Rules.

- 13.6 The CFO is responsible for reviewing and monitoring all financial aspects of the Council's decision making.

14 Urgency Procedure

- 14.1 The Urgency Procedure is designed to deal with unexpected events which cannot be dealt with under the other clauses contained within Constitution, including these Financial Regulations and which require such urgent attention that they do not allow for referral to the next available committee meeting. Examples include significant financial expense following an accident or disaster, protecting the council against any legal challenge and the ability seek advantage from an opportunity which would otherwise disappear if immediate action is not taken.
- 14.2 The urgency procedure is only designed to deal with items costing in excess of £100,000, which are within our existing Policy Framework but which are not covered by the approved budget.
- 14.3 Items greater than £100,000 but less than £500,000 can be approved by the CFO (or Deputy CFO in their absence) after consultation with the Portfolio Member for Finance.
- 14.4 For sums over £500,000, the Chief Executive who has wider responsibilities for Emergencies as set out in the scheme of delegation in Part 9 of the Constitution will be responsible for deciding on applying the Urgency Procedure and will do so only on the advice of the CFO and in consultation with the Leader of Council and Portfolio Member for Finance (or in their absence their deputies). Expenditure over £500,000 outside the Budget should be reported to the next available ordinary Council meeting.
- 14.5 Under the above provisions, authorisation to approve such items will require a written report from the Chief Executive, countersigned by the CFO.
- 14.6 Reports approved under this scheme shall include not only the details under consideration but also the reasons why they need to be dealt with under the urgency procedure.
- 14.7 The introduction of new systems could fundamentally change the systems of control in some areas. The Council recognises that this may require a variation to the Regulations that cannot be achieved with Cabinet approval, due to time constraints. Therefore, the Chief Finance Officer may, in consultation with the Council's Monitoring Officer approve temporary dispensation / amendment.
- 14.8 This scheme shall not be used for expenditure on items outside the council's existing Policy Framework or where, in the opinion of the CFO, the decision will result in significant ongoing expenditure.

15 Financial Strategies and Guidance

- 15.1 The CFO is responsible for developing/approving the Council's financial strategies, issuing advice, guidance and policies to underpin the Financial Procedure Rules that councillors, officers and others acting on behalf of the Council are required to follow.

- 15.2 The Council will have a number of key financial strategies and policies some of which are listed below, but this is not an exhaustive list;
- 15.2.1 Contract Procedure Rules
 - 15.2.2 Medium Term Financial Plan
 - 15.2.3 Medium Term Capital Plan
 - 15.2.4 Risk Management Policy and Strategy
 - 15.2.5 Anti-Fraud and Corruption Policy
 - 15.2.6 Whistleblowing Policy
 - 15.2.7 Anti Money Laundering Policy
 - 15.2.8 Treasury Management Strategy (including the Investment Strategy, Prudential Indicators and MRP Policy)
 - 15.2.9 Financial procedures for schools (note: this is a collection of documents).
 - 15.2.10 Security and control of assets.

16 Medium Term Financial Planning and the Annual Budget

- 16.1 The Council's Medium Term Financial Plan (MTFP) provides a four year overview of the Council's anticipated resources, expenditure commitments, and resulting savings requirement. The MTFP allows resources to be prioritised to achieve the vision set out in the Council Plan, which is underpinned by the Council's priority objectives included within individual Service Business Plans.
- 16.2 The MTFP, therefore, is the financial framework that informs the annual Budget setting process and is integral within the Council's business planning.
- 16.3 Various internal and external factors will influence the planning assumptions underpinning the MTFP and these include the following variables:
- 16.3.1 corporate priorities
 - 16.3.2 levels of Council Tax
 - 16.3.3 likely impact on inflation in the current and future economic climate
 - 16.3.4 future Spending Reviews and funding allocations to councils
- 16.4 The Medium Term Financial Plan considers the following key underlying principles;
- 16.4.1 spending is aligned to the priority objectives set out in the Council Plan and each Service Business Plan
 - 16.4.2 emerging pressures are managed within existing approved resources in the first instance

- 16.4.3 future liabilities are anticipated
- 16.4.4 savings proposals are supported by project plans and the impact on service delivery is clear
- 16.4.5 funding forecasts are prudent
- 16.4.6 exit plans are formulated for specific grant funded areas to ensure that funding withdrawal does not lead to revenue budget pressures
- 16.4.7 capital and revenue planning is integrated to ensure implications are fully anticipated
- 16.4.8 earmarked reserves are sufficient to address risks identified in future years
- 16.5 The CFO will set an annual timetable to enable the development of the MTFP, Revenue Budget and Capital Programme for the consideration of Cabinet and approval by the full Council.
- 16.6 The integrated process of business planning and the development of budget proposals shall be prepared by Chief Officers in the form required by the CFO, in accordance within the agreed timetable, so information can be examined and challenged before submission to the Cabinet.
- 16.7 Chief Officers are responsible for ensuring;
 - 16.7.1 the completion of integrated business and financial plans
 - 16.7.2 the development of sufficient budget proposals as instructed by the CFO, to ensure the Council can set a balanced Budget
 - 16.7.3 that all budget proposals are lawful and that the necessary consultation has taken place, subject to approval with the relevant Portfolio Holder
 - 16.7.4 that all existing services and all new budget proposals demonstrate value for money
 - 16.7.5 external funding opportunities are fully explored
 - 16.7.6 the availability of an annually updated list of fees and charges
- 16.8 The MTFP will cover the annual budget year, plus at least three future years. These documents will be developed and approved in accordance with the Budget and Policy Framework set out at Part 4 (c) of the constitution.

17 Medium Term Capital Strategy

- 17.1 Investment in capital assets shapes future service delivery and creates future financial commitments. The Medium Term Capital Programme is laid out within the Council's Capital Strategy and is at least a four-year programme of estimated capital expenditure and associated funding.

- 17.2 The Cabinet will receive proposals for inclusion in the Council's Capital Programme and will submit a proposed programme (including block provisions where appropriate) to the full Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources.
- 17.3 In year, the CFO may approve new schemes estimated to cost less than £100,000, and the Cabinet may approve new schemes estimated to cost less than £500,000, which have not previously been included in the Capital Programme. New schemes estimated to cost more than £500,000 must be approved by full Council.
- 17.4 Before a scheme in the Medium Term Capital Programme receives final approval from the Cabinet to proceed, Chief Officers must put forward to Cabinet their recommendation based on a Capital Programme Board project appraisal covering the following elements as a minimum requirement:
- 16.13.1 Description
 - 16.13.2 Justification
 - 16.13.3 Deliverable outcomes
 - 16.13.4 Feasibility study/options appraisal
 - 16.13.5 Financial analysis including revenue implications and appropriate measures of investment appraisal
 - 16.13.6 Budget including life cycle cost
 - 16.13.7 Project plan
 - 16.13.8 Risk evaluation
 - 16.13.9 Source of funding
- 17.5 Capital Programme Board approval must include sign off by the CFO, the Chief Officer for Capital and Proper, or delegated officers as directed.
- 17.6 Any officer proposing to award or vary a contract for works, goods or services in connection with a scheme must refer to the Contract Procedure Rules.

18 Forecasting and Monitoring

18.1 Revenue

- 18.1.1 The financial management and budgetary control of each Service budget is the overall responsibility of the appropriate Chief Officer.
- 18.1.2 Each Chief Officer must ensure that there is a designated Budget Manager who is accountable to the Assistant Director for the detailed management and financial monitoring of all budgets. The CFO should be notified of any changes

to Budget Managers, so that all budgets continue to have a named manager at all times.

18.1.3 Chief Officers need to ensure that expenditure is contained within approved budget allocations, there is a robust control environment and that accurate financial forecasting is completed on a monthly basis within the Council's financial system.

18.1.4 The CFO will take budget monitoring reports to Cabinet and the relevant Scrutiny Committee on a regular basis. These reports will contain updates on both revenue and capital budgets as well as any management actions being taken where variances have been identified from these reports.

18.2 Capital

18.2.1 The financial management and budgetary control of each Capital Scheme is the overall responsibility of the appropriate Chief Officer.

18.2.2 Each Chief Officer must ensure that there is a designated Budget Manager who is accountable to their Assistant Director for the detailed management and financial monitoring of all Capital Schemes. The CFO should be notified of any changes to Budget Managers, so that all capital budgets continue to have a named manager at all times.

18.2.3 Budget Managers must submit regular monitoring returns in line with their Budget Management responsibilities and make the CFO aware of slippage in scheme costs between financial years at the earliest point possible, in order to support the Council's Treasury Management.

18.2.4 There is no authority for any officer to overspend their allocated budget and if there are variations in contract costs when compared with the provision in the Medium Term Capital Programme, the relevant Officer must alert the CFO.

18.2.5 Chief Officers must seek cabinet approval, following consultation with the CFO, for any proposed amendment to an approved capital scheme.

18.2.6 The CFO will report to the Cabinet on the monitoring of the Council's approved Capital schemes, including projected expenditure and income.

18.2.7 Officers must ensure that no contracts or commitments are entered into without project approval or scheme of delegation's authority provided.

18.2.8 Where the replacement of capital assets is financed by insurance monies, Chief Officers may authorise additional capital expenditure subject to subsequent report to the Cabinet and amendment to the Medium Term Capital Programme.

19 Virements (Revenue & Capital)

19.1 A virement is the balanced transfer of spending power [or budget] from one place to another, i.e. the overall budget does not change. Virements should support the Council's policies and not result in enhanced service levels or budget commitments beyond the base

budget. A virement should not be used for cosmetic purposes within the same budget code. Virements can be revenue or capital in nature.

19.2 Virements will only apply to a current year's revenue or capital budget, and should not involve:

- a. a new policy or policy change
- b. an increasing commitment in future years that cannot be contained within existing approved budget allocations.

19.3 Virements will not be permitted from:

- a. Capital to revenue, capital charges and financing costs
- b. Interest earnings and income generated from investments
- c. Government grants and grant related expenditure to other payments
- d. Inter-authority payments
- e. Ring fenced grants

19.4 Transfers from a capital project should not materially limit the approach or scope of the capital project, but should arise from cost reductions in progressing the scheme e.g. arising through the tendering process, also a capital virement may only apply to a scheme which has been admitted to the approved capital programme.

19.5 Where it is intended that the virement will affect future years then this must be built into the base budget through the Medium Term Financial Planning process.

19.6 Virements up to £100,000 cumulative require CFO approval.

19.7 Virements between £100,000 to £500,000 require agreement with the CFO in consultation with the relevant Cabinet Portfolio Holder.

19.8 Virements in excess of £500,000 require Cabinet approval.

20 Carry Forward of Budget between Financial Years

20.1 Revenue budget not utilised by the end of the financial year will not normally be transferred to the following year, except in exceptional circumstances approved by the CFO.

21 Maintenance of Reserves

21.1 The Council must determine the level of general reserves it wishes to maintain when setting the Budget. Reserves must be sufficient to meet unexpected events and protect the Council from over spends should they occur. Earmarked reserves may also be established for specific purposes.

21.2 The CFO will advise the Council on the levels of reserves that it is prudent to maintain, and will account for the Council's reserves in accordance with the Reserves

Policy and relevant Codes of Practice, ensuring the purpose and usage of reserves is clearly identified.

22 Closure of Accounts

- 22.1 The CFO is responsible for the timely production and publication of the Council's final accounts in accordance with the relevant accounting policies, standards and statute.
- 22.2 The CFO shall produce and circulate to all relevant officers of the Council a set of guidance notes for the production of final accounts. These notes shall detail the timetable for the final accounts production, the information and action required from Services and any other details necessary to ensure that the responsibilities under this paragraph are properly discharged. Chief Officers must comply with accounting guidance provided, and supply information when required.
- 22.3 The CFO is responsible for establishing a good professional working relationships with the Council's external auditors and must satisfy any reasonable requests for information with regard to the Councils financial affairs.
- 22.4 The Local Audit and Accountability Act grants the Council's external auditors the right to inspect any document that they deem necessary for the purpose of performing their duties.
- 22.5 The CFO shall present the Statement of Accounts for the year to the Council's external auditor and Audit and Governance Committee within the agreed timescales.
- 22.6 The CFO and the Chair of the Audit and Governance Committee are responsible for signing the annual accounts to confirm that they present a true and fair view of the Council's financial position.
- 22.7 The CFO will hold copies of the Council's audited Statement of Accounts, including the external auditors signed certificate and opinion.

23 Banking

- 23.1 The CFO will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee of the Council shall open any bank (or equivalent) account on the Council's behalf or in its name without the express agreement of the CFO.
- 23.2 The CFO will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all its bank accounts, and will effect, or cause to be effected, proper and timely reconciliations.
- 23.3 All investments of money under its control shall be made in the name of the Authority unless otherwise approved by the CFO.
- 23.4 All securities, being the property of, or in the name, of the Authority, or its nominees, and the title deeds of all property in its ownership, shall be held in the custody of the CFO or under arrangements agreed by them.
- 23.5 All borrowings shall be effected in the name of the Authority.

24 Financial Accounting and Systems

- 24.1 The Council's financial accounting systems is required to provide data that is accurate and adequate for the published final accounts and for the provision of management information for the Council to conduct its business affairs in an efficient and effective manner; as such all officers are responsible for ensuring that financial information is accurate, consistent and delivered in a timely manner.
- 24.2 The CFO is responsible for keeping the principal accounting records for all services of the Council.
- 24.3 The CFO will;
 - 24.3.1 determine accounting policies, systems and procedures and the form of financial records and statements in accordance with statute and best practice, informed by International Financial Reporting Standards (IFRSs); and International Accounting Standards (IAS)
 - 24.3.2 provide guidance and advice on all accounting matters
 - 24.3.3 monitor accounting performance to ensure an adequate standard for all services
 - 24.3.4 certify all financial returns, grant funding applications and claims and other periodic financial reports required of the Council
 - 24.3.5 be required to approve the development, acquisition and implementation of all financial IT systems
- 24.4 Each Chief Officer is required to;
 - 24.4.1 implement accounting procedures and adopt the form of financial records and statements as determined by the Chief Financial Officer
 - 24.4.2 obtain the approval of the Chief Financial Officer prior to introducing or changing the form or method of existing accounting systems and procedures, financial records or statements.
 - 24.4.3 complete and pass to the Chief Financial Officer financial returns and other financial reports requiring certification in good time
 - 24.4.4 keep a proper segregation of duties for staff with financial responsibilities.
 - 24.4.5 ensuring that their staff receive relevant financial training and guidance that has been approved by the CFO.
 - 24.4.6 ensuring that systems which provide a feed into financial systems and reporting are maintained on an accurate and timely basis.
 - 24.4.7 ensuring a complete management/audit trail is maintained, to ensure financial transactions can be traced from the accounting records to the original document, and vice versa.

25 Procurement Arrangements

- 25.1 All Council procurement activity and contract/supplier management must adhere to the Contract Procedure Rules set out in Part 9.6 of the Constitution and any associated guidance to officers which set out the rules and procurement thresholds for buying, renting, and leasing of goods, services and works for the Council.

26 Orders for Goods and Services

- 26.1 Each Chief Officer shall be responsible for all orders issued from their Service for goods or for services rendered. Official orders must be issued for all work, goods or services to be supplied to the Council, except periodical payments, petty cash purchases, acceptable purchases under the Corporate Credit Card (GPC) policy or such other exceptions as may be approved. Before orders are made the authorised officer must ensure:

26.1.1 that there is adequate budget provision before committing expenditure;

26.1.2 any necessary Chief Officer or Cabinet approvals have been obtained as set out in the Council's Contract Procedure Rules or these financial procedure rules

- 26.2 If goods are to be ordered on behalf of another Service then a written requisition must be received from the Chief Officer of that Directorate, authorised by them or one of their nominated officers.
- 26.3 Official orders shall be in a form approved by the CFO and are to be approved only by nominated officers authorised by the Chief Officer.
- 26.4 Each order shall conform to the policies of the Council with respect to procurement and any standardisation of supplies and materials.

27 Payment of Account

- 27.1 The Chief Officers are responsible to ensure that all payments made by the Council are:

27.1.1 lawful;

27.1.2 properly authorised by an appropriate officer

27.1.3 within the amount provided in the Council's budget

- 27.2 All invoices shall be retained for at least 6 years. In the case of invoices relating to grant claims these must be kept until after the grant claim has been audited even if this exceeds 6 years.

- 27.3 Each designated Officer shall as soon as possible after 31st March in each year notify the CFO of all outstanding expenditure relating to the previous financial year which has not been accrued for within the financial ledger.

- 27.4 Where grants can be claimed on expenditure incurred, Chief Officers must be aware of the appropriate grant conditions and ensure that payments meet these conditions with regard to types of expenditure, payment date, etc.
- 27.5 The CFO is responsible for approving and reviewing the allocation of individual employee's financial limits for GPC usage, Accounts Payable and Accounts Receivable transactions.
- 27.6 Each Chief Officer is responsible for ensuring that the list of GPC holders and purchase approvers is updated in a timely manner and that all users and approvers are aware of the GPC User Guide, which sets out the rules of usage. The GPC holders, their individual approval limits and the GPC approvers should be subject to an annual review by each Chief Officer and the CFO.
- 27.7 The Accounts Payable and Receivable transactional approval limits are administered by the Council's financial system (ERP Gold) which assigns a financial approval limit to an individual employee based on the seniority of their job role.
- 27.8 Any change to these limits requires the agreement of the Chief Officer and CFO.
- 27.9 The table below sets out the Council's Accounts Payable and Receivable approval limits. These are distinct from the limits of financial delegation set out in Part 9 of the constitution and the key decision threshold set out in Part 5 of the constitution.

Transaction Type	Budget Support TIER4	Budget Manager (Proj Mger for Capital) TIER4	Head of Service TIER3	Assistant Director TIER2	Corporate Director TIER1	Chief Executive TIER0	Section 151 Officer
Official order for procurement of goods, services, grants, benefits	Up to £5k	Up to £200k	Up to £500k	Up to £1m	Unlimited	Unlimited	Unlimited
Sales order invoices	Up to £5k	Up to £200k	Up to £500k	Up to £1m	Unlimited	Unlimited	Unlimited
Credit Note Approval	Up to £5k	Up to £200k	Up to £500k	Up to £1m	Unlimited	Unlimited	Unlimited
Write Off Authority - Non Adult Social Care Debt	n/a	Up to £2k	Up to £5k	Up to £5k	Up to £5k	Up to £5k	Up to £25k
Write Off Authority - Adult Social Care Debt Only	n/a	Up to £2k	Up to £2k	Up to £2k	Up to £5k	Up to £5k	Up to £25k

- 27.10 Where operational approval to manage the establishment and associated reimbursement of staff travel and subsistence is required at a potentially lower level than a Budget Manager, this will be approved using the HR position approval hierarchy within ERP Gold.
- 27.11 All approvers are responsible to ensure they have undertaken the necessary financial due diligence required, before approving any transactions with a financial consideration.

28 Payments to Employees and councillors

- 28.1 All staff must be appointed in accordance with the Council's recruitment policies.
- 28.2 The CFO is responsible for the arrangements for salary and pension payments to all current, former staff and for payment of allowances to councillors. The key areas of responsibility are:
- 28.2.1 arranging and controlling the secure and reliable payment of salaries, compensation, other emoluments and allowances to existing and former employees.
 - 28.2.2 recording and making arrangements for the accurate and timely payment of tax, pension contributions and other deductions.
 - 28.2.3 ensuring there are adequate arrangements for administering pensions matters on a day-to-day basis.
 - 28.2.4 advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation, on all taxation issues that affect the Council.
- 28.3 Chief Officers are responsible for:
- 28.3.1 ensuring appointments are made in accordance with the Council's Recruitment and Selection Policy
 - 28.3.2 notifying the CFO of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO
 - 28.3.3 ensuring that adequate and effective systems and procedures are operated to ensure that payments to staff are made accurately, timely and to bona fide employees
 - 28.3.4 ensuring that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis.

29 Income

- 29.1 All budget managers are responsible for raising and collecting income in a timely and accurate manner.

- 29.2 Wherever possible services should be billed and paid for in advance and no service delivered until payment has been received.
- 29.3 There are two types of income, income and un-invoiced income, the requirements of these income streams are set out below:

30 Cash/Uninvoiced income

- 30.1 Where monies are received for a service at the point of delivery this income should be treated as un-invoiced income.
- 30.2 A record should be maintained of all individual payments, including the amount, time and date of the receipt. This should be compared to the income held, with appropriate segregation of duties, to ensure all income is banked and verified. Verification of records should be by an appropriate second officer.
- 30.3 Cash handling should be kept to a minimum. Officers should only collect income as cash when other payment routes are not available, and must put in place additional controls if any income is to be collected as cash, to ensure that;

30.3.1 officers are appropriately trained in income collection, accounting and cash handling arrangements

30.3.2 sufficient separation of duties is in place, in particular between billing income, processing payments and banking payments

30.3.3 official receipts are available on request for payments made in person

30.3.4 proper records are kept

30.3.5 all money received is banked as soon as practicable. All insurance limits on safes shall be adhered to and all cash/cheques shall be banked no later than one week after receipt

30.3.6 VAT is properly accounted for

30.3.7 where it is necessary for cash to be held prior to it being paid into the Council's bank account, it should be recorded and kept in an appropriate secure environment

30.3.8 security of staff shall be maintained when cash collections are involved

- 30.4 Personal cheques must not be cashed out of money held on behalf of the Council.

31 Invoiced Income

- 31.1 Invoiced income falls into two categories, payments in advance and payments in arrears. Wherever possible, users of services should be billed in advance of the provision of the service.
- 31.2 For all billed income it is the responsibility of the Budget Manager to ensure that any debts raised are accurate, appropriate and due to the authority.

- 31.3 Chief Officers have responsibility for ensuring their Service has suitable controls in place with regards to its income generation, and their officers are compliant with these rules.

32 Bad Debts/ Write- Offs/ Loss of Income

- 32.1 The Authority has a duty to maximise revenue collection. However, circumstances may arise in which amounts due must, for all practical purposes, be deemed uncollectable.
- 32.2 The Accounts and Audit Regulations 2015 require that, in such circumstances, a decision to write-off an amount must be taken with the authority of the CFO, whether exercised personally or properly delegated by them to a member of their staff. The amounts involved, and approval granted, should be recorded in the accounting records.
- 32.3 No such provisions apply where debts are “cancelled” i.e. because they were incorrectly raised (e.g. wrong amount, wrong debtor) or “waived” i.e. because an authorised policy decision was taken not to charge or to reduce the charge of an amount otherwise properly payable by a debtor.
- 32.4 The Cabinet is responsible for approving write-offs over £25,000. The delegated write-off limits to officers is set out in the table within paragraph 27 of these rules.

33 Taxation

- 33.1 The CFO is responsible for maintaining the Council’s Tax records, ensuring all tax payments are made, the receipt of all tax credits and the submission of tax returns by their due date as appropriate.
- 33.2 The CFO, or their delegated representative will issue mandatory guidance on Value Added Tax (VAT) matters.

34 Treasury Management:

- 34.1 The Council has adopted CIPFA’s Code of Practice for Treasury Management in Local Authorities.
- 34.2 The CFO is responsible for making all decisions on borrowing, investment or financing (including finance leasing) in accordance with the approved Treasury Management Strategy and CIPFA’s Code of Practice for Treasury Management in Local Authorities
- 34.3 The Council will approve the Treasury Management Policy Statement which sets out the matters detailed in CIPFA’s Code of Practice for Treasury Management in Local Authorities. The Policy Statement is proposed annually. The CFO has delegated responsibility for implementing and monitoring the statement.
- 34.4 This policy will be reviewed whenever legislative, regulatory or best practice changes materially affect the effectiveness of the current policy. The Council will approve on an annual basis an Annual Treasury Management Strategy, which includes a

statement on Prudential Indicators, the Minimum Revenue Provision Policy and Investment Strategy.

- 34.5 The CFO is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year and will report to the Cabinet at least quarterly on the activities of treasury management and the exercise of their delegated powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- 34.6 All money in the hands of the authority is controlled by the CFO as the officer designated for the purposes of Section 151 of the Local Government Act 1972. They are responsible for authorising and operating the Council's banking arrangements including determining arrangements for the signing and security of cheques. All Chief Officers will comply with the detailed rules set for the banking of income and operation of bank accounts.

35 Internal Audit

- 35.1 The Council is required to maintain an adequate and effective Internal Audit Service in accordance with the Accounts and Audit Regulations 2015 and in line with the CIPFA Code of Practice for Internal Audit in Local Government and Professional Auditing Standards. Consequently, it is the responsibility of Internal Audit to review, arrange and report upon:
- 35.1.1 whether operations are being carried out as planned and objectives and goals are being met.
- 35.1.2 the adequacy of systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e. rules established by the management of the organisation, or externally
- 35.1.3 the completeness, reliability and integrity of information, both financial and operational
- 35.1.4 the extent to which the Council's assets, data and interests are properly accounted for and safeguarded from losses of all kinds, including fraud and corruption, waste, extravagance, abuse, ineffective management and poor value for money
- 35.1.5 the economy, efficiency and effectiveness with which resources are employed
- 35.1.6 the effectiveness of its system of internal control, and prepare an Annual Governance Statement
- 35.2 Internal Audit has an unrestricted range of coverage of the Council's operations and, therefore, has authority to:
- 35.2.1 enter council premises or land at any time, subject to any statutory or contractual restrictions that may apply, e.g. health and safety

- 35.2.2 access all records, documents, correspondence, information and data relating to all areas of the Council regardless of how the information is held and to remove any such records as is necessary for the purposes of their work (including that of the Council's agents and contractors)
- 35.2.3 require and receive such explanations as are necessary concerning any matter under examination
- 35.2.4 require any employee or agent of the Council to produce cash, stores or any other Council property under their control
- 35.3 This access also applies to:
 - 35.3.1 organisations which are wholly or partly owned by the Council
 - 35.3.2 organisations to whom the Council has given grants;
 - 35.3.3 organisations with whom the Council contracts and
 - 35.3.4 partner organisations in any scheme for which the Council has responsibility as lead body.
- 35.4 Internal Audit has direct access and the right of report to the Chief Executive, Chief Officers, Heads of Service, the Monitoring Officer, the Council's External Auditors, the Cabinet, the Leader, the Cabinet member with responsibility for Audit and the Chair of the Audit Committee.

36 Annual Governance Statement

- 36.1 The Accounts and Audit Regulations 2003 established requirements related to the systems of internal control and the review and reporting of those systems. CIPFA has issued guidance to assist authorities to establish proper practices and procedures to satisfy these requirements.
- 36.2 The council's objectives, its internal organisation and the environment in which it operates are continually evolving and, as a result, the risks faced are continually changing. A sound system of internal control, therefore, depends on a thorough and regular evaluation of the nature and extent of the risks to which the council is exposed.
- 36.3 The CFO is responsible for ensuring that the financial management of the council is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions and which includes arrangements for the management of risk.
- 36.4 The CFO will conduct a review, at least annually, of the effectiveness of the Council's system of internal control and include a statement that outlines the outcome of that review within the Annual Governance Statement.
- 36.5 The Council's Annual Governance Statement will be signed by the Chief Executive and the Executive Leader. The Audit Committee shall oversee its production and recommend its adoption as part of the Annual Accounts.

37 Risk Management

- 37.1 The CFO is responsible for the development, monitoring and review of the Council's risk management policy, which will be approved by Cabinet, and is the Council's principal risk management adviser and co-ordinator.
- 37.2 Each Chief Officer is responsible for identifying, assessing, controlling and recording risks on a quarterly basis within their Service.
- 37.3 The Head of Internal Audit, working with each Chief Officer, will review Service risks on an annual basis.

38 Preventing Fraud and Corruption

- 38.1 All Council officers, councillors, agents, contractors and strategic partners have responsibilities to protect the funds they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not for the inappropriate personal benefit of any of the above.
- 38.2 The CFO will be consulted by the chief internal auditor on the development and review of any Anti-Fraud and Anti-Corruption Policy.
- 38.3 Officers, councillors, agents or contractors of the Council have a responsibility to bring any suspected fraud, corruption or to the attention of the chief internal auditor, the CFO or any Chief Officer as set out in any Anti-Fraud and Corruption Policy which the Council has in place.
- 38.4 Chief Officers will notify the Chief Executive, the Monitoring Officer, and the CFO of any suspected fraud, theft, irregularity, improper use or misappropriation of council property or resources. Any suspected fraud, bribery, corruption or loss will be investigated in accordance with the Council's Anti-Fraud and Anti-Corruption Policy.

39 Insurance

- 39.1 The Council arranges and manages insurance cover for specific risks and determines what is the most appropriate package of internal (self-funded) and external insurance. This statement must be qualified by noting that School Governing Bodies are able to exercise choice over how they purchase insurance (subject to meeting minimum standards and limits of indemnity laid down by the Council) and are not bound to remain within the centrally arranged insurance policies or self-funded provisions if they wish to effect separate arrangements. The Council's rights and interests must be named on all insurance policies held, irrespective of who has made the original arrangements.
- 39.2 The Council purchases insurance for the following classes of insurable risk;
 - 39.2.1 fire and associated risks for all buildings which the Council owns, or for which it has accepted legal responsibility by way of a lease or licence
 - 39.2.2 all public and employers' liabilities, including libel and slander, professional indemnity, officials' indemnity and land charges

- 39.2.3 personal accident cover for risk of assault on employees of the Council and for injury to Council Members and authorised volunteers
- 39.2.4 motor vehicles – comprehensive cover on all Council vehicles, together with contingent liability cover for use of privately owned vehicles used on official business
- 39.2.5 pecuniary loss (money, fidelity guarantee and cheques indemnity)
- 39.2.6 costs of reinstatement and recovery of ICT infrastructure and systems
- 39.3 Under the direction of the Chief Financial Officer, the Insurance Section is responsible for preparing specifications, obtaining quotations, procuring cover, negotiating claims and maintaining the necessary records in line with the insurance strategy and for ensuring that the contracting process is conducted in accordance with the prescribed requirements. A register of all insurance policies held and a full record of what property and risks are covered is held within the insurance service.
- 39.4 Chief Officers must ensure that prompt notification is provided to the Insurance Manager of all new risks, property, vehicles and other assets or contractual obligations which require to be insured and alterations that may affect existing insured risks (including closure of buildings, sale of vehicles or disposals of other insured assets).
- 39.5 Chief Officers are responsible for reporting any event, loss, liability or damage that may result in an insurance claim and give full and timely assistance with the conduct of any investigation that may follow.
- 39.6 Advice must be sought immediately from Insurance Team if there is a suspicion that a civil legal action is in prospect. Civil procedure rules and protocols must be strictly adhered to in order to avoid cost penalties or unnecessary litigation expenses. Employees and other persons must not attempt to negotiate a settlement, give interviews, make statements or offer to pay compensation in any way that may prejudice any subsequent civil legal action that may be brought against the Council.

40 Asset Management

- 40.1 The responsible Chief Officer will produce a five-year Corporate Asset Management Plan for the purpose of the overall strategic management of the Council's assets. This will be updated on an annual basis.
- 40.2 The responsible Chief Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property; inventories of furniture, fittings and equipment; and stores records.
- 40.3 Chief Officers are responsible for ensuring the proper use and safeguarding of assets owned by the Council or for which the Council has responsibility. This requirement applies to all assets, including stocks, stores, furniture, equipment, vehicles, cash, land and buildings, software and information that are owned by, or are in the possession of the Council and for which the Council is responsible.

- 40.4 The responsible Chief Officer will ensure that detailed arrangements are put in place for the disposal of assets. All sales or purchases of land and buildings will be undertaken in accordance with the scheme of delegation.
- 40.5 Valuation of Assets will be in line with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Sale of Assets will be at market value unless special circumstances have been agreed.
- 40.6 The relevant Chief Officer must consult with the CFO before the purchase of land and buildings, which is then subject to relevant member approval.
- 40.7 Officers with access to the Councils Assets will undertake the following:
- 40.7.1 ensure no assets are subject to personal use without proper authority
 - 40.7.2 ensure cash holdings or valuable items on premises is kept to a minimum and held securely
 - 40.7.3 where safes or similar are in place keys should be kept on the responsible person and any loss reported as soon as possible

41 Disposal of Land, Property and Surplus Assets

- 41.1 All land and property except for former Council houses sold to tenants, or other property likely to exceed £5,000 in value, which have been declared surplus to requirements must be sold either by auction with a reserve price, or by competitive tender, unless the Council specifically determines otherwise.
- 41.2 Before inviting tenders or instructing an auctioneer for the sale of land or property, a valuation shall be obtained from the Estates function or an independent qualified Valuer, and in the case of a sale by auction, this valuation shall be the reserve price.
- 41.3 Competitive tender shall normally dispose of all other surplus assets unless the CFO determines otherwise in a particular case.

42 External Arrangements

- 42.1 Local authorities provide an important leadership role for the community and bring together the contributions of the various stakeholders. They must also act to promote and improve the economic, social and environmental wellbeing of their respective areas.
- 42.2 The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 42.3 Cabinet functions including those related to partnerships can be delegated to officers. These are set out in the scheme of delegation that forms part of the Constitution. Where functions are delegated, the Cabinet remains accountable for them to full council.

43 Work for Third Parties

- 43.1 The CFO or their nominee must be advised of all work for third parties opportunities available to the Council and of the lead officer in each circumstance.
- 43.2 The lead officer must provide such information as requested by the CFO, including copies of proposed agreements and conditions and any financial implications (including match funding requirements or ongoing revenue costs).
- 43.3 All work for third parties must be authorised by the CFO, or their nominee prior to agreement to undertake this work by the Council. Approvals for this work must be in accordance with the Contract Procedure Rules in Part 9.6 Constitution.
- 43.4 The CFO or their nominee must be notified of the outcome of any bids to work for third parties at the earliest opportunity and successful bids to work for third parties will be reported to Cabinet as part of the normal monitoring reports.
- 43.5 The CFO is responsible for ensuring that all income receivable from third parties is received and properly recorded in the Council's accounts.
- 43.6 The Chief Officer responsible for the lead officer must ensure that all contractual conditions are met.

44 Significant Partnerships

- 44.1 A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned and/or the level of control exercised.
- 44.2 The purpose of this protocol is to enable the council, with its Partners, to ensure that the partnerships it works in are appropriate and have good governance.
- 44.3 This protocol identifies:
 - 44.3.1 how the Council defines a partnership
 - 44.3.2 why the Council enters and engages in partnerships
 - 44.3.3 definition of a partnership and what constitutes a significant partnership
 - 44.3.4 tools for identifying, managing and supporting partnerships arrangements including good governance
- 44.4 Where the Council is the lead authority for a partnership the Council's Financial Procedure Rules and Contract Procedure Rules will apply to operation of the business of that partnership.
- 44.5 The CFO will ensure that:
 - 44.5.1 the accounting arrangements for partnerships and joint ventures are satisfactory, that the governance and legal issues have been satisfactorily addressed, and that the risks have been fully appraised

- 42.5.2 the Partnership Agreements contain details of how resources will be pooled and what controls will be operated in respect of partnership spending to avoid waste
- 42.5.3 that the Council's budgets contain sufficient provision for its match funding obligations and that all external funding due to the Council is received and properly recorded
- 44.6 Chief Officers are responsible and accountable for the governance arrangements, performance and financial monitoring of each partnership and will ensure that:
 - 44.6.1 a record of the partnership arrangement is produced
 - 44.6.2 all necessary approvals have been secured before concluding any negotiations with external parties
 - 44.6.3 Any financial relationship must be documented and approved along with a risk assessment
 - 44.6.4 that conditions attached to any external funding are properly complied with, that such conditions have been agreed with the CFO or Cabinet as appropriate, and that claims are processed by the due date
 - 44.6.5 the CFO has access to the accounts and records, and has the right to seek explanations in order to monitor deployment of the Council's funding
 - 44.6.6 Internal Audit has access rights to all officers, buildings, information in order to fulfil its role
 - 44.6.7 a register is maintained of all contracts entered into
- 44.7 Prior to any appointments being made to any third party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO.

45 Stores & Inventories

- 45.1 Each Chief Officer or Head of Service of each department shall be responsible for the care and custody of stores in their department and shall have all such stores checked independently of the storekeeper at least on one occasion in each financial year.
- 45.2 Stores shall not be held in excess of reasonable requirements.
- 45.3 Adjustments to write-off deficiencies over £1,000 in value shall be subject to the approval of the CFO. Cabinet will be required to write-off sums over £25,000.
- 45.4 Competitive tender shall dispose of surplus or obsolete stores unless the Chief Executive decides otherwise in a particular case.
- 45.5 Inventories of the Council's furniture, fittings, equipment and machinery shall be kept and checked on at least one occasion in each financial year by the member of the

Corporate Management Team responsible for the service concerned. (Individual items with a value of £1,000 or less need not be included therein).

46 External Funding

- 46.1 Before committing the Council to any externally funded projects, Chief Officers must consult with the CFO on the anticipated financial, risk and probity implications of the projects and ensure adherence to any subsequent terms laid down by the CFO.
- 46.2 The Chief Officer is responsible for ensuring that all necessary approvals are obtained before external funding agreements are concluded, and that subsequent grant claims submitted to external funders are lawful, accurate, in accordance with the funders eligibility criteria and submitted with due regard to the Council's continuing commitment to the project.
- 46.3 Where the use of external funding for projects requires a financial commitment from the Council and budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Officer, in conjunction with the CFO, will provide a written report to the Cabinet giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. This report should also set out the ways that the external funding sought supports the Council's service priorities.
- 46.4 Once agreed, written approval must be obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.
- 46.5 Each Chief Officer will nominate a named responsible officer to be accountable for the performance and financial monitoring of each project. The named responsible officer will ensure that, prior to submission of a grant claim, all expenditure declared is eligible in accordance with the relevant funder's criteria, including purposes and deadlines and there is sufficient time for the CFO to certify the grant claim.
- 46.6 Where funding is used to support additional service provision or contributes to existing service provision then the Chief Officer responsible should have an exit strategy in place to deal with the expiry of the grant.
- 46.7 Grant claim working papers should be maintained in a form agreed by the CFO.

47 Organisations Partly or Wholly Owned by the Council (trusts, not-for-profit organisations, charities)

- 47.1 This requirement applies to the development and ongoing business undertakings of an organisation which is to be partly or wholly owned by the Council, and includes company structures such as a Limited Liability Partnership, Private Company limited by Guarantee, Community Interest Company, Not-for-profit Entity and Charity.
- 47.2 When developing any organisation which is partly or wholly owned by the Council, the relevant Chief Officer, Monitoring Officer and the Chief Financial Officer will need to satisfy themselves that the constitution of the relevant body is adequate to safeguard the interests of the Council, and that councillors and officers are

constrained in their decision making powers while participating in such bodies by Part 9 of the Constitution, or any other formal delegation.

- 47.3 The relevant Chief Officer must ensure a full business case is prepared in the development any new organisation partly or wholly owned by the Council, which must consider all short term and medium term financial aspects of operation.
- 47.4 Before the Business Case is submitted for approval by Cabinet, the CFO must be satisfied that the new organisation will be affordable, offers value for money, has suitable tax planning arrangements, and manages risk appropriately.
- 47.5 Prior to any appointments being made to any third party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO.
- 47.6 Once operational, these organisations are required to follow these key financial principles:
 - 47.6.1 compliance with the Councils Constitution and Finance Procedure Rules
 - 47.6.2 compliance with the Council's MTFP, Capital Strategy and Budget setting process as instructed by the form and timetable set out from the Council's CFO
 - 47.6.3 the appointment of a Finance Director reporting to the Council's CFO.
 - 47.6.4 an annual agreement with the Council's CFO on any matters relating to risk share, earmarked reserve policy and distribution of dividends
 - 47.6.5 supporting the Council through its commissioning arrangements when necessary to identify ways to reduce costs and become more efficient
 - 47.6.6 to be both aware and compliant with the Council's statutory and financial duties where relevant and applicable to their various service functions and obligations.
- 47.7 Where these organisations are separate legal entities and the Council is required to purchase services from these entities. Transactions should therefore be undertaken in the same way as with an external provider.
- 47.8 The contract value and ongoing services relating to these organisations will be set out in service level agreements. Any services to be purchased from the Council will be delivered in accordance with the service level agreements.
- 47.9 Additional services may be requested either by the Council or the organisation outside of these service agreements. Additional services will require payments to be made between the Council and the organisation, and work should always reflect value for money and be approved by the Chief Officer and CFO and be approved by the relevant Chief Officer and the Chief Financial Officer of the Council.
- 47.10 The CFO and Monitoring Officer will have unfettered access to all financial information requested required to fulfil their statutory obligations.

48 Voluntary Funds and Trustees

- 48.1 The CFO is responsible for trust funds and ensures that funds are only drawn down for the purposes intended by the Trustees and that accounts are prepared and audited each year.
- 48.2 All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the CFO. A voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of their employment by the Council. Such funds should be separately identified but held, where possible, in the name of the Council.

49 Schools

- 49.1 The Financial Procedure Rules for Schools applies to maintained schools within West Northamptonshire and these schools should conduct their financial affairs in accordance with the Financial Procedures for Schools.

50 Business Continuity & Emergency Planning

- 50.1 Chief Officers through their managers are responsible for ensuring the continuity of their services and providing guidance on the appropriate service priorities to aid planning and recovery of services, if a critical incident was to occur.
- 50.2 All officers should follow the council's requirements in relation to Emergency Planning which set out the minimum standards required to help deliver and maintain Emergency Planning and Business Continuity within the Council, with the objective to effectively and efficiently mitigate against, prepare for, respond to, and recover from any critical incident.
- 50.3 Nothing in these Rules or financial procedures shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent.
- 50.4 Where the relevant Chief Officer considers, where possible following consultation with the relevant Portfolio Holder, Chief Executive and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred. Action under this paragraph shall be reported at the next available meeting of the Chief Officers, Cabinet, and Audit Committee.

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 Executive Leader, 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, or (iii) 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 are. Those who are 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 judgments 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 Executive Leader. Usually this is the leader of the largest political group on the whole Council. The Executive Leader 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 which Councillor is responsible for each area (the Portfolio Holders) in Part 5 of the Constitution and on the website.

Procedure

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

Procurement

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

Proper Officer

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

Quorum

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

Regulation Threshold

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

Related matters

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

Representations

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

Reserves

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

Scheme of Delegation

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

Section 151 Officer (s.151 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.

Ward Councillor

One of the councillors representing a specific ward.



WEST NORTHAMPTONSHIRE COUNCIL CABINET

9TH NOVEMBER 2021

CABINET MEMBER WITH RESPONSIBILITY FOR STRATEGIC PLANNING, BUILT ENVIRONMENT & RURAL AFFAIRS – COUNCILLOR REBECCA BREESE

Report Title **Cottesbrooke Conservation Area**

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Contributors/Checkers/Approvers

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List of Appendices

Appendix A – Draft Cottesbrooke Conservation Area Appraisal and Management Plan 2021

1. Purpose of Report

To seek agreement to consult on the draft Cottesbrooke Conservation Area Appraisal and Management Plan (2021).

2. Executive Summary

- 2.1 The report contains background information on the process of reviewing the Cottesbrooke Conservation Area and the requirements regarding public consultation on the draft Cottesbrooke Conservation Area Appraisal and Management Plan supplementary planning document (SPD), which includes information about proposed changes to the conservation area boundary, proposed candidates for the local list, and proposals for an Article 4(1) Direction (appendix A).

3. Recommendations

- 3.1 It is recommended that the cabinet:
- a) Endorses that public consultation be undertaken on the draft Cottesbrooke Conservation Area Appraisal and Management Plan SPD (appendix A)
 - b) Endorses that public consultation be undertaken on Article 4(1) Directions controlling development with regards to:
 - Alteration of windows
 - Alteration of doors
 - Alterations to roofing
 - Alterations to porches
 - Alterations to walls, gates and fences
 - Painting of exterior walls
 - Alterations to chimneys.

4. Reason for Recommendations

To accord with the council's Consultation and Engagement Framework, the Statement of Community Involvement (SCI) and Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local authorities to hold a public meeting to publicise draft proposals within an appraisal, for the relevant stakeholders of the affected area.

5. Report Background

The council has a statutory duty under the 1990 Planning (Listed Building and Conservation Areas) Act to review its conservation areas. Cottesbrooke was first designated as a conservation area in 2000 but has not been reviewed since then and has no up-to-date conservation area appraisal and management plan. As such, this is the first opportunity in some time to review the architectural and historic interest of the conservation area and assess whether the boundary is fit for purpose.

The current conservation area boundary (2000) covers the whole village, including several areas of pasture to its south, as well as Cottesbrooke Hall, its parkland and gardens, which is a designated registered park and garden. A draft conservation area appraisal and management plan has been prepared for Cottesbrooke Conservation Area. Public consultation on the draft appraisal is now required in order to allow stakeholders to provide their views and to inform the document, as well as

to meet the requirements of the 1990 Planning (Listed Building and Conservation Areas) Act and the council's statement of community involvement.

Following the consultation exercise a further report would be made to cabinet. This report would set out the responses received and suggest any changes resulting from the consultation and recommendations. Should cabinet decide to continue with the proposal, the new conservation area boundary would then be formally designated. The council would then need to consider whether the character or appearance of the area would be affected by future development. The relevant policies in the West Northamptonshire Joint Core Strategy and Settlements & Countryside Local Plan would apply, together with policies in the National Planning Policy Framework. The conservation area appraisal and management plan would be adopted as an SPD and would be a material planning consideration, helping to apply relevant policies.

Certain permitted development rights would also be more restrictive and additional controls would apply with respect to works to, or felling of, trees.

The draft appraisal and management plan identifies a proposal to include buildings in the council's local list of buildings and sites. This list contains buildings and sites which do not meet the criteria for listing by Historic England but are of sufficient local importance that they warrant policy protection. At this stage, draft entries for Cottesbrooke are proposed but this could change following the consultation exercise.

The appraisal identifies certain features as being of particular importance to the character of the proposed conservation area. Some of these, however, could be changed under national permitted development rights. The appraisal and management plan therefore contains initial proposals for an Article 4(1) Direction. Such directions can be used to remove permitted development rights for prescribed matters. In this case, the proposal would be to remove permitted development rights that relate to matters of particular importance to the character of the area. This would not prevent such changes being made, but it would require any proposal to change them to require planning permission.

To impose a direction, additional formal procedures would need to be followed. At this stage a draft proposal is put forward. This could change following the consultation exercise. A refined proposal would then be developed which would be subject to consideration by cabinet alongside the post-consultation appraisal.

A draft conservation area appraisal and management plan has been prepared for Cottesbrooke, following an initial meeting held online with residents. It is suggested that a six-week consultation period now be undertaken, including a public meeting held in such a way that the risks of Covid-19 are minimised.

6. Issues and Choices

6.1 Conservation area status and an adopted appraisal and management plan, which has the status of an SPD, adds weight to the consideration of non-designated heritage assets in decision making. It also provides detail for applicants and decision makers on the special interest **Page 319**

conservation area as a designated heritage asset. The proposed conservation area boundary for Cottesbrooke and the draft appraisal and management plan has been produced with the aim of providing proportionate and effective means of protecting the special architectural and historic interest of Cottesbrooke for the benefit of present and future generations. Public consultation on the proposed boundary and the draft appraisal would help to inform the document and enable it to proceed to the next stage in the process, which would be its consideration for adoption as an SPD.

6.2 The alternative option would be not to agree to the public consultation on the draft Cottesbrooke Conservation Area Appraisal and Management as an SPD.

6.3 Not agreeing to the commencement of the public consultation would prevent the proposed changes to the conservation area boundary being made and the conservation area appraisal and management plan proceeding for adoption as a supplementary planning document. This would leave the council without valuable tools with which to protect and enhance the special architectural and historic interest of Cottesbrooke.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There could be some minor costs for printing documents, but it is envisaged that this could be met within existing budget.

7.2 Legal

7.2.1 SPDs are defined by the Planning and Compulsory Purchase Act 2004. The detailed requirements for SPDs and their adoption are provided by the Town and Country Planning (Local Planning) (England) Regulations 2012.

7.2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.2.3 Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (No. 596) require planning permission to be obtained for works which would otherwise be permitted development.

7.3 Risk

There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires of local authorities that they hold in public meeting to publicise draft proposals within an appraisal, for the relevant stakeholders of the affected area.

A presentation publicising the review and inviting initial questions from residents took place online on Wednesday 28 July 2021 and was attended by parish councillors and local residents.

The next stage would include a formal consultation on proposed changes to the conservation area boundary and the draft conservation area appraisal and management plan. It is therefore recommended that the draft document is consulted on for a minimum of eight weeks during which time a public meeting will be held to inform stakeholders (residents, interested parties, statutory consultees).

The Covid-19 pandemic necessitates a different approach to consultations. Firstly, a decision will need to be taken as to whether or not it is appropriate, having regard to any Government advice at the time, to commence the consultation. The public meeting would be held in a way that minimises the risks to staff and the public. It is normal practise to have hard copies of documents available at the council offices and libraries, as well as having them available online. Access to these buildings may be limited, therefore it might be necessary to offer the availability of free copies delivered to households on request (it is assumed that most households would be happy to read the document online).

7.5 Consideration by Overview and Scrutiny

No comments from Overview and Scrutiny.

7.6 Climate Impact

The assessment and up to date designation of the conservation area should not have any material consequences for climate change. Specifically, under the proposed Article 4(1) Direction, proposals for energy conservation measures and renewable energy devices could still come forward but would be judged in the balance with any adverse impacts on the village's character.

7.7 Community Impact

7.7.1 Consulting on the draft appraisal would not have any negative implications regarding crime and disorder.

7.7.2 The proposed course of action should not have any perceptible differential impact on people with different protected characteristics, with the possible exception of disability. Accordingly, the consultation materials will be provided in alternative formats if required.

7.8 Communications

The document has been checked for accessibility. Support will be provided by the Communications Team to maximise engagement with the formal consultation process.

8. Background Papers

- [Department of Communities and Local Government \(2021\) National Planning Policy Framework](#)
- [Planning \(Listed Building and Conservation Areas\) Act 1990](#)
- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 with amendments](#)

Cottesbrooke Conservation Area Appraisal and Management Plan



**Consultation
Draft**

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1 Introduction

1.1 Why has this document been produced?

West Northamptonshire Council is currently undertaking reviews of existing conservation areas within the Daventry area and assessing the designation of new conservation areas where appropriate. Cottesbrooke Conservation Area was designated in 2000. This review is the first opportunity to set out the architectural and historic interest of Cottesbrooke to aid the sensitive management of change with regard to the historic environment. Hence, this document has been produced to inform that review, and is published in draft form alongside the proposed boundary of the conservation area for consultation purposes.

A public online meeting was held on 28 July 2021 to inform this draft document. Advice on how to comment is set out in Section 1.4 below.

1.2 What status will this document have?

It is intended that, following consultation, this document will be adopted as a Supplementary Planning Document. As such it will be a material planning consideration in the determination of future planning decisions.

1.3 What is the purpose of this document?

Conservation area appraisals identify and describe the features which contribute to the special architectural or historic interest of a conservation area. As a Supplementary Planning Document, the appraisal is a 'material consideration' in the determination of planning decisions, and as such the information contained within the document should be used to manage change in a manner sensitive to the character and appearance of the conservation area.

A Management Plan for the conservation area has also been produced, which can be found at Section 11. The appraisal identifies both positive elements of the conservation area and those under threat. Recommendations have been provided in the Management Plan to address any specific issues identified in the appraisal and to guide the future management of the conservation area.

This appraisal has been produced in accordance with current guidance from Historic England *Conservation Area Appraisal, Designation and Management 2019*, as well as national and local policy and legislation.

1.4 How do I comment on this document?

Any comments on this document or the proposed conservation area designation should be made in writing no later than _____ (late representations will not be accepted).

Comments can be made:

by completing a questionnaire which can be accessed via the website www.westnorthants.gov.uk/planning-and-building-control/conservation-areas;

by email to heritage.ddc@westnorthants.gov.uk;

by letter to Anna Wilson, Heritage Policy Assistant, West Northamptonshire Council, Lodge Road, Daventry, NN11 4FP.

1.5 How is this document structured?

The appraisal begins with an introduction to conservation areas and background policy and legislation at Section 2. Details of the conservation area boundary can be found in Section 3, followed by a Summary of Special Interest for the conservation area in Section 4. Section 5 provides information on the location of the conservation area and its wider landscape context, whilst Section 6 contains a brief explanation of the historic development of the conservation area including historic mapping. A spatial analysis is set out in Section 7, including examination of the contribution of important green spaces, areas of archaeological potential, views and an open space analysis.

Following on from this, Section 8 provides details on local architectural styles, materials and building forms, including boundary treatments. Section 9 expands on this, setting out design guidelines within the conservation area.

Section 10 sets out opportunities to enhance the character and appearance of the conservation area, based on the findings of the

review. This includes proposals for Article 4 Directions and Local List candidates. Details of proposed boundary changes can be found in Section 10.4.

A Management Plan is set out in Section 11. This plan takes forward the findings of the appraisal and sets out threats and corresponding recommendations to aid future management of the conservation area.

Sources, further reading and information as well as copyright details can be found following the Management Plan.

A list of all designated heritage assets in the conservation area can be found at Appendix A.

1.6 Who is this document intended for?

This document is intended for anyone with an interest in development which may affect the character or appearance of the Cottesbrooke Conservation Area. This includes, but is not limited to, homeowners, developers, statutory undertakers, planning officers and inspectors.

2 Policy and Legislation

2.1 What is a conservation area?

A conservation area can be defined as an

“...area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance”.

Section 69 Planning (Listed Buildings and Conservation Areas) Act 1990.

These areas contain features and characteristics which make them unique, locally distinctive, historic places. Conservation areas can take many and varied forms; those in the Daventry area are largely centred on rural villages, but also include several historic parks, the Grand Union and Oxford Canals, Daventry Town Centre, and the Daventry Reservoir.

2.2 Why do we designate conservation areas?

Conservation areas protect our nation’s distinct, local heritage. West Northamptonshire Council has an obligation to assess and designate areas of special architectural or historic interest as conservation areas. In undertaking this duty, the council must then pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas. The

intention of conservation area designation is not to stop development, but rather to manage change in a way which preserves rather than erodes the qualities which make it special.

The National Planning Policy Framework (2019, paragraph 185) also encourages West Northamptonshire Council to provide a positive strategy for conservation, allowing for,

- The desirability of sustaining and enhancing the significance of heritage assets
- The wider social, cultural and economic benefits which the conservation and enjoyment of the historic environment can bring
- The desirability of new development making a positive contribution to the local character and distinctiveness
- The opportunities to draw on the contribution made by the historic environment to the character of a place.

2.3 What does it mean to live and work in a conservation area?

Whilst living or working in a conservation area means some extra planning considerations, these exist to care for the historic or architectural features which contribute to a place’s special character. Conservation area controls are most likely to affect owners who wish to undertake works to the outside of their building or trees on their property.

Demolition

If you wish to demolish a building within a conservation area you will need planning permission.

Trees

If you wish to cut down, top or lop any tree over 75mm in diameter at 1.5m above ground, you must inform West Northamptonshire Council six weeks before work begins. This allows the authority to consider the contribution the tree makes to the character of the area and if necessary create a Tree Preservation Order to protect it.

Other works

Some works within conservation areas require planning permission:

- Cladding the exterior of a house
- Any side extensions or rear extensions of more than one storey
- Alterations to roofs, including dormer windows
- The installation of satellite dishes and antennae
- Demolition or erection of walls, gates and fences over 1m in height adjacent to a public highway.

Some other minor works remain as 'permitted development' within conservation areas. Advice on Permitted Development can be sought from the council's Development Control department.

Where such changes would harm local character the council can introduce special controls, known as Article 4 directions, which withdraw particular permitted development rights. The result is that planning permission is required for these changes.

West Northamptonshire Council is exploring the possible use of Article 4 Directions as part of this conservation area appraisals project. See Section 10.2 for more information.

If you are considering undertaking work to your property and are unsure about whether it requires permission, please contact West Northamptonshire Council at planning.ddc@westnorthants.gov.uk. Please note that works may also require Listed Building Consent.

Energy Efficiency and Heritage

Improving energy efficiency forms part of the wider objective to achieve sustainable development, and most historic buildings can accommodate improvements when a good balance is struck between maximising energy benefits and minimising harm to the historic environment in accordance with current best conservation practice. Often small changes can make a difference.

Bear in mind that some alterations may require planning consent, and works to listed buildings will require Listed Building Consent in most cases.

Setting

Conservation areas are "designated heritage assets" and as such, their setting is given protection under national policy. This means that development in the area *around* a conservation area should

have regard to any impacts on the character or appearance of the conservation area whether they require planning permission or benefit from permitted development rights.

2.4 Further Information

Further information regarding conservation areas can be found on our website at www.westnorthants.gov.uk/planning-and-building-control/conservation-areas. For advice relating to development within conservation areas, please contact the council's Development Management department via

Email: planning.ddc@westnorthants.gov.uk or

Telephone: 0300 126 7000.

Information and advice for those living and working within conservation areas can also be found on the Historic England website at:

www.historicengland.org.uk/advice/your-home/owning-historic-property/conservation-area/

If adopted, the Conservation Area Appraisal and Management Plan will have the status of a Supplementary Planning Document.

3. Summary of Proposed Changes

3.1 Current Conservation Area Boundary (2000)

The extent of the conservation area boundary as adopted in 2000 is shown in Figure 1. It incorporates the parkland and gardens of Cottesbrooke Hall, which is designated as a Grade II listed Registered Park and Garden (see Figure 2), the hall itself (Grade I listed) and the village of Cottesbrooke (Figure 3).

Beginning at the southeast corner of the conservation area, the boundary follows a watercourse to the west of Beck Dairy in a northerly direction for approximately 650m, passing two rectangular plantations. Shortly after passing the second plantation, the boundary turns northwest and follows the boundary of Cottesbrooke Park, which is also the boundary of the Registered Park and Garden, passing Rickleboro Hill Spinney and Moss Hill Spinney, including them in the conservation area. The boundary then passes around the southwest edge of Mitley Spinney, which is not included, before turning to the southwest and following the hedgerow as far as Cottesbrooke Brook. Here it turns northwest and follows the watercourse for 180m before sharply turning south and following a hedgerow to the west of the lane that leads to the village.

At the junction of this lane with a second lane coming in from the west, the boundary turns west along a hedgerow on the south side of the lane and follows it around the edge of the parkland, crossing another lane and a watercourse to the south. After crossing the watercourse it turns westwards again and follows the hedged

boundary to the corner of the enclosure, where it turns south and follows the enclosure boundary towards the A5199.

Incorporating a spur of woodland lying to the northwest of this enclosure, the conservation area boundary then turns southeast and follows the A5199 for 700m. It then turns northeast and follows the hedge boundary of the same enclosure back towards the watercourse it previously crossed. On meeting the watercourse, the boundary follows it eastwards towards the village. On meeting Main Street, the boundary turns southeast and follows the road before turning west once again to incorporate Court End and its garden. The boundary then follows the property boundaries of all the buildings on the west side of Main Street until it reaches the southwest corner of the garden of Drummer House where it crosses the pasture at the rear of Home Farm until it reaches a hedgerow boundary. Here it turns southeast and continues in that direction, including the northeast end of a small enclosure. It continues in that direction along the fenced boundary and then the hedged boundary of two further enclosures before crossing the lane to Creaton and continuing southeast along the watercourse, including properties in Station Road. It follows the southern boundary of 8 Station Road, crossing an area of pasture and including an area of it adjacent to the road. Where it meets Cottesbrooke Brook it turns southeast and follows the water course, before leaving it to follow the boundary of a small enclosure on its south side. At the north end of the enclosure, the boundary crosses the brook and continues northwards towards 1 and 2 Station Road, including them in the conservation area. On reaching Station Road turns eastwards along the road it to where it began.

Figure 1: Map showing the existing Conservation Area boundary (2000)

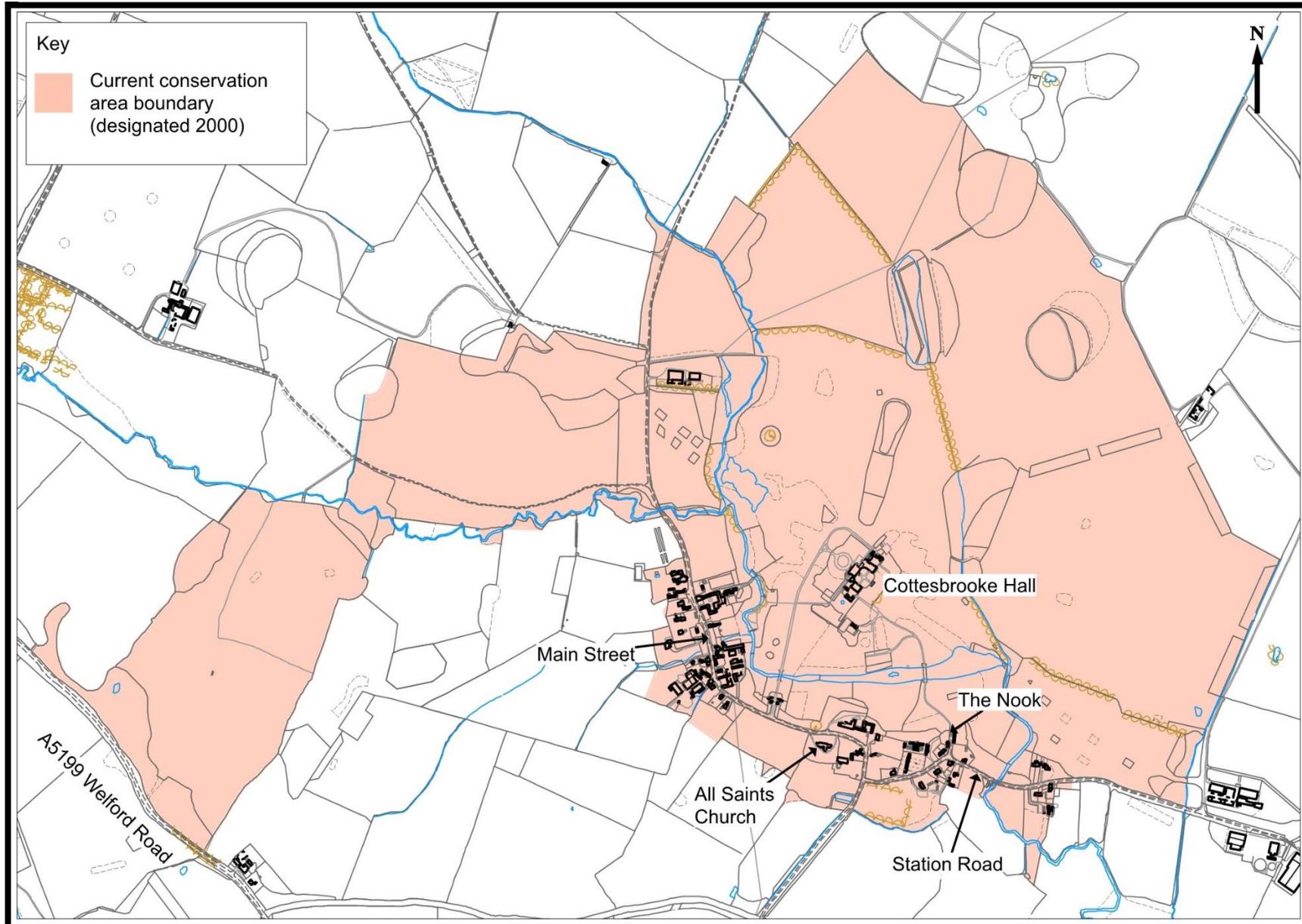


Figure 2: Map showing the existing conservation area boundary (designated 2000) and the extent of the Registered Park and Garden

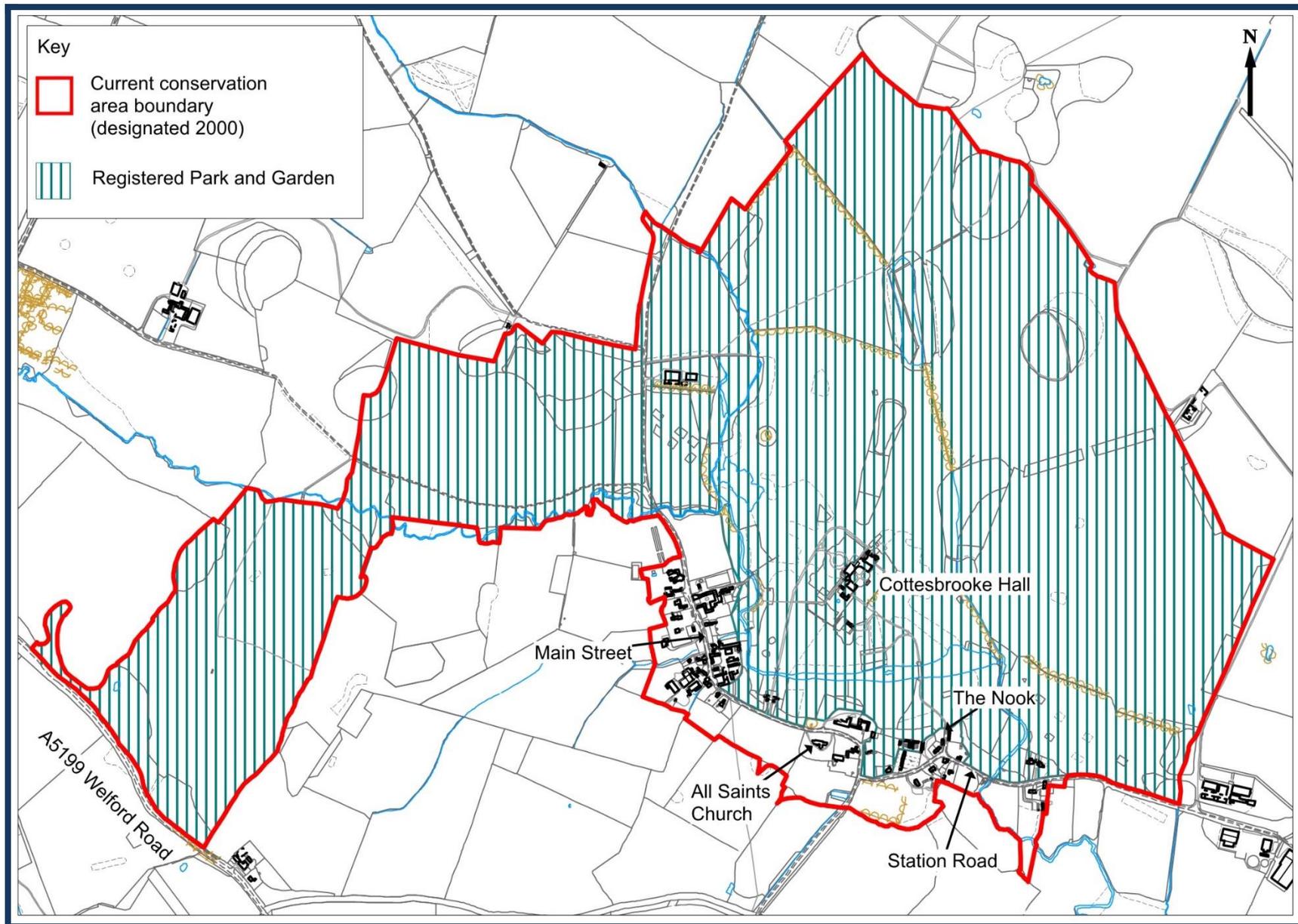
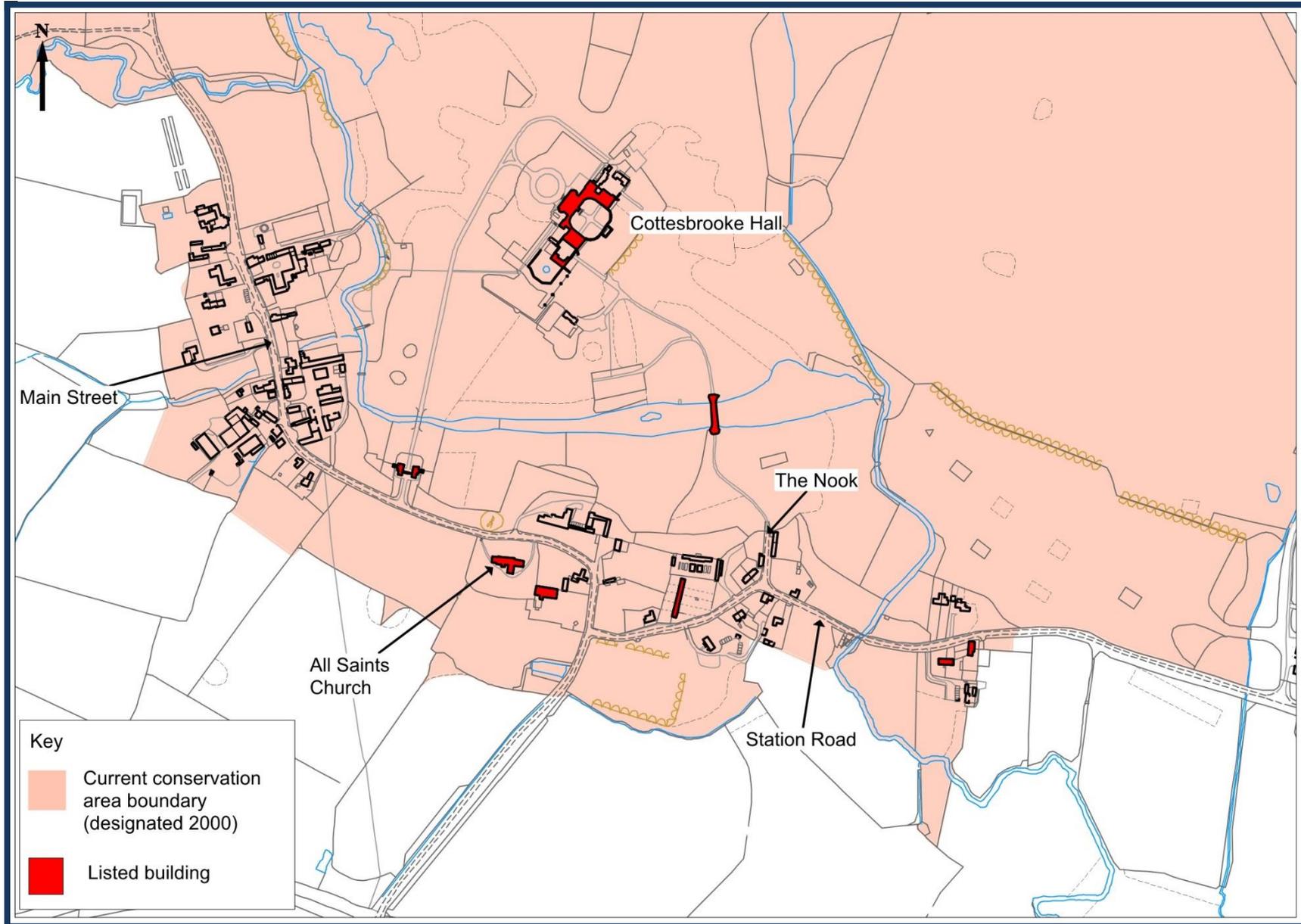


Figure 3: Map showing listed buildings within the village of Cottesbrooke



3.2 Proposed Boundary Changes (2021)

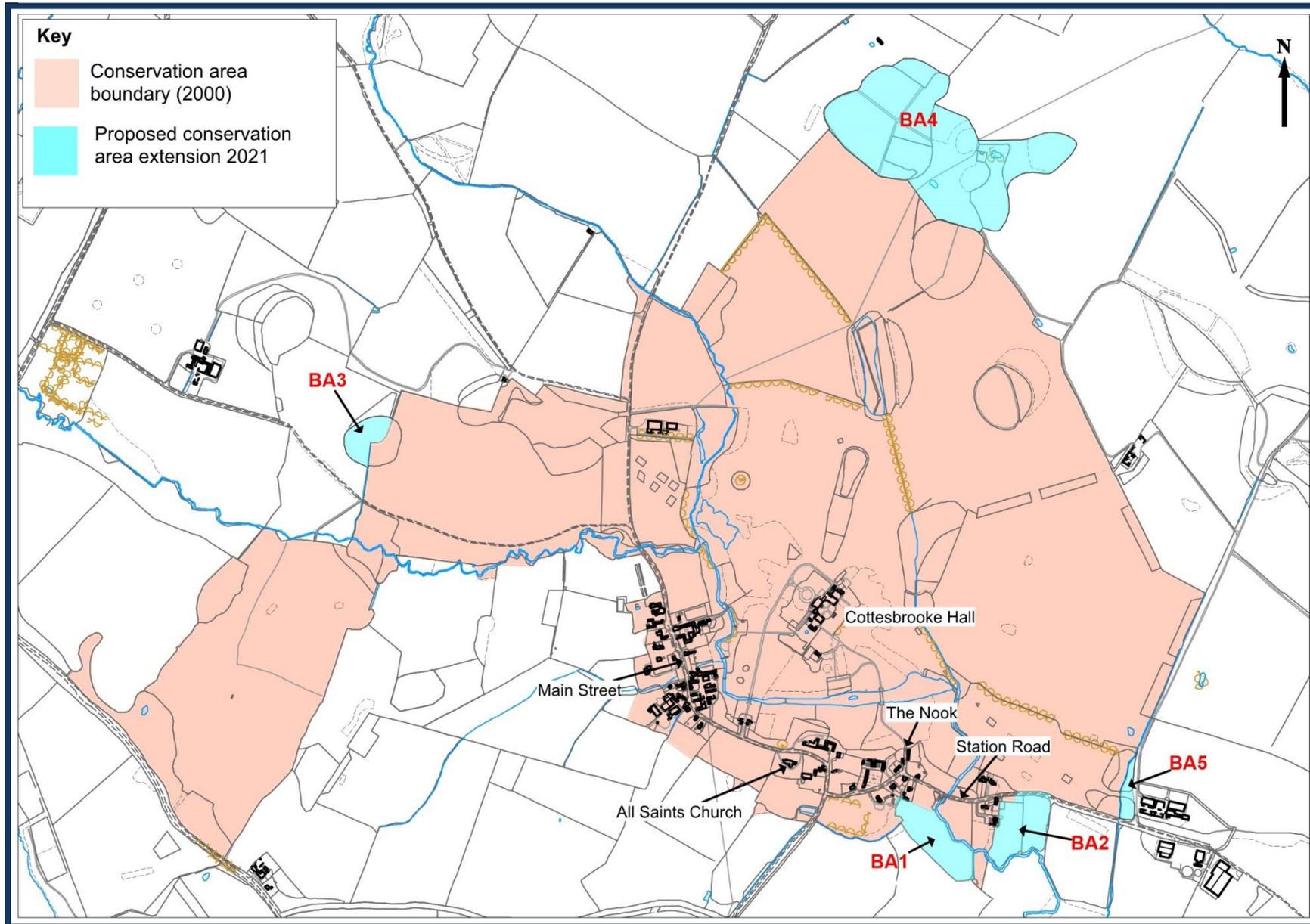
Figure 4 shows the proposed boundary changes.

It is proposed to amend the conservation area boundary to:

- Include an area of settlement and ridge and furrow earthworks of probable medieval date on the south side of Station Road and adjacent to Cottesbrooke Brook (B1)
- Include an area of settlement earthworks of probable medieval date on the south side of Station Road, immediately east of nos. 1 and 2 Station Road (B2)
- Include the west half of a spinney north of the gated road towards Guilsborough (BA3)
- Include Mitley Spinney, which lies at the north end of the conservation area (BA4).

The reasons for these extensions are discussed in Section 10.4.

Figure 4: Map showing the current conservation area boundary and proposed extensions



4 Summary of Special Interest

Special architectural or historic interest can manifest in a variety of forms. Current guidance from Historic England sets out types of special interest which have led to designation, including;

- Areas with high numbers of designated heritage assets, and a variety of architectural styles and historic associations
- Those linked to a particular industry or individual with a particular local interest
- Where an earlier, historically significant, layout is visible in the modern street pattern
- Where a particular style of architecture or traditional building materials predominate
- Areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those on the Historic England Register of parks and gardens of special historic interest.

The special interest of the Cottesbrooke Conservation Area derives from the following key characteristics:

- There are 15 listed buildings within the conservation area, which range from high status buildings such as the Grade I

listed Church of All Saints and Cottesbrooke Hall to smaller, vernacular buildings, listed at Grade II

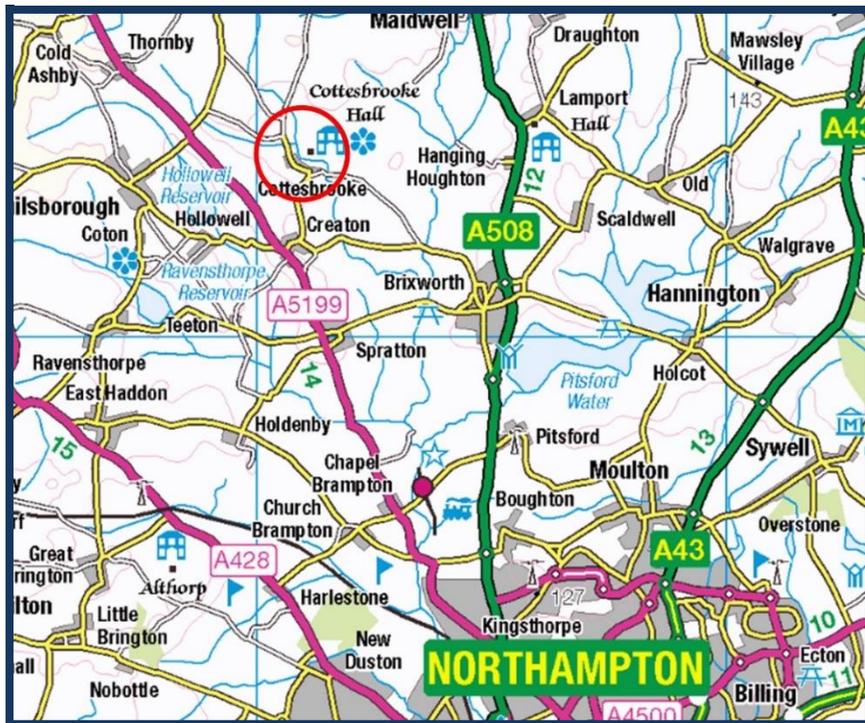
- There are also a significant number of non-designated historic buildings that give the conservation area its historic character. There is a strong vernacular architecture but there are also several higher status buildings that display finer detailing, for example Cottesbrooke Grange and Court End
- The conservation area incorporates the Grade II Registered Park and Garden of Cottesbrooke Hall, which was established in the early 18th century with new elements added in the 1780s and the ornamental gardens to the southwest of the Hall designed by Geoffrey Jellicoe and laid out in the 1930s
- Cottesbrooke village has an elongated and polyfocal settlement pattern. At its east end, along Station Road, it has a dispersed character but there is a greater density of buildings in Main Street to the west. The settlement pattern may reflect the early history of the village which was probably divided between two manors during the medieval period
- Earthworks relating to the shrunken medieval settlement, including crofts, paddocks and hollow ways survive both north and south of Station Road and Main Street but are most well-preserved at the east end of the village. An historic map of this part of Cottesbrooke dating 1628 aids their interpretation and adds to their significance
- Ridge and furrow earthworks survive both within the conservation area and on its fringes in particular locations and provide a tangible link to Cottesbrooke's past as a village existing within the feudal system

- The use of the local geology, ironstone, as the predominant building material and thatch or Welsh slate as a roofing material, particularly for vernacular buildings, provides the conservation area with a coherent character
- The village's identity as one that is associated with an estate, is created through the consistent design of estate-owned buildings and use of windows and doors of ubiquitous style and colour.
- There are many individual and groups of trees that contribute to the parkland and the designed landscape character of a large extent of the conservation area. Trees also play an important part in the village of Cottesbrooke in softening the built environment and enhancing its rural character
- Hedgerow boundaries are a feature of the village, particularly along the greater part of Station Road, and they contribute to the rural character of the village. In Main Street, although there are some hedged boundaries, tall walls of brick or ironstone form boundaries and create an enclosed atmosphere
- There are many fine views within the conservation area incorporating medieval archaeological earthworks and the variety of historic buildings, which demonstrate the lengthy time depth of Cottesbrooke's history. Long views along avenues of trees towards Cottesbrooke Hall and other landmark buildings create the impression of a high-status, designed landscape. Views of the parkland and the surrounding countryside highlight the remote, rural character of Cottesbrooke.

5 Location and Settlement Context

The village is located in the Parish of Cottesbrooke in Brixworth Ward. It is located 13 kilometres north of Northampton on the east side of the A5199 Welford Road. The village of Creaton lies approximately one mile to the south.

Figure 5: Map showing the location of Cottesbrooke



Cottesbrooke lies within the Hemplow Hills, Cottesbrooke and Brixworths Special Landscape Area (SLA). The SLA comprises upland ironstone hills dissected by valleys which often form a distinctive backdrop to views from the surrounding undulating farmland and lowland vales. It is in one of these shallow valleys that Cottesbrooke is located at a height of approximately 100m OD. To its west the land rises to a ridge running from the northwest to southeast at height of 150m OD. The land rises again to the southeast around Brixworth and to the north of Cottesbrooke, where a spur of high ground projects into the conservation area.

Long views, particularly from high ground, are characteristic of the area and often incorporate the spires and towers of churches within the rural villages, which form focal points. The SLA contains a concentration of large historic parklands, Cottesbrooke Hall and its parkland being one of them, with distinctive small copses capping and emphasising the higher ground and including vistas to the large manor houses. There is a mix of arable and pastoral land bound by generally intact and well-maintained hedgerows and frequent hedgerow trees. Hedgerows contribute to enclosure within the valleys and lower slopes and are an important feature of the landscape. Another characteristic of the SLA are the narrow rural winding lanes and local villages of local Northamptonshire Ironstone that connect to the underlying geology¹.

In addition, Cottesbrooke is located within the Undulating Hills and Valleys landscape character area. Within the Cottesbrooke and Arthingworth area, settlement is relatively sparse and villages tend to be small-scale. Broadleaved copses are a feature, with significant concentrations around Cottesbrooke Park. Although the copses are generally small in size they combine to create a well wooded

¹ Special Landscape Area Study, Daventry District, TEP (2017)

landscape². Several watercourses run through the valley in which Cottesbrooke is situated, including that which gives its name to the village. They were, no doubt, a factor that attracted early settlers to this area and were subsequently utilised to create water features, such as the lake, in the landscape park at Cottesbrooke Hall.

² Current Landscape Character Assessment, Northamptonshire Green Infrastructure Suite

6 Historical Development

Evidence of early activity in the Cottesbrooke area takes the form of finds from field walking. To the north of the Cottesbrooke Hall and west of Moss Hall Spinney various finds indicate that this may be a prehistoric occupation site. To the south of Station Road a concentration of finds, also from field walking, suggest that this may have been a late Iron Age/early Roman settlement site. Further individual finds from across the Cottesbrooke area also include other objects of Roman date including coins, a silver ring, a brooch and a pendant.

To the northwest of Cottesbrooke village is the site of a medieval monastic grange, which survives as a well-preserved set of earthworks including a moat, building platforms, hollow ways and a large fishpond. The grange would have provided food and raw materials for use by the parent monastery as well as a surplus that was sold for profit. The monastic grange would have been run completely separately from the secular manorial system of communal agriculture. The site of the monastic grange is a designated Scheduled Monument (NHLE ref: 1011383) but lies outside the conservation area.

Cottesbrooke Village

Cottesbrooke may, in the past, have been two separate settlements, each with its own field system. The 1086 Domesday Survey listed it under two owners³ and a map showing the east end of the manor dating to 1628⁴ shows the manor boundary running from east to west between the present buildings on Main Street and

what is now the main gateway to Cottesbrooke Hall. This may account to some extent for the village's elongated and polyfocal settlement pattern that can be seen today. At the time of the Domesday Survey there were 23 households making it a relatively large settlement.

Evidence from historic mapping and Lidar data⁵ (Figures 7 and 8) suggests that during the medieval and post-medieval periods the east end of the village covered a larger area and was more densely populated than the village that exists today. The layout of the village was also quite different. The 1628 map shows that where the present Station Road crosses Cottesbrooke Brook there was a fork in the road and a lane ran southwest before re-joining the present Station Road near to where the village hall now stands. The east end of the lane survives as a holloway earthwork. On both its north and south sides enclosures and crofts were laid out, most with buildings standing within them.

The plots on the south side, at the east end, are not depicted on the 1628 map but are still visible on the ground as earthworks. This suggests that this area of the village had gone out of use by 1628 and the remaining earthworks are probably of medieval origin. The 1628 map also indicates that the section of Station Road between The Nook and the village hall did not exist at this time. Instead, a lane ran northwards past the rear of where the alms houses now stand. It had two further lanes running eastwards from it which joined The Nook at its north and south ends. The map shows the land lying between the lanes divided into a series of plots each with at least one building. The regularity of the street and plot layout suggests that this was a deliberately planned part of the village.

³ <https://opendomesday.org/place/SP7173/cottesbrooke/>

⁴ Map/4427 East end of Cottesbrook Manor 1628, Northamptonshire Archives

⁵ <https://www.lidarfinder.com/>

Figure 7: Extract from the 1628 Map of the East End of Cottesbrooke

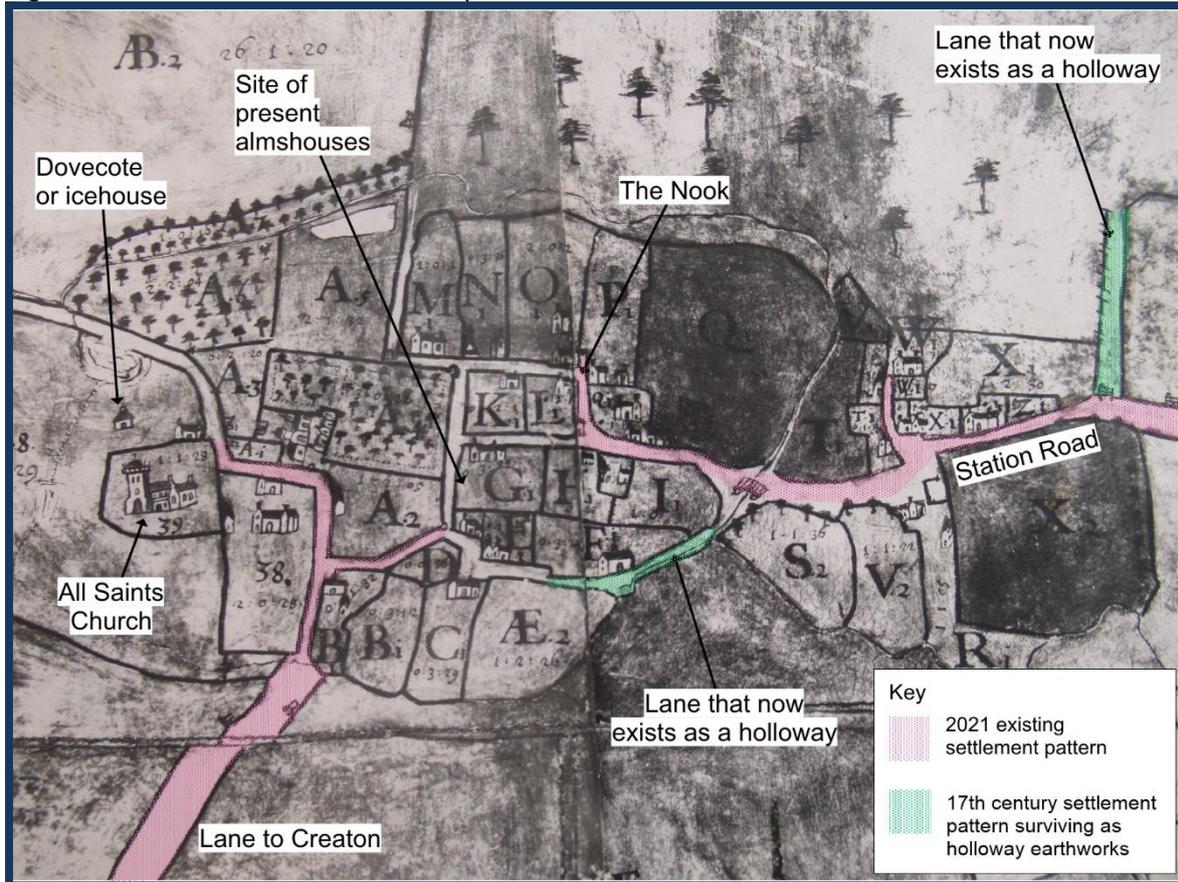
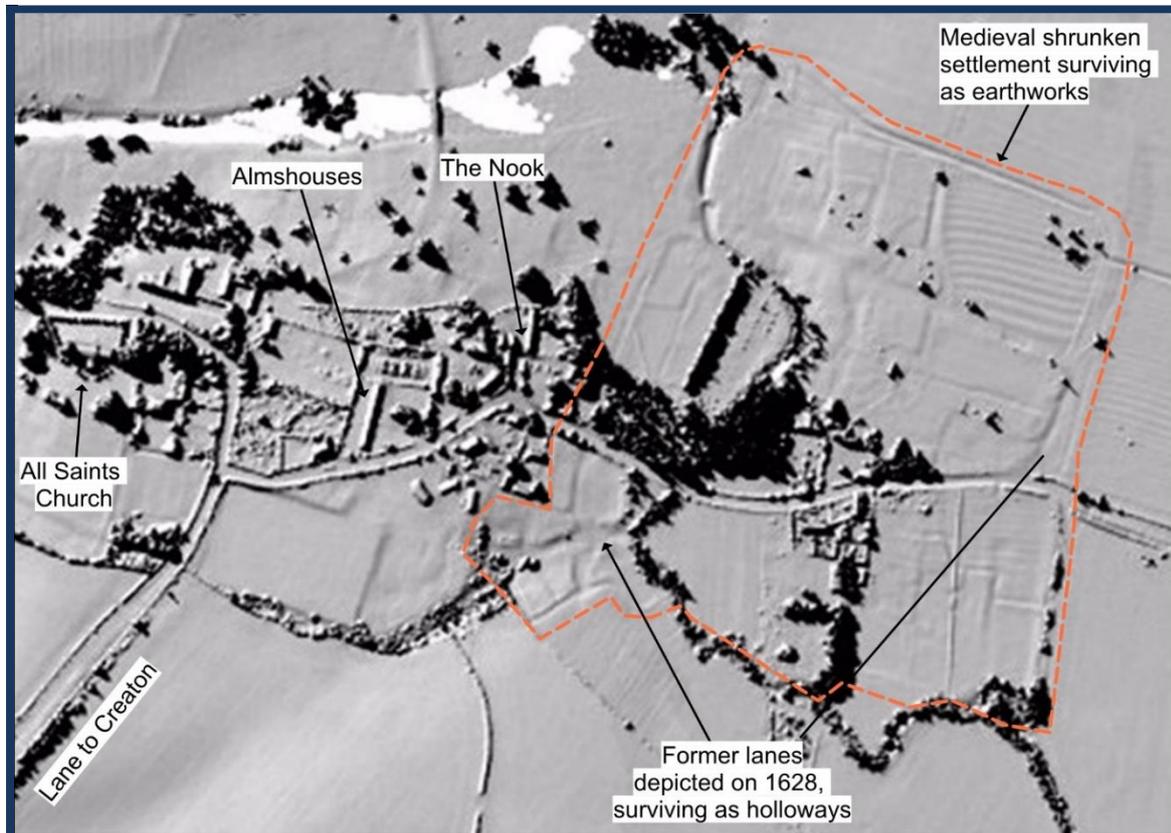


Figure 8: Lidar data for Cottesbrooke showing the surviving features of the medieval shrunken settlement



This former part of the village survives as an archaeological earthwork which extends eastwards from The Nook and also occupies an area to the north of Home Farm (see Figure 8). Again, much of this area is depicted as being unoccupied on the 1628 map and, therefore, it probably represents part of the medieval settlement that had been abandoned by the early 17th century.

Significant areas of ridge and furrow cultivation remain as earthworks within the conservation area, especially on the fringes of the village and in the areas of pasture between the gated road and the Welford Road. It is arranged in interlocked furlongs and much of it has a reversed-S form. The date of the enclosure of the common fields within Cottesbrooke parish, and whether there were separate field systems attributable to the two manors, is not known, but the 1628 map indicates that much of the southeast part was enclosed by this date⁶. Several field boundaries that are depicted on the 1628 map still survive, preserving what may be the layout of the medieval enclosures (see Figure 69).

The Church of All Saints (Grade I listed), dating to the 13th century with 18th century alterations, is situated at the west end of this part of the village. It is from the northeast corner of the churchyard that both the 1628 map and the 1839 Tithe Map show that Main Street diverged from the route that is seen today. In fact, the section of Main Street between the church and the Cottesbrooke Estate offices did not exist on its present alignment until after 1839. Prior to this, the road ran north from the churchyard for approximately 70m and then curved around to the west and re-joined the present Main

Street opposite number 22. Whether the settlement continued westwards along either side of this road is unclear. There are no buildings or crofts depicted on the 1628 map nor earthworks typical of an area of former settlement. Evidence may have been lost during the re-routing of the road on a more southerly alignment during the second half of the 19th century. On the south side a pond is marked on the 1628 map and the 1839 Tithe Map and this probably provided a source of ice for the icehouse, which still exists and is located to the west of The Grange.

The northwest part of the village along Main Street has a much more linear settlement pattern with many buildings situated gable end-on to the street, forming one side of a courtyard with associated outbuildings forming two or three sides. Some of these buildings were service buildings for Cottesbrooke Hall, such as the estate offices at the south end of the street and the stables at the north end.

In 1671 the two manors were acquired by the Langham family and it may have been from this point onwards that the remaining areas of the medieval village to the east of the church were depopulated, particularly in relation to the creation of the landscape park during the early 18th century.

The name 'Station Road' would have come into use after the opening of the railway station between Brixworth and Spratton during the 19th century but it is not known what it was called prior to this. 'The Nook' presumably came into use some time after 1628 when the medieval settlement to its north had become disused and

⁶ ⁶ Royal Commission for Historic Monuments (1981) An Inventory of Historical Monuments in the County of Northampton, Vol. III: Archaeological Sites in North-West Northamptonshire

taken into the landscape park of Cottesbrooke Hall in the early 1700s, thus leaving The Nook as a short projection off Station Road leading to a dead end. Cartographic and archaeological evidence suggests that Main Street was the only route through the west part of Cottesbrooke but perhaps it became known as Main Street as areas of the village to the east were abandoned and the focus of the settlement shifted, the name suggesting an elevation in its importance within the village.

During the 20th century there was some infill development along both Station Road and Main Street. Generally, this took the form of individual or semi-detached dwellings on plots that were previously occupied by buildings. New development was largely constructed from materials that emulated the vernacular architecture of the village, for example ironstone and red brick. One exception is Langham Lodge and Langham Cottages, which are constructed from buff-coloured brick.

Figure 9: Extract from the 1839 Cottesbrooke Tithe Map

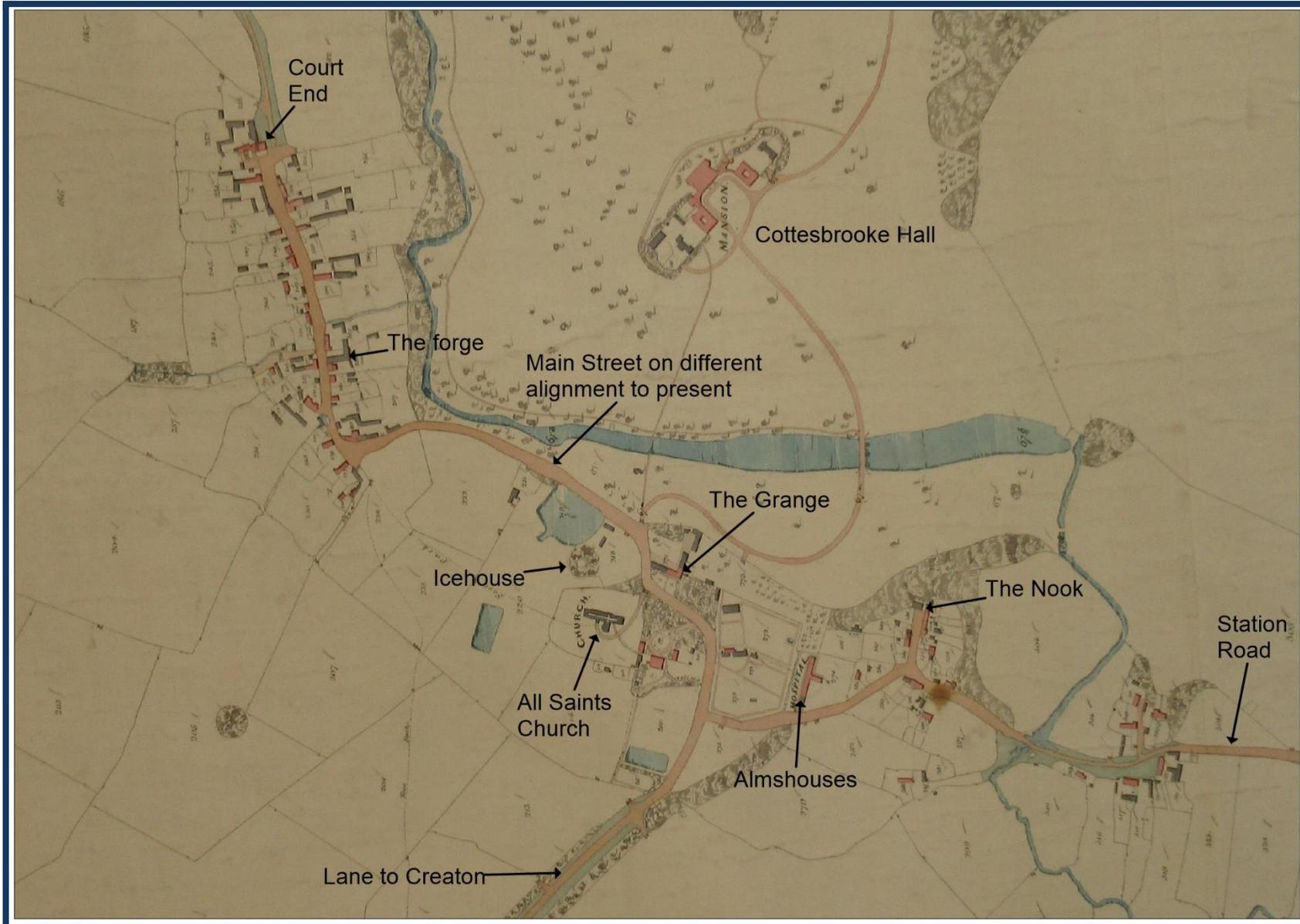


Figure 10: Extract from the 1885 Ordnance Survey Map

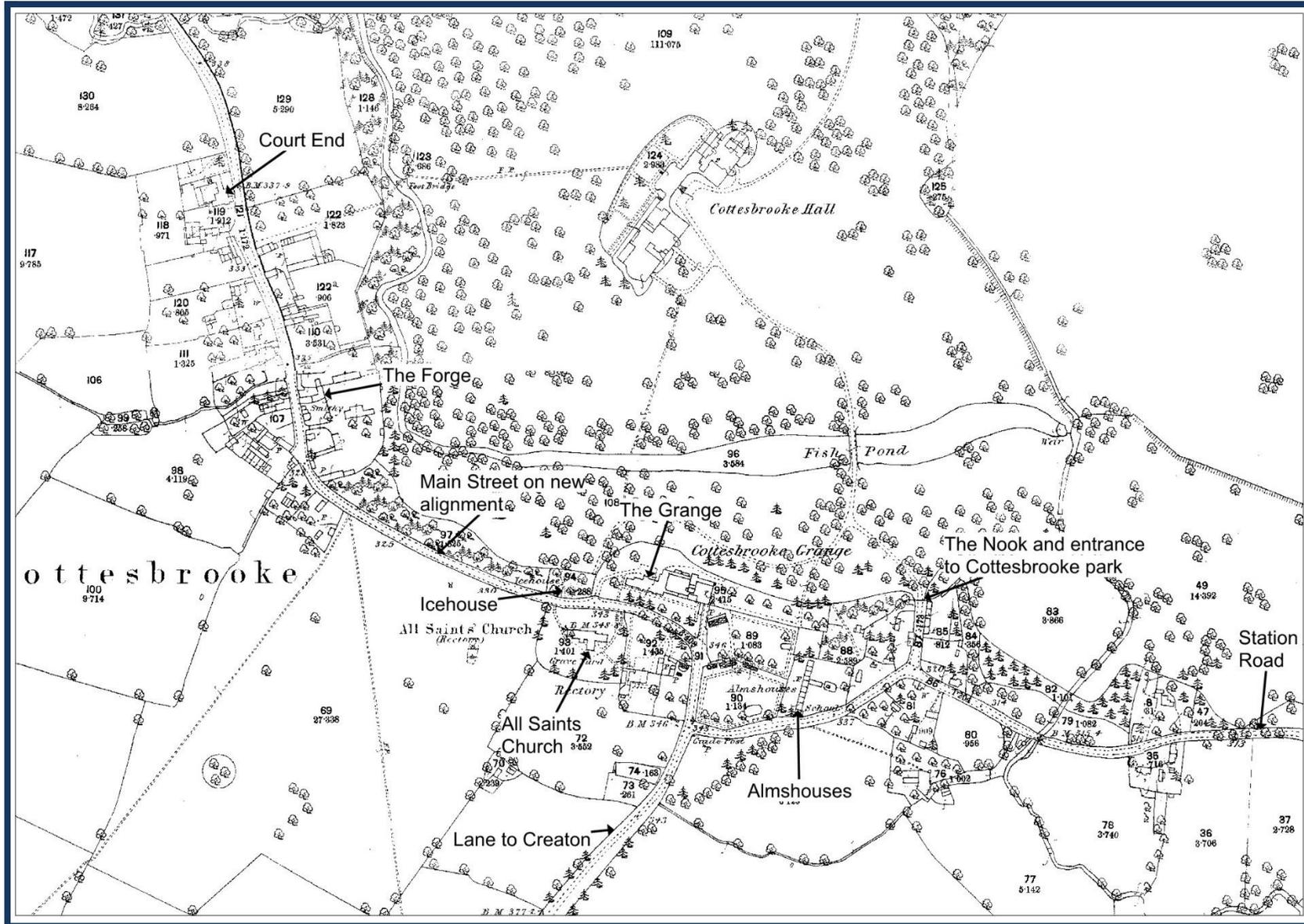


Figure 11: Extract from the 1900 Ordnance Survey Map

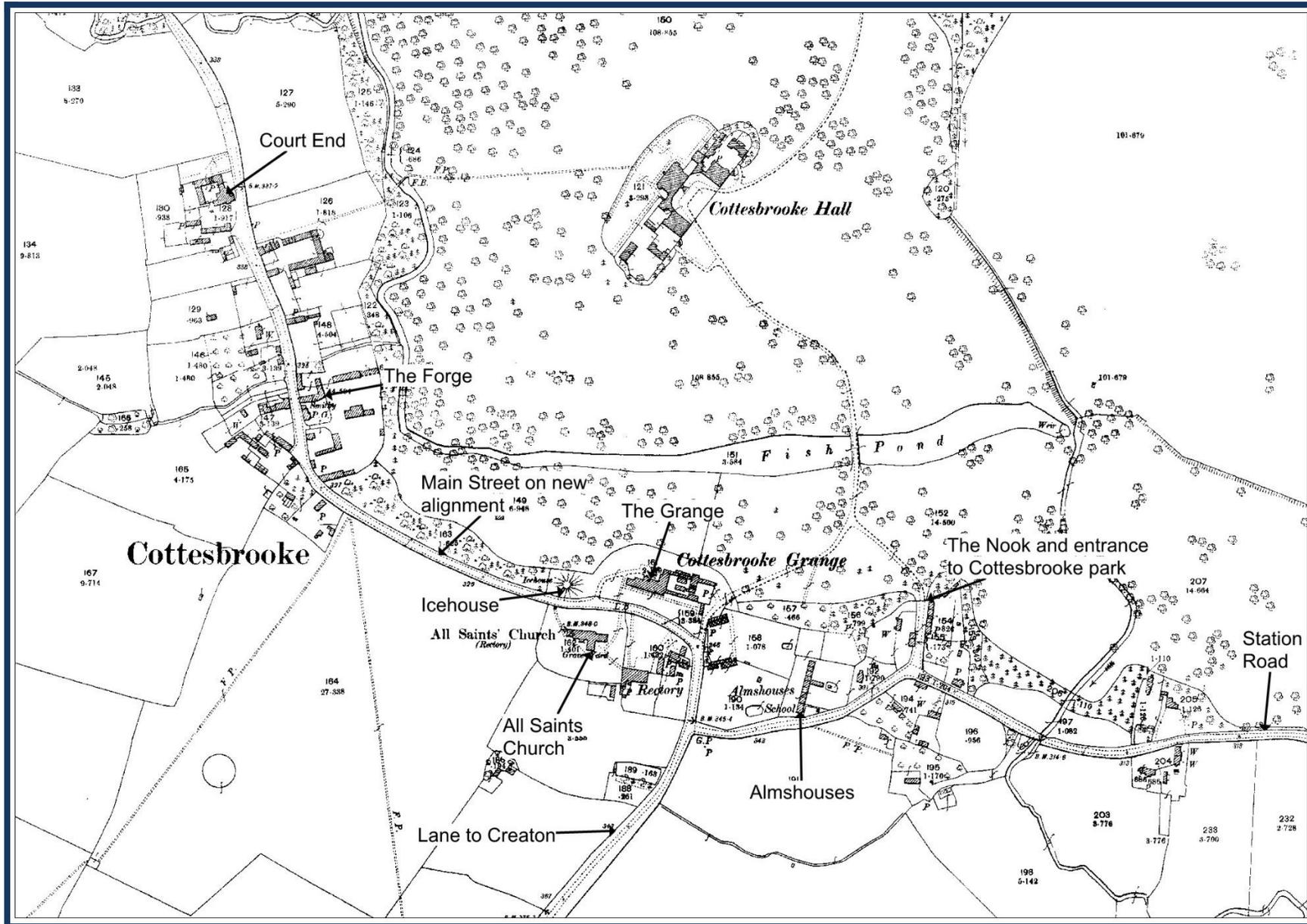


Figure 12: Contemporary mapping

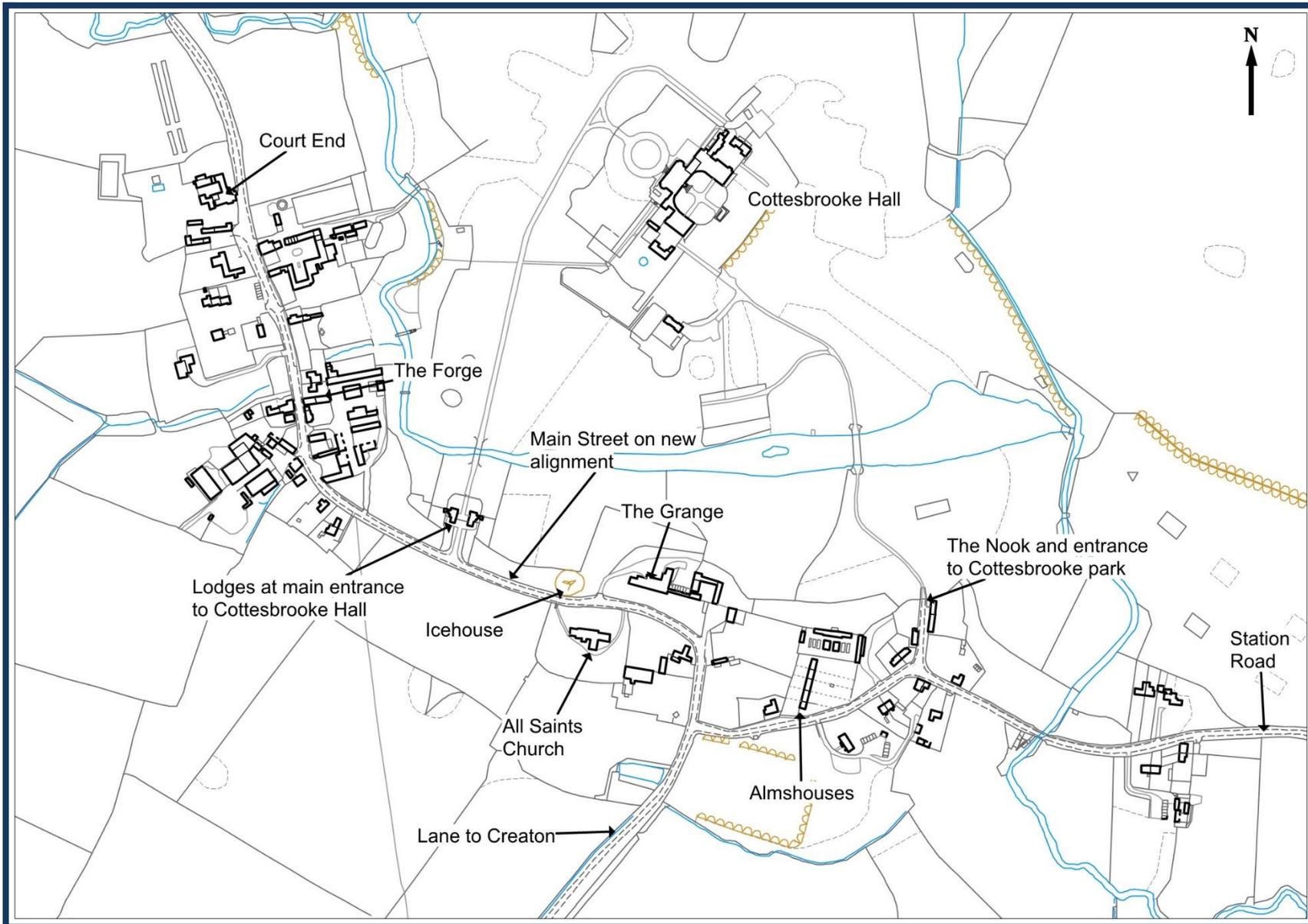


Figure 13: Map showing likely building dates within the conservation area and on its fringes

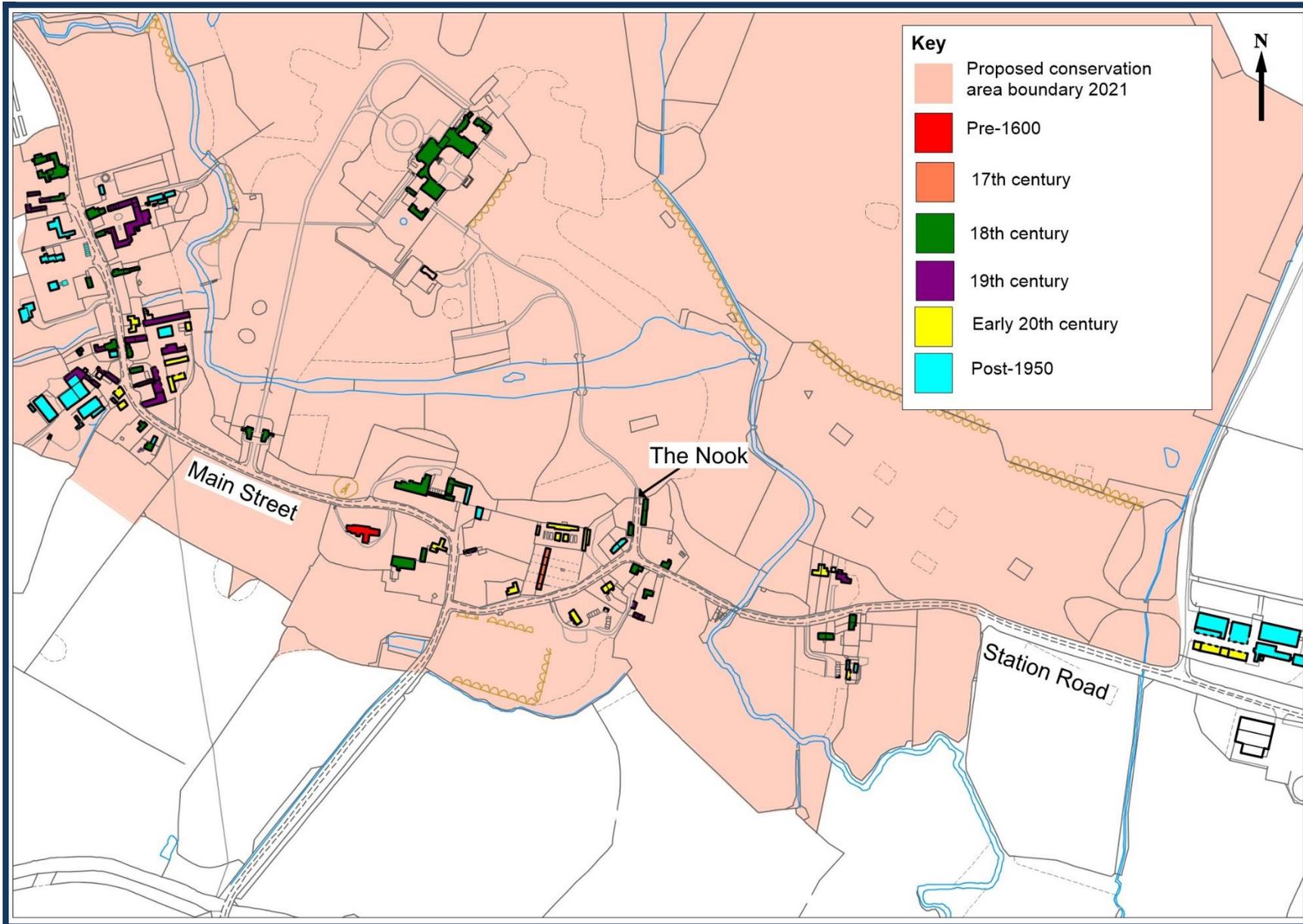


Figure 14: View of The Smithy in Main Street circa 1920



Figure 15: View of the Smithy in Main Street, 2021



Figure 16: View along Main Street outside Home Farm



Figure 17: View north along Main Street, 2021



Figure 18: View of Oak Cottage and no. 22 Main Street, (date unknown)



Figure 19: View of Oak Cottage and 22 Main Street, 2021



Figure 20: Looking north along The Nook (date unknown)



Figure 21: Looking north along The Nook, 2021



Figure 22: Looking south along The Nook



Figure 23: Looking south along The Nook, 2021



Figure 24: Looking towards 1-2 Station Road



Figure 25: Looking towards 1-2 Station Road, 2021



Cottesbrooke Hall, Gardens and Landscape Park

Cottesbrooke Hall was built between 1702 and 1713⁷. It is Grade I listed and is thought to have been designed by Francis Smith of Warwick with additions in the late 18th century by Robert Mitchell. It is of two storeys with an attic and basement and is constructed of red brick with ashlar dressings and lead and slate roofs. The south elevation is divided into sections by pilasters with Corinthian capitals. Over the central doorway there is a scrolled pediment supported by pillars. The north elevation is of a similar design but has additional single-storey bays either side that were added towards the end of the 18th century.

Several features of the early 18th century gardens, dating to when the hall was first built, survive as earthworks in the area to its northwest (see Figure 28), indicating that there were previously formal gardens in this area. The first is a long rectangular area cut into the sloping ground and edged by two parallel scarps forming a 120m-long parterre. At the northwest end of the feature lies Ladies Pool, which was previously smaller in size and rectangular in shape. At the southeast end of the rectangular feature the scarps turned and opened outwards, presumably into a formal garden that lay in front of the hall.⁸

To the northwest of the hall there is a long narrow bank of about 1m in height with a flat top. The bank runs from southeast to northwest and crosses an earlier holloway earthwork. It is interpreted as an alley or walkway.

⁷ The Buildings of England: Northamptonshire, Pevsner, N. and Cherry, B. (1973)

⁸ Royal Commission for Historic Monuments (1981) An Inventory of Historical Monuments in the County of Northampton, Vol. III: Archaeological Sites in North-West Northamptonshire

A third feature is a circular mound, now tree-covered, which is situated north of Ladies Pool and is up to four metres in height. It is known that the gardens were 'modernised' in the 1780s and at this point these features were probably put to grass⁹.

In addition to the formal gardens, a designed landscape park was laid out when the Hall was built in the early 18th century. Eayre and Jefferys' map (originating in a survey of 1720)¹⁰ shows avenues of trees radiating on the main axis from the north and south sides of the Hall. On the north side, the avenue is depicted on the 1839 Tithe map and the section beyond Ladies Pool still exists today. From the south side of the hall an avenue crossed another pool, what is now the east end of the lake, and continued towards Station Road, centred on the spire of All Saints Church in Brixworth. Again, an avenue on this alignment still exists today. A third avenue was aligned on All Saints Church but it is not depicted on the 1885 Ordnance Survey map and it may have been removed when the park was made less formal and more open in the 1770s.

The changes of the 1770s did not include enlarging the park; its extent remained the same with it stretching south to the lake, west to the stream, north to a line between Ladies Pool and a spinney called The Shrubbery, and east to a straight boundary from the south end of Long Walk Spinney through Park Spinney to the east end of the lake. This boundary still exists.

⁹ National Heritage List for England [COTTESBROOKE HALL, Cottesbrooke - 1001028 | Historic England](#)

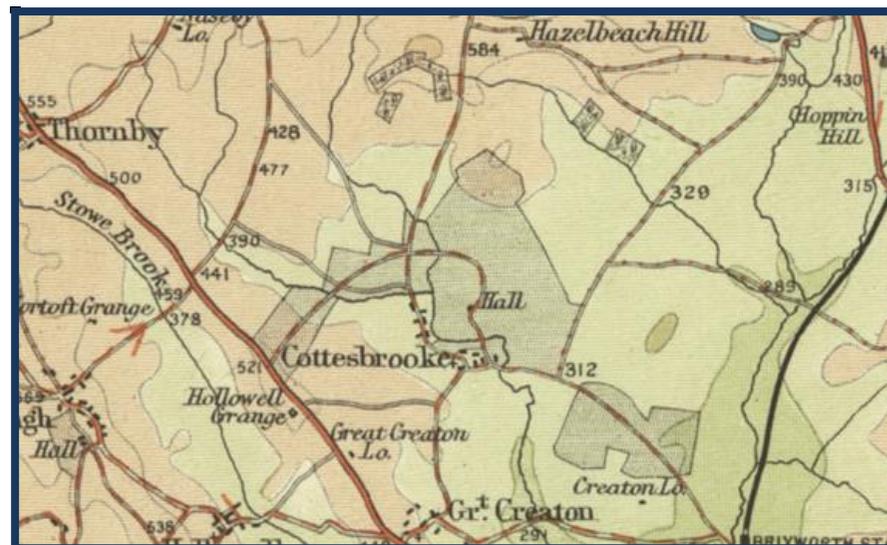
¹⁰ *ibid*

James Langham (d.1795) did work in the park during the late 18th century. The Long Walk was established by the later 18th century and was a promenading route along the east boundary of the park through Long Walk Spinney and on to Moss Hall Spinney. Moss Hall was a circular folly with crenelations and built from limestone ashlar and was located within the spinney. Five Gothic windows in the building provided views across the landscape to landmarks such as church spires. Moss Hall no longer exists but the spinneys are still evident in the landscape.

In the 19th century, the park may have been extended northwards to include Mitley Spinney, Homeground Spinney and a third spinney. This is suggested by Bartholomew's 1903 map¹¹ which depicts the extent of the park at this time. Within the unnamed spinney situated between the two there was a building called Moss Hall Lodge, which is depicted on the 1839 Tithe Map, and presumably associated with Moss Hall, a folly which was situated to the south within Moss Hall Spinney. Modern Ordnance Survey mapping shows that a building still exists on the same footprint as Moss Hall Lodge.

The existing pool to the south of the hall was elongated to form a lake and two new lodges, designed by Robert Mitchell, were constructed in 1780 on the Welford Road at the entrance to a looping driveway 2.5km in length. The lodges were moved in 1938 to their present position west of the church. Their original position is commemorated in the name 'Lodges Spinney' on the north side of the Welford Road. The driveway became disused after 1938 but its line is still discernible on aerial photographs and parts of it still

Figure 26: The extent of Cottesbrooke Park as shown on Bartholomew's 1903 map, marked in grey shading



survive as a trackway. A metal gateway near to where the driveway crosses the lane to Haselbech is still in place (Figure 27).

By 1839 a second driveway existed, as depicted on the Tithe map, with its entrance being located west of The Grange in Main Street. The driveway looped eastwards and crossed the lake via the Grade II listed five-arched bridge attributed to Robert Mitchell before arriving at an entrance on the southeast side of the hall. This driveway may have gone out of use during the second half of the 19th century following the realignment of Main Street, at which point an entrance came into use at the end of The Nook. It is still in

¹¹ Bartholomew's Half Inch to the Mile Map of England and Wales, Sheet 18, Birmingham and Leicester, 1903

use for visitors to the hall and gardens and has two tall ironstone gate piers with ball finials and iron gates.

Figure 27: Metal gateway with decorative post across former driveway to Cottesbrooke Hall

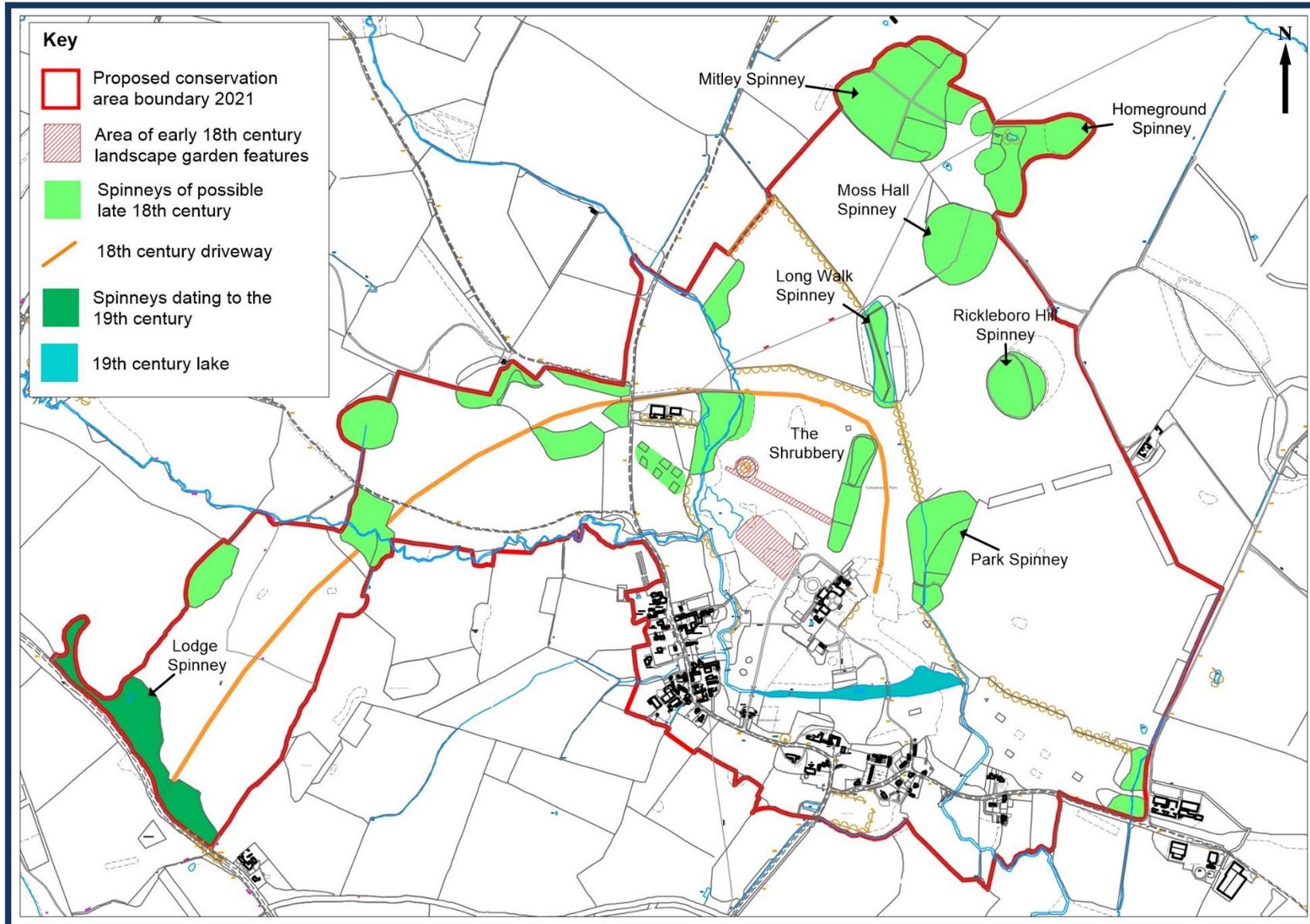


was commissioned to work on the gardens. The gardens include The Statue Walk, along which there are a number of listed statues that originally came from Stowe landscape park, the Pool Garden, the Monkey Pool and The Terrace.

Following the relocation of the two lodge buildings to Main Street in 1938, the principal entrance to the hall was switched from the southeast side of the hall to the northwest side. In the area on the southeast side immediately in front of the hall a quartered parterre garden was created to the design of Geoffrey Jellicoe. On the northwest side there is a large gravel turning circle from which there are views northwest along the avenue of trees, across Ladies Pool and to the parkland beyond.

Prior to the Second World War a series of garden 'rooms' were also laid out to the southwest of the hall to the designs of Robert Weir Schultz and Geoffrey Jellicoe. Following the war Dame Sylvia Crowe

Figure 28: Map showing historic features of the landscape park



7 Spatial Character

Settlement character is not only formed by the buildings within a conservation area but also the spaces between those buildings and other features of interest. This could include settlement layout, green infrastructure, trees, open spaces, the public realm, and views. The contribution of these “spatial” features to the character and appearance of the conservation area is set out below.

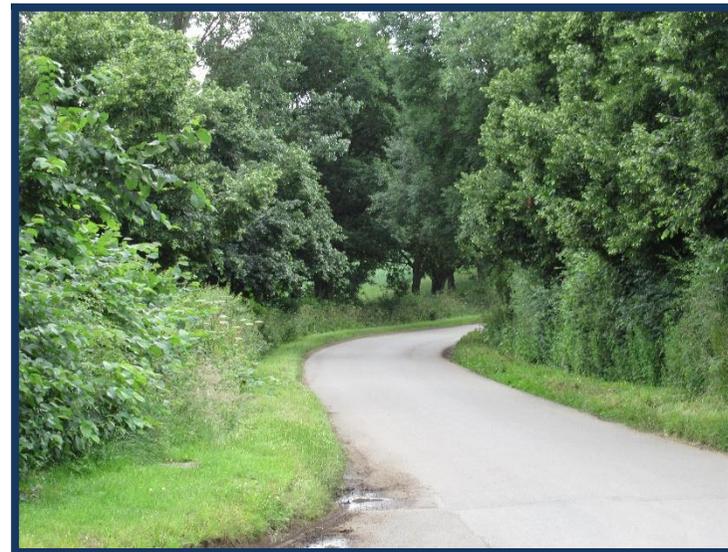
7.1 Spatial Character Summary

Cottesbrooke Conservation Area has a tranquil, rural character created by the dispersed layout of the village, particularly in its east half along Station Road, and the large swathe of parkland to the north and west of the village. The verdant character of the conservation area helps to create an atmosphere of seclusion, especially as the village is approached along lanes and footpaths from the southwest, with many hedges and groups of trees concealing buildings. The quality of the landscape is recognised in a Special Landscape Area designation that was confirmed with the adoption of the Daventry District Settlements and Countryside Part 2 Local Plan in February 2020.

The conservation area is approached from the south and east along narrow country lanes bounded by hedgerows, trees and wide grass verges. On approaching the conservation area along the lane to Creton there are glimpsed views of All Saint’s Church and the Old Rectory (see Section 7.6, View 21). From the approach along

Station Road there is an impressive view through the Cottesbrooke Registered Park and Garden along an avenue of trees that channels the eye towards Cottesbrooke Hall in the distance (see Section 7.6, View 1).

Figure 29: The approach to Cottesbrooke along the Lane from Creton



The approaches to the conservation area along these lanes contrasts with those from the north and west. Here, the lanes are largely unenclosed or enclosed with low estate fencing so there is a more open character. This enables extensive views of the parkland and long views to the surrounding open countryside.

Figure 30: Unenclosed pasture west of Main Street



The village of Cottesbrooke has a polyfocal but linear settlement pattern with two distinct areas, one along Main Street and another along Station Road. The east half of the village, largely along Station Road, has a dispersed settlement pattern, whereas buildings in the west half of the village along Main Street are more densely massed. The east and west parts of the village have, therefore, quite different characters and there are several reasons that explain this.

During the medieval period it is thought that Cottesbrooke was split between two separate manors. This might explain the open space

that lies between the part of the village on Main Street and that along Station Road. This open space is depicted on the 1628 map and the 1839 Tithe Map and still exists today as an area of pasture on the south side of the road. Furthermore, the present area of settlement along Station Road has a loose-knit and dispersed character created by paddocks and enclosures separating several small clusters of buildings. However, cartographic and archaeological evidence indicate that it was much more densely populated during medieval period both north and south of Station Road. At some point prior to 1628 several areas of settlement both north and south of Station Road went out of use. After 1628 a further area of settlement, north of The Nook, also became disused. Today's settlement pattern along Station Road and The Nook represents those buildings that remained, or subsequent buildings constructed on historic plots, when all other areas of the settlement became disused. This left small clusters of buildings separated by enclosures where previously there had been buildings. In addition to preserving archaeological earthworks relating to the former settlement, a number of these enclosures enable views out of the conservation area towards the surrounding rural landscape (see Section 7.6, Views 8 and 20). The current playing field, church yard and the large plots in which The Old Rectory and The Grange stand also contribute to the loose-knit, dispersed character of the east half of Cottesbrooke village.

With the exception of 1-2 Station Road and 1-5 The Old School Cottages, buildings are situated with their principal elevations facing the road. Some are located directly adjacent to the road whilst others are situated further back with small front gardens behind

boundary hedges. In this area, building plots tend to be fairly irregular in shape.

Hedgerows are an important feature of the conservation area, forming the main type of boundary along Station Road, with the exception of the tall ironstone wall that runs along the north side from The Old School Cottages to the end of Station Road and round the corner into Main Street.

The settlement pattern either side of Main Street gives the impression that buildings are situated more closely together and it lacks the enclosures separating groups of buildings and allowing views out towards the countryside, in contrast to Station Road. The layout of the village depicted on the 1839 Tithe Map attests to this, and despite a number of historic buildings subsequently being lost, Main Street still has a more densely arranged settlement pattern than that along Station Road.

Many of the buildings along Main Street are built gable-end on to the footway and have ironstone or brick walls between them. This creates a continuous building line, especially on the east side of the street, which adds to the sense of enclosure and seclusion. Some groupings of buildings, particularly on the west side of Main Street, are arranged around courtyards, for example Bothy Cottage, Rose Cottage, The Stables House and Stable Cottage. This gives the sense that Main Street has, in the past, been the focus of buildings with specific, non-residential uses. Other groups of buildings that give this impression are the estate buildings at the south end of the street and the existing farm buildings opposite, and the former forge.

Separating the village from Cottesbrooke Hall and gardens is the watercourse which gives the village its name. It is lined with trees along much of its length which serves to screen the village from the hall.

There are many important views within, from and towards the conservation area (see Section 7.6). Along Main Street views are relatively short due to the enclosed character of the road. This contrasts with Station Road, where there are longer views out to the surrounding countryside and the parkland. Away from the village, in the surrounding lanes, there are also longer views, through the parkland of Cottesbrooke Hall, as well as the hall itself, often viewed along avenues of trees. Footpaths to the south of Cottesbrooke allow the village to be viewed from an elevated position and highlight its location within a valley, the surrounding rolling hills and the impact that the many trees have on the secluded character of the village. Individual and groups of trees also play an important role in creating the parkland character and the more formal, designed landscape surrounding Cottesbrooke Hall.

7.2 Areas of Archaeological Potential

Archaeological interest can be both remains surviving below the ground or evidence for past activity that is contained within standing buildings and structures.

Evidence of past settlement remains in Cottesbrooke contributes to the special historic interest and setting of the conservation area; the archaeological remains enhance the legibility of the development of the settlement and have the potential to yield further evidence of the area's history.

Areas of archaeological potential that are within or on the fringes of the conservation area shown in Figure 31. Areas of archaeological potential within the conservation area include:

AP1: The medieval settlement of Cottesbrooke which includes the currently occupied areas of the village as well as the shrunken medieval village that remains as a series of earthworks.

AP2: All Saints Church and its churchyard for potential deposits relating to an early medieval church building.

AP3: Ridge and furrow earthworks on the south side of Main Street.

AP4: Ridge and furrow earthworks north of Home Farm.

AP6: A large area of ridge and furrow earthworks situated to the northwest of Main Street.

AP8: Ridge and furrow earthworks west of Ladies Pool.

AP9 Ridge and furrow earthworks north of Bothy Cottage, Main Street.

AP10: Ridge and furrow earthworks north of Cottesbrooke Hall.

AP13: An area of possible prehistoric activity north of Cottesbrooke Hall and northwest of Moss Hall Spinney.

AP14: An area possibly relating to the early 18th century formal gardens immediately northwest of Cottesbrooke Hall.

AP15: Ladies Pool, a feature of the early 18th century formal gardens northwest of Cottesbrooke Hall.

AP16: A long bank running northwest to southeast, north of Cottesbrooke Hall, which may be a feature relating to the early 18th century formal gardens.

AP17: An earthwork northwest of Cottesbrooke Hall that may be a medieval hollow way.

AP18: A circular earthwork mound northwest of Cottesbrooke Hall that may be related to the early 18th century formal garden design.

AP19: The 18th century driveway from the Welford Road through the parkland to the southeast side of Cottesbrooke Hall.

Areas of archaeological potential on the fringes of the conservation area include:

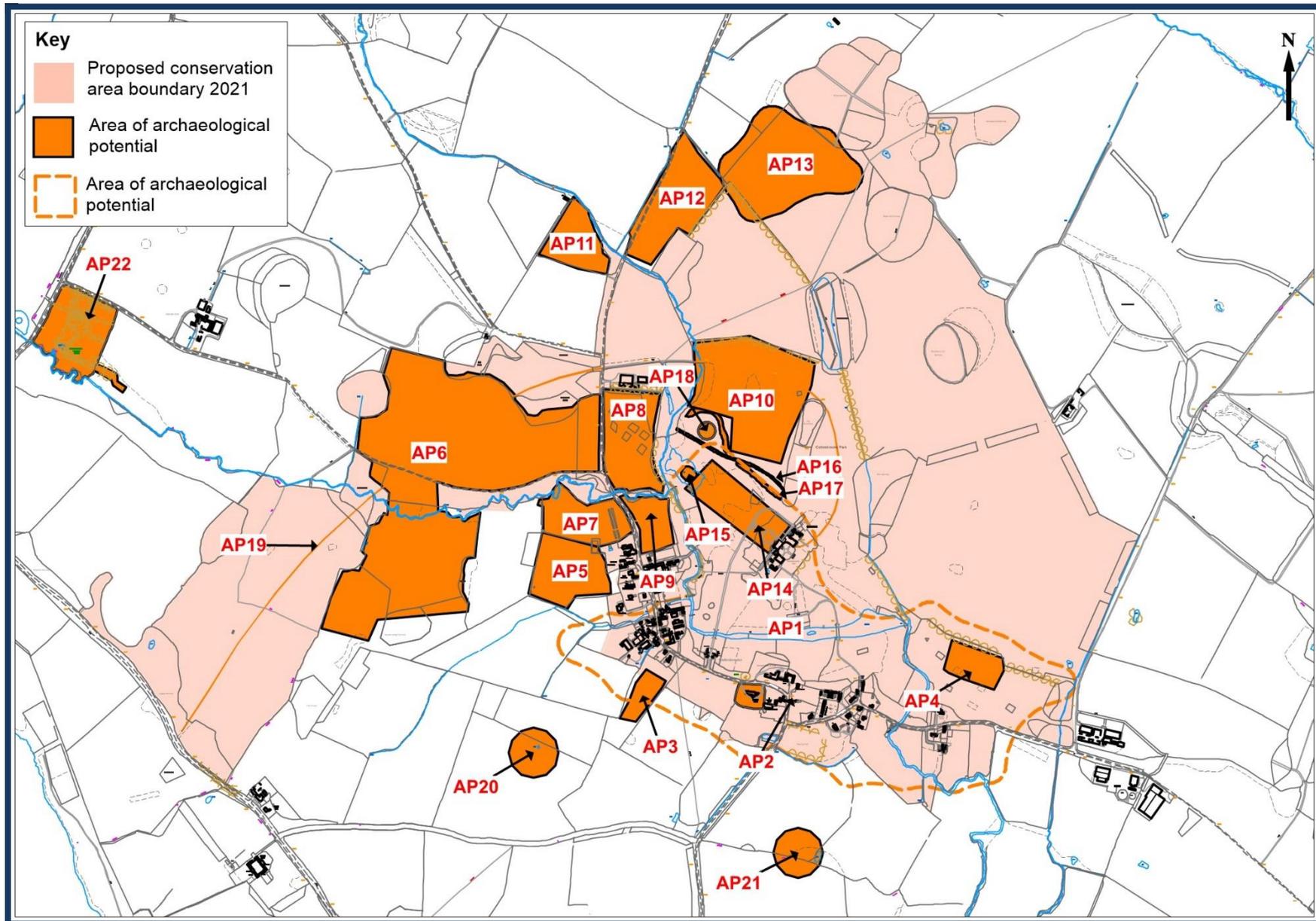
AP20: The possible site of a post-medieval windmill.

AP21: The possible site of a Romano-British settlement site.

AP22: The site of a medieval monastic grange, which is a scheduled monument, situated to the west of Calendar Farm.

Areas of archaeological potential which make a particularly strong contribution to the immediate setting of the conservation area will be considered for inclusion within the boundary as per Historic England advice. Not all areas can reasonably be included within the conservation area. The exclusion of areas from the boundary does not reduce their positive contribution to the setting of the conservation area through their historic interest nor preclude the possibility of that area yielding significant archaeological evidence which may enhance our understanding of the past.

Figure 31: Areas of archaeological potential within and on the edge of the conservation area



7.3 Public Open Spaces

There are several important public open spaces within the conservation area (see Figure 40). The first is the churchyard of All Saints Church at the centre of the conservation area. It has a secluded and enclosed atmosphere on the north side of the church due to the line of Yew trees on its north boundary, which is adjacent to Main Street. This contrasts with the space on the south side of the church, which is more open and from which there are long views of the agricultural landscape (see Section 7.6, View 30).

Figure 32: Secluded north side of the churchyard



The churchyard creates a peaceful and secluded setting for the Grade I listed church.

Along Station Road and parts of Main Street there are wide grass verges that merge with the road and are not delineated by kerb stones. They contribute to the rural character of the conservation area. Particularly along Station Road, verges would have been tracts of land considered to be 'road-side waste' that were left open by the roadside at the time of the enclosure of the open fields in the 17th or 18th centuries. As such, they are features that relate to the development of Cottesbrooke's historic landscape.

Figure 33: Wide verges and lack of pavements along Station Road



Figure 34: Wide verge on the north side of Main Street



A third important open space is the playing field and space surrounding the village hall on the south side of Station Road. As well as providing an important recreational amenity for residents, this area contributes to the setting of the Grade II listed Old School Cottages on the opposite site of the road. Although there has been some landscaping to create the football pitch, which may have resulted in the loss of some archaeological earthworks, the area retains its open character and form, which dates back to at least the 19th century, as demonstrated by the 1839 Tithe Map. It contributes to the dispersed character of the east end of the village.

Figure 35: Public open space provided by the playing field in Main Street



7.4 Footpaths

Leading outwards from the conservation area there are a number of footpaths that enable connectivity between the village and the surrounding countryside. Most current public rights of way (see Figure 40) were in existence by the 19th century but may have been established routes prior to this.

Important historic footpaths traversing the conservation area include:

- Footpath CL1 leaves the lane to Creaton and crosses several fields and paddocks to join Main Street to the east of no. 21.

There are views from this footpath towards All Saints Church and the Old Rectory (see Section 7.6)

- Footpath CL2 leaves the south side of Station Road just outside the village and passes a number of fields before reaching Creaton. Near to Station Road there is a view to the northwest along the tree avenue to Cottesbrooke Hall and southeast to the spire of All Saints Church in Brixworth
- Footpath CL3 runs between the A5199 and Main Street through several agricultural fields. It crosses the green lane that runs east-west between the A5199 and the lane to Creaton. As Cottesbrooke is approached along this footpath there are views of the church and buildings in Main Street nestling amongst the trees.

7.5 Trees

There are currently no Tree Preservation Orders or Tree Preservation Order Areas within the conservation area. However, trees make a significant contribution to the rural and parkland character of Cottesbrooke Conservation Area. They contribute to the visual amenity of the village, soften the built environment and enhance the setting of the conservation area.

Ornamental and parkland trees are an important feature of the designed landscape gardens and parkland surrounding Cottesbrooke Hall. As well as many copses and small woodlands, there are several avenues of trees that channel views towards the Hall and out from it towards other landscape features (see Section 7.6, V11, V12, V16 and V17), which add to the sense of the park being a deliberately designed landscape.

Important individual and groups of trees within the conservation area include, but are not limited to:

- The Yew trees that line the edges of the churchyard of All Saint's Church
- The tree that is visible beyond the southern gated entrance to Cottesbrooke Hall
- The tree in the garden of The Old Post Office, 27 Main Street
- The Cedar of Lebanon tree immediately southwest of Cottesbrooke Hall
- The avenue of trees leading up to the Hall from the southeast, which frames views of the listed building from Station Road (see Section 7.6, View 1). Looking southeast along the avenue from the Hall the avenue focuses the view on All Saints Church, Brixworth (see Section 7.6, View 16)
- A second avenue of Lime trees running ESE from the Hall that terminates in a tree belt at the eastern edge of the conservation area (see Section 7.6, View 17)
- The avenue of trees channelling views towards the Ladies Pool and the Hall from the northwest (see Section 7.6, View 11)
- The various trees within the Wild Garden at Cottesbrooke Hall which can also be seen from Main Street (see Section 7.6 View 19).

Figure 36: Yew trees on the north edge of All Saints Churchyard



Figure 37: Tree inside the south entrance to the landscape Park at Cottesbrooke Hall



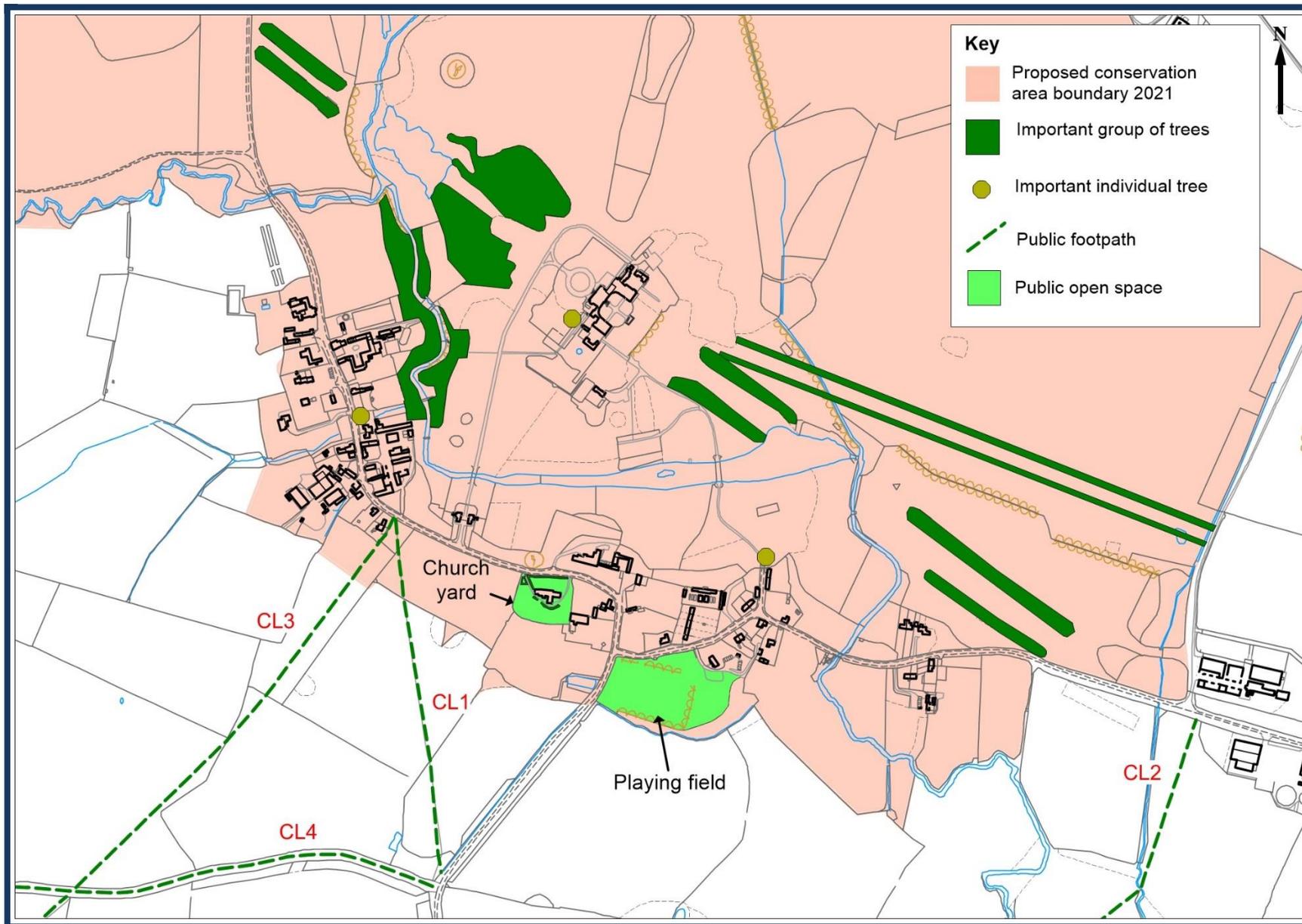
Figure 38: Cedar of Lebanon southwest of Cottesbrooke Hall



Figure 39: Tree at The Old Post Office, 27 Main Street



Figure 40: Important public open spaces, footpaths and important trees in and around the edges of the conservation area



7.6 Views and Vistas

Views and vistas impact upon and contribute to how the conservation area is experienced, both within the boundary and from outside the designation. Being a compact settlement with varying landform, views of the surrounding landscape are also an important consideration for the setting of the conservation area.

As well as the overall contribution of the surrounding landscape, individual features can create particular interest within views.

Important views within the conservation area:

V1: Looking northwest from Station Road along an avenue of trees towards Cottesbrooke Hall

This is an important long view through the designed landscape of Cottesbrooke Hall Registered Park and Garden. The eye is drawn along an avenue of mature trees towards Cottesbrooke Hall, which stands in the centre and forms the terminus of the view.

V2: Views along Station Road between the first and second group of buildings

Views east and west along this part of Station Road highlight the dispersed nature of the settlement at the east end of the village, with buildings generally set back from the road. It also highlights the long gap between one group of buildings to the next group as the hedges on each side of the road stretch away around the bends in the road.

V3: Looking north along the lane towards the 18th century gateway to Cottesbrooke Hall

Looking along this lane, past the historic ironstone cottages on either side, there is a view of the gateway, which formed the

southern approach to Cottesbrooke Hall from 1780. The gateway comprises two tall ironstone gate piers surmounted by ball finials. Behind the iron gates there is a mature ornamental tree and a glimpse of the lake within the landscape park. Together with the gateway this indicates this is the entrance to a high status property.

V4: Looking across the grounds of Cottesbrooke Hall towards the 18th century bridge

There are views of the Grade II listed 18th century bridge from this location.

V5: The view southwest along Station Road towards the alms houses

This view takes in the row of mid-17th century alms-houses (Grade II listed) and the adjoining 19th century schoolhouse. The stone boundary wall is also a prominent feature in this view and contrasts with the many boundary hedges that are prevalent in this part of the conservation area. It also accentuates the elongated character of the village's settlement pattern.

V6: The view eastwards along Main Street past the churchyard to The Grange

This view takes in the Yew trees lining the north edge of the churchyard and The Grange on the opposite side of the road with its elongated form and tall chimney stacks contributing to its distinctive and high-status character.

V7: Looking southeast across the churchyard to the Old Rectory

From within the churchyard there is a view of the principal and west elevations of the Old Rectory. Its scale and architectural detailing highlight it as a high-status building.

V8: Looking northwest from the churchyard

This is a view across an area of pasture on the south side of the road towards no. 21 Main Road. It highlights the dispersed settlement pattern of the village, there being no other buildings situated on the south side of the road between the church and no. 21. The view also highlights the rural and verdant character of Cottesbrooke.

V9 and 10: Views north and south along Main Street

As Main Street is traversed views along it in both directions highlight the more close-knit character of this part of the village with buildings situated adjacent or close to the street frontage. It also demonstrates the greater variety of building materials and ages in Main Street, including ironstone, red brick and render, as well as the elongated linear form of the village. Again, boundary walls, hedges and fences adjacent to the roadside reinforce this characteristic.

V11: A long view southeast along an avenue towards the northwest elevation of Cottesbrooke Hall

This view is part of the designed landscape park in which Cottesbrooke Hall stands. Looking southeast from the lane the view is channelled along an avenue of mature trees towards the lake, ending in a view of the hall, and gives a sense of the extensive parkland surrounding it.

V12: Long view from the drive to the front to the NW elevation of the Hall looking north west

This is View 11 in reverse, looking down the avenue of trees, over the ornamental lake to the parkland beyond.

V13: Views northwest from the gated road to Guilsborough

There are views across an extensive area of ridge and furrow earthworks, possibly of medieval date, from the gated road to Guilsborough. The ridge and furrow is an important element of the historic landscape and tells of its agricultural use prior to it being emparked. There are extensive views of the countryside from the gated road, which demonstrate the rural setting of the conservation area.

V14: The view of the church tower from Main Street

This view takes in the church tower emerging from the Yew trees which line the churchyard. There are also many other trees in this area, which adds to the verdant and secluded character of the village.

V15: The view looking north from the circular driveway on the northeast side of Cottesbrooke Hall

This is a long view that is channelled between belts of trees to the wider landscape park and in particular a woodland called Mitley Spinney, which is situated on elevated ground and is a prominent feature within the historic landscape.

V16: Looking southeast from the lawn on the southeast side of the Hall towards Brixworth

This long view is channelled along an avenue of trees, over the ornamental lake towards the countryside beyond the parkland. The spire of All Saints Church in Brixworth forms the focal point of the view in the distance. Although part of the designed landscape of Cottesbrooke Hall, this view is naturalistic and contrasts with View 17 (see below). This view is identified in the list entry for the Registered Park and Garden designation as being important.

V17: Looking southeast from the lawn along a second avenue of trees

A second view from this lawn is along an avenue of Lime trees. Again the avenue channels the view towards a terminus, which is belt of trees. This view contrasts with View 16 due to its formality and gives the impression of a high status and deliberately designed landscape. The view along the Lime tree avenue is identified in the list entry for the Registered Park and Garden designation as being important.

V18: View of the southeast elevation of Cottesbrooke Hall from the lawn

From the lawn on the southeast side of the hall there is a view of its impressive southeast elevation and formal gardens and the later wings either side.

V19: Looking north along the woodland river walk in the grounds of Cottesbrooke Hall

There are views along the brook and the beautiful gardens either side, which incorporate a wide variety of ornamental trees.

V20: Looking southwest from Station Road across medieval settlement earthworks

There are views across two enclosed areas of pasture, situated to the east of 1-2 Station Road, in which earthworks are visible that relate to historic occupation of this land and may relate to the medieval shrunken settlement. They contribute to knowledge of how the village has developed over hundreds of years and highlight its long history.

V21: The view south from Station Road east of no. 8

Views to the south from this location take in prominent earthworks of the medieval shrunken settlement, which contribute to knowledge about the development of the village and highlight its long history.

Important views towards the conservation area:

V22: The view on approaching Cottesbrooke along the lane from Creaton

As Cottesbrooke is approached along this lane there are views to the north of the Church and the Old Rectory standing amongst the trees.

V23: The view towards All Saints Church from footpath CL1

There are views from footpath CL1 in a north easterly direction towards the church standing amongst the trees, with few other buildings in view. It highlights the verdant character of the conservation area and the variety of tree species to be seen in the conservation area as well as the dispersed character of the built environment at the east end of the village.

V24: The view from Footpath CL3 towards buildings on the south side of Main Street

This view also highlights the verdant character of the conservation area. A number of buildings at the south end of Main Street are also visible and provide a contrast in terms of their scale and massing with buildings such as the church and the Old Rectory seen in views further to the east.

V25: Looking south from the lane towards Guilsborough

Views from this location look across the open countryside to the tree belt at the summit of the ridge along which the Welford Road runs, which was the original location of the lodges and a section of the driveway to Cottesbrooke Hall. The view gives a sense of how the hall would originally have been approached and of the surrounding topography that rises towards the southwest.

V26: Looking northwest from the byway along the tree avenue towards Cottesbrooke Hall

This view looks northwest through the landscape park along an avenue of trees towards Cottesbrooke Hall, the southwest wing of which is visible at the end of the avenue.

V27: Looking southwest from the byway across the parkland

This view across the parkland towards the southwest highlights the verdant character of the conservation area. The avenue of trees visible from this location also tells of it being a landscape with deliberately designed features.

V28: Looking southeast from the gated road through gap in tree belt towards Cottesbrooke Hall

This is a long view into the conservation area from the gated road towards Naseby. The gaps in the tree belts, which were probably deliberately created towards the end of the 19th century, enable views through to the tree avenue further to the southeast and on to Cottesbrooke Hall in the distance. This would also have enabled a glimpsed view of the hall through the gap in the tree belt when travelling along the driveway.

V29: Looking southeast towards Mitley Spinney

The view from the Haselbech lane towards Mitley Spinney, which is a prominent feature in the landscape at the northern edge of the conservation area due to its elevated situation. The spinney has been a feature within the landscape since at least 1839 and is recorded on the Tithe map of the same date. It contributes to the amenity value and parkland character of the conservation area.

Important views outwards from the conservation area:

V30 Looking southwest from the churchyard to the open countryside

There are long views from the edge of the churchyard southwards and southwest to the open countryside, highlighting the rural setting of the conservation area.

V31 Looking southwest from Main Street adjacent to the churchyard

Views looking southwest from Main Street west of the churchyard look out onto the open countryside and the land gently rising upwards to the ridge that lies to the south of Cottesbrooke.

V32 Looking southwest from Main Street opposite the Lodge to the open countryside

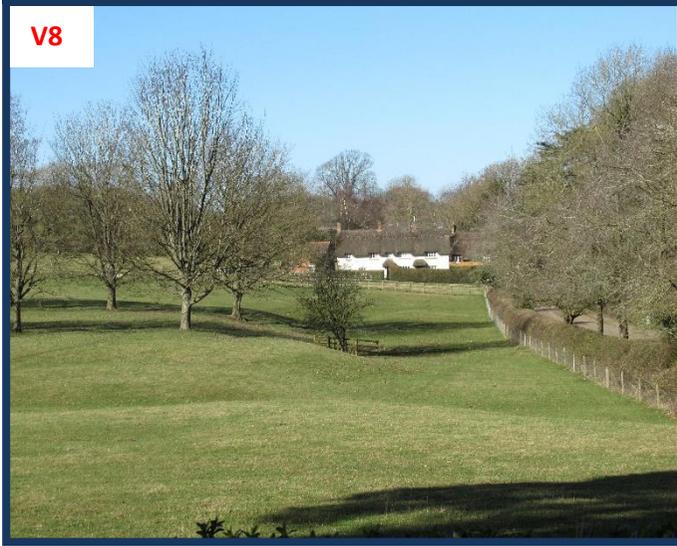
As with View 26, this view looks out on to the rising topography of the open countryside to the south and southwest of the village and it also contributes to the sense of separation between the east and west ends of Cottesbrooke.

V33 Looking west from Main Street past a monument to the countryside in the distance

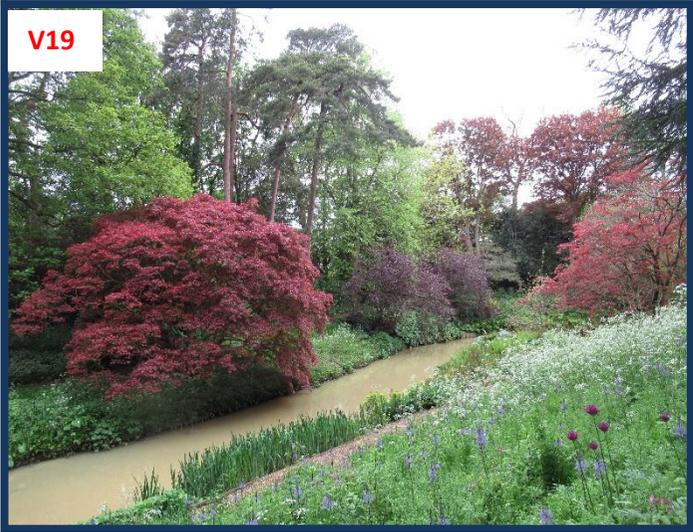
At the north end of Main Street there are views to the west across an area of pasture that contains ridge and furrow earthworks and incorporates an avenue of trees that runs north from Court End. It terminates at a monument to the Huguenot families who fled France in the 17th century in the form of rectangular pedestal supporting a Corinthian column with an urn on top.

Figure 41: Important views within, towards and from the conservation area









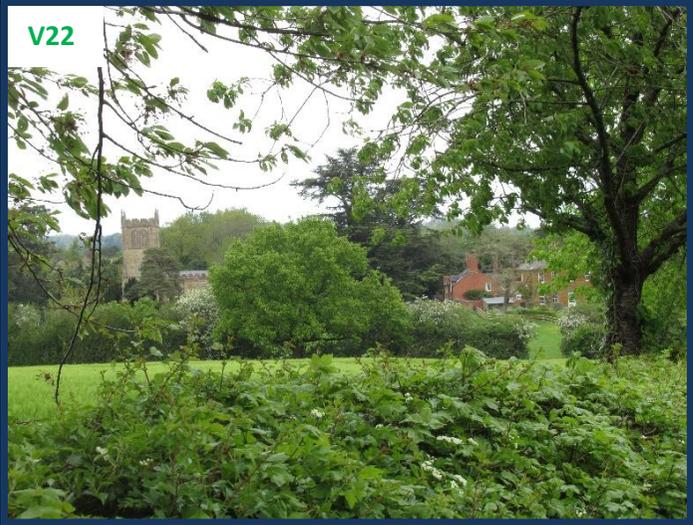
V19



V20



V21



V22



V23



V24

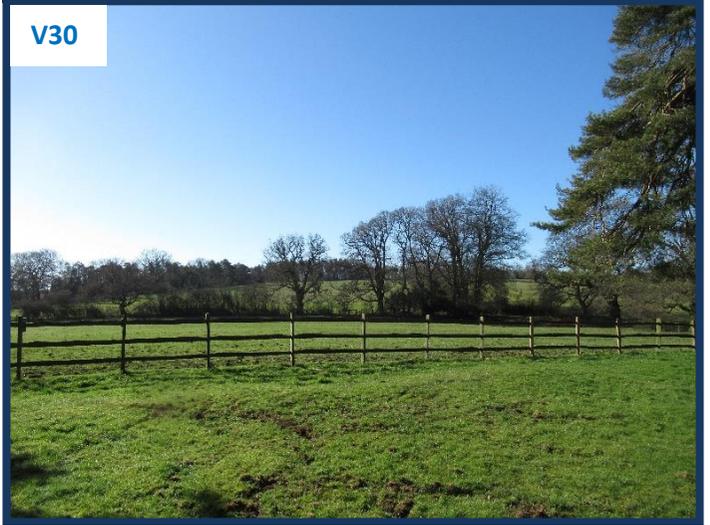
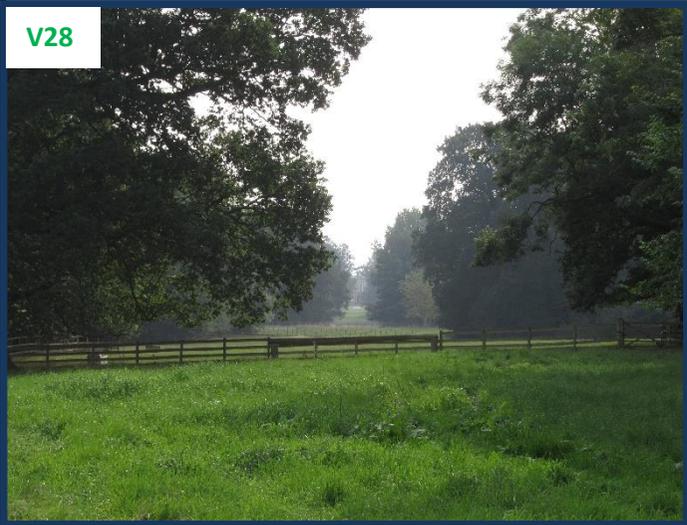
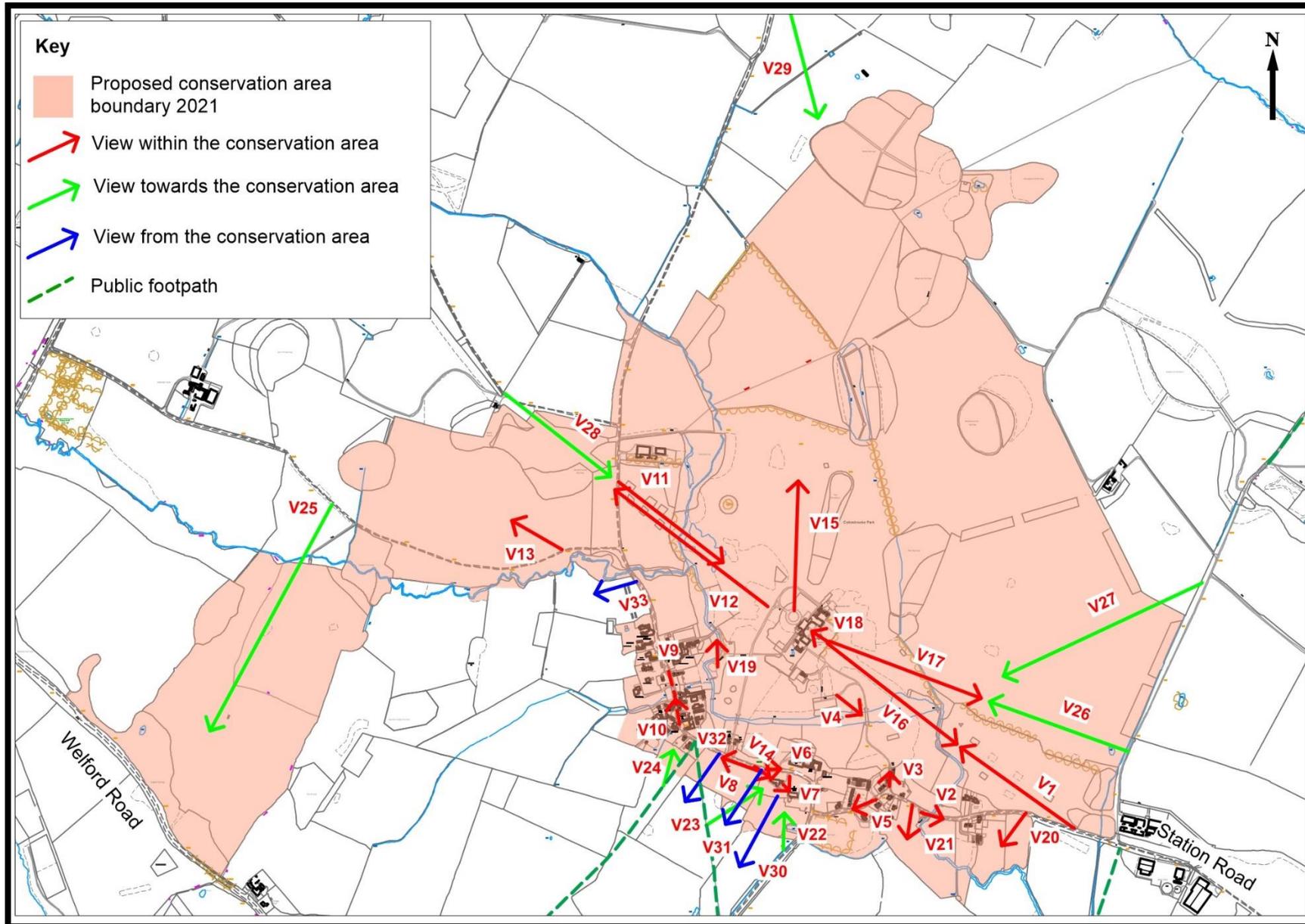




Figure 42: Map showing important views within, from and towards the conservation area



7.7 Open Space Analysis

Open space analysis is a method used to assess the contribution of open space to the character and appearance of the conservation area¹².

The rural nature of the majority of the Daventry area is such that landscape often makes a significant contribution to the character and appearance of conservation areas within it.

In 2016, a methodology for analysing the contribution of landscape within Craven District was formulated by Historic England.¹³ This methodology has been employed to assess the contribution of open spaces to the Cottesbrooke Conservation Area.

Open space is defined as common land, farmland, countryside and recreational spaces (including school grounds, churchyards and cemeteries). The analysis considered open space inside and outside the Conservation Area boundary, where it formed its immediate context.

Fieldwork was combined with an analysis of historic mapping and other secondary sources.

From this, the following factors were taken into account in

assessing the contribution of open space to the character and appearance of each Conservation Area:

1. The historical relationship and function of open space
2. Its contribution to the form and structure of historical settlements
3. How open space is experienced and viewed from within the boundary of the Conservation Area (for example, there are many long views from within Conservation Areas to the wider landscape that are fundamental to their character and appearance)
4. How the pattern of historic settlements and their relationship to the wider landscape can be understood when looking in from outside (and sometimes at considerable distance, from hills and scarps).

The following categories have been used to assess the contribution of open space to Cottesbrooke Conservation Area and are mapped in Figure 53:

Purple: Open space that makes a significant contribution to the character and appearance of the conservation area.

Pink: Open space that makes a moderate contribution to the character and appearance of the conservation area.

¹² Alan Baxter Ltd (2016) Craven Conservation Areas Project: Potential Conservation Area Designations August 2016

¹³https://www.cravenc.gov.uk/media/1818/craven_ca_appraisals_introduction_august_2016.pdf

Brown: Open space that makes no or negligible contribution to the character and appearance of the conservation area.

OS1: An agricultural field south of Station Road at the east end of the conservation area

This field makes a **significant contribution** to the character and setting of the conservation area and the Cottesbrooke Hall Registered Park and Garden. It is experienced as the conservation area is entered along Station Road from the east and contributes to the rural and remote character of Cottesbrooke. It lies on the periphery of views from Station Road northwest towards the Grade I listed Cottesbrooke Hall and contributes to the peaceful atmosphere of the landscape park.

Figure 43: Agricultural field south of Station Road



OS2: Two small pasture fields east of 1-2 Station Road

This area makes a **significant contribution** to the character and setting of the conservation area. It also forms the immediate setting of 1-2 Station Road, two Grade II listed 18th century thatched cottages. The area contains visible ridge and furrow earthworks and also settlement earthworks, possibly dating back to the medieval period. As well as views into this area from Station Road, there are long views to the countryside further to the south, highlighting the rural location of Cottesbrooke (see Section 7.6, V20).

OS3: An area of pasture west of 3-4 Station Road

An area that makes a **significant contribution** to the character and setting of the conservation area. It also forms the immediate setting of 3-4 Station Road, two Grade II listed 18th century thatched cottages. The area contributes to the peaceful, rural atmosphere of Cottesbrooke and highlights the dispersed settlement pattern of the east half of the village.

OS4: An area of pasture east of 8 Station Road

An area of pasture that makes a **significant contribution** to the character and setting of the conservation area. This area contains visible earthworks relating to the medieval settlement of Cottesbrooke and ridge and furrow. The earthworks can be seen in views looking south from Station Road. Along with open space OS3, this area contributes to the dispersed character of the east half of the village (see Section 7.6, V21).

OS5: Playing field and playground on south side of Station Road

This area makes a **significant contribution** to the character and setting of the conservation area. Now a playing field and playground, this area contributes to the rural character of the village with views through trees on the southern boundary to the open countryside. By 1628 the open space was divided into five plots, two of which had buildings upon them. Although the internal divisions no longer exist, the external boundary reflects that on the 1628 map and is therefore important in terms of the historic morphology of the settlement. Although the Grade II listed building, the Old School Cottages (1-5) is on the opposite side of the road, this open space contributes to its setting.

Figure 44: View of the playing field in Station Road



OS6: The churchyard of All Saints Church

The churchyard of All Saints Church makes a **significant contribution** to the character and setting of the conservation area and also adds to the significance of the Grade I listed church. A line of Yew trees on the north boundary creates an enclosed and secluded atmosphere.

Figure 45: The churchyard on the north side of the church, lined with Yew trees



This contrasts with the churchyard on the south side of the church where long views open out towards the countryside south of the village (Section 7.6, V29). There are also views from the churchyard of the Grade II listed Old Rectory, highlighting the former functional links between the two buildings (see Section 7.6, V7). And views

westwards from the churchyard towards 21 Station Road in the distance (Section 7.6, V8), which highlights the dispersed settlement pattern. The boundary of the churchyard follows the same line as that depicted on the 1628 map, indicating its importance in the historical development of the settlement layout.

OS7: Area of pasture south of All Saints Church

Two areas of enclosed pasture that make a **significant contribution** to the character and setting of the conservation area as well as the setting of the Grade I listed All Saints Church and Grade II listed Old Rectory. There are views from the churchyard south to this area of open land which contribute to the rural, peaceful atmosphere of the churchyard. The open nature of these two areas of pasture also enable important views of the church and the Old Rectory as the conservation area is approached along the lane from Creton (see Section 7.6, V22).

OS8: An area of pasture opposite the entrance lodges to Cottesbrooke Hall

This area of pasture makes a **significant contribution** to the character and setting of the conservation area as well as the setting of the Grade I listed All Saints Church and the Grade II listed lodges, gates and gate piers to Cottesbrooke Hall. The open space highlights the rural character of the village and there are views of this area and the countryside beyond from Main Street (Section 7.6, V30 and V31). As mentioned above, it also enables long views towards 21 Station Road from the churchyard (Section 7.6, V8). The 1628 map shows this as a large enclosed field at this time. Within this area there are archaeological earthworks pertaining to

possible paddocks and quarrying, probably of post-medieval date. This suggests that there may not have been continuous settlement along Station Road and Main Street during the medieval period and supports the view that Cottesbrooke was a polyfocal settlement from the point of its early development. This open space is, therefore, important for interpreting the development history of Cottesbrooke.

OS9: An area of enclosed pasture west of the lane to Creton

This area of pasture makes a **significant contribution** to the character and setting of the conservation area. A public footpath across this enclosed field enables the conservation area to be approached on foot (Section 7.6, V23). There are views from the public footpath towards the church amongst the trees. This open space contributes to the tranquil, rural setting of the conservation area and the listed All Saints Church.

OS10: An area of enclosed pasture south of 21, 22 and Oak Cottage in Main Street

This area of pasture makes a **significant contribution** to the character and setting of the conservation area. From the public footpath that runs across it there are views back towards a group of red brick buildings at the southeast end of Main Street, and the wide variety of trees within the conservation area (Section 7.6, V24). This area of pasture also contains earthworks pertaining to the former settlement pattern of the village and, in the southern part of the enclosure, ridge and furrow.

OS11: Two areas of enclosed pasture west of Main Street

Two areas of pasture that make a **significant contribution** to the character and setting of the conservation area. There are ridge and furrow earthworks over much of this area and it continues up to the rear of property plots on the west side of Main Street and was probably a factor in constraining the development of the village westwards. It is therefore an important feature in terms of understanding the village morphology and how it has developed over time. The hedged field boundaries are on the same alignment as those depicted on the 1839 Tithe Map.

OS12: An area of pasture that is immediately north of Court End, Main Street

An area of pasture that makes a **significant contribution** to the character and setting of the conservation area. It contains ridge and furrow earthworks and, therefore, like many of the fields within Cottesbrooke Parish it contains evidence of the medieval agricultural system of open fields. Nearer to Main Street there is an avenue of trees running north from Court End which terminates in a monument to Huguenot families who fled France in the 17th century. This deliberately designed landscape feature creates an impression of high status as the village is approached from the north. The trees and open space behind them contribute to the peaceful, rural character of the conservation area. There are views of the tree avenue, monument and the ridge and furrow from Main Street (Section 7.6, V32).

OS13: Several irregularly-shaped enclosures between the gated road and the Welford Road, west of Cottesbrooke

A number of enclosures that make a **significant contribution** to the setting and character of the conservation area. Much of this area contains well-preserved ridge and furrow earthworks, which are visible from within the conservation area from gated road. There are several spinneys which are remnants of those depicted on the 1839 Tithe Map, as are many of the hedged field boundaries, indicating that features within this tract of landscape date back to at least the early 19th century, and probably earlier.

OS14: Two areas of pasture on the northeast side of Welford Road

Two areas of pasture that make a **significant contribution** to the setting and character of the conservation area. These two enclosures lie within the conservation area and the Registered Park and Garden designation. At the southwest end they abut the Welford Road. Adjacent to the road there is a belt of trees called Lodge Spinney because this is the former location of the entrance lodges that now stand in Main Street (Section 7.6, V25). The spinney itself is partially depicted on the 1839 Tithe Map. The looping driveway that ran from Welford Road, around the north side of Cottesbrooke Hall and around to the entrance on its east side, passes through these enclosures and is still clearly visible on aerial photographs¹⁴. Along with Lodges Spinney, it is an important historic feature pertaining to the layout of Cottesbrooke's landscape park.

¹⁴ Google Maps Imagery (2021) [Google Maps](#)

OS15: Two areas of pasture south of the gated road

Two pasture fields on the south side of the gated road that make a **significant contribution** to the character and setting of the conservation area. There are views from the eastern-most enclosure across the conservation area to the south towards Lodges Spinney, which highlights the rising topography (see Section 7.6, V25). Within this area are the earthworks of a monastic grange of possible 12th century date, which is designated as scheduled monument (NHLE 1011383). This area contributes to the peaceful and rural character of the landscape surrounding the conservation area. The monastic earthworks highlight the historic character of the landscape on the fringes of the conservation area.

OS16: An area of pasture north of the gated road and east of Calender Farm

An area of pasture that makes a **significant contribution** to the character and setting of the conservation area. The pasture contributes to the peaceful, rural character of the landscape surrounding the conservation area as it is approached along the gated road. Adjacent to the road the pasture is unenclosed and, coupled with the spinney on its east side, this contributes to the parkland character.

OS17: An area of pasture north of the gated road and west of Haselbech Road

This area of pasture makes a **significant contribution** to the character and setting of the conservation area. It is an area of parkland within the conservation area and contains several

spinneys, which are depicted on the 1839 Tithe Map, as well as a significant number of individual parkland trees. The former driveway to Cottesbrooke Hall passes through this area and is visible as a feature cutting across well-preserved ridge and furrow. Gaps in two tree belts, which historic Ordnance Survey maps suggest were probably created in the late 19th century, afford views southeast along a tree avenue with the hall visible in the distance (Section 7.6, V26). The view would also have been glimpsed by those travelling to and from the hall along the driveway. As such, this area contains features relating to the designed landscape park as well as the earlier, medieval agricultural landscape.

Figure 46: Looking northwest across OS17 from gated road



OS18: Designed gardens at Cottesbrooke Hall

This area forms the southern part of the Registered Park and Garden of Cottesbrooke Hall and includes the 1930s and post-war formerly designed gardens and the two tree avenues that channel views towards the Grade I listed Hall (see Section 7.6, Views 1, 11, 12, 16, 18 and 19). Within this open space there are also several areas of archaeological potential, including medieval ridge and furrow earthworks; medieval settlement earthworks; and probable 17th century garden features. It also includes several small enclosures adjacent to the north side of Station Road that contribute to the dispersed character of the east end of the village.

OS19: Landscape park at Cottesbrooke Hall

This is a large area north of Cottesbrooke Hall that also forms part of the Registered Park and Garden. Within it there are parkland trees and a number of spinneys and tree belts, some of which were part of formal promenade routes established in the 18th century. The space north of the hall contains ridge and furrow earthworks, demonstrating the agricultural land use prior to the creation of the park. The late 18th century driveway also passes through this area. There are many views across this area from within the conservation area, the byway on its east side and Haselbech Lane (for typical views see Section 7.6, Views 15, 26, 27 and Figure 47 below).

Figure 47: Looking into the park from the east



OS20: Small area of enclosed pasture at north end of Main Street

This small area of pasture makes a **significant contribution** to the character and setting of the conservation area. Situated at the north end of Main Street, the pasture lies between the road and the Registered Park and Garden of Cottesbrooke Hall. It therefore contributes to the peaceful character of the gardens, particularly the Wild Garden next to which it is situated. The open space enables views across it to the Wild Garden and the variety of trees within it. It also contributes to the rural character of the village with its hedgerow boundary and mature trees. Within the enclosure there are ridge and furrow earthworks which contribute to

knowledge of the early morphology of the village in relation to the system of open field agriculture.

Figure 48: OS20-Pasture at the north end of Main Street



OS21: Area of pasture adjacent to Haselbech Lane

An area of pasture that makes a **significant contribution** to the character and setting of the conservation area. There are well-preserved ridge and furrow earthworks in this area, indicating the former open field system that existed in this area. The open character of this parcel of land allows views towards the parkland and several of the spinneys and tree belts, and highlights the verdant character of the conservation area.

Figure 49: OS21-Pasture adjacent to Haselbech Lane



OS22: Small arable enclosure on west side of byway

A small enclosure that makes a **significant contribution** to the character and setting of the conservation area. The openness of this parcel of land enables views back towards the conservation area and in particular across parkland to an avenue of trees (see Section 7.6, V27). The view highlights the parkland character of the conservation area as well as some of the more designed aspects of the landscape. This open space also contributes to the tranquil, rural character of the area.

OS23: An area of pasture at the southeast corner of the conservation area

This area of pasture makes a **significant contribution** to the character and setting of the conservation area. To the west of this field, and within the conservation area, there is an avenue of trees that runs from the lawn in on the southeast side of Cottesbrooke Hall to the southeast. The avenue continues outside of the conservation area into this field and it therefore contributes to the character of the designed landscape (see Section 7.6, V17).

OS24: Mitley Spinney and Homeground Spinney

An area of woodland that makes a **significant** contribution to the character and setting of the conservation area. Formerly three separate spinneys, one unnamed and Mitley Spinney and Homeground Spinney, tree cover has subsequently increased, forming a single wooded area. Although it is thought that the area of the park was not extended in the late 18th century,¹⁵ it does appear from Bartholomew's 1897 map that these spinneys were included within the park at some point in the 19th century (see Figure 26). Within the unnamed spinney situated between the two there was a building called Moss Hall Lodge, which is depicted on the 1839 Tithe Map, and presumably associated with Moss Hall, a folly which was situated to the south within Moss Hall Spinney. Modern Ordnance Survey mapping shows that a building still exists on the same footprint as Moss Hall Lodge. The spinney itself is a prominent feature in the landscape. Situated on elevated ground at a height of 155m OD it is visible in views looking north from

Cottesbrooke Hall (Section 7.6, V15) as well as on the approach to the conservation area along the lane from Haselbech (Section 7.6, V29). It is a feature of the 19th century park.

Figure 50: OS23



OS25: An area of pasture to the east of Creaton Lane

An area of pasture divided in to two enclosures east of Creaton Lane and south of Station Road that make a **moderate contribution** to the setting and character of the conservation area. There are views from Station Road to this area of open space, with OS4 in the foreground, which enhance the rural, peaceful

¹⁵ National Heritage List for England [COTTESBROOKE HALL, Cottesbrooke - 1001028 | Historic England](https://www.gov.uk/whodata/1001028)

character of the conservation area. The open space is also important for this same reason on the approach to Cottesbrooke along Creton Lane.

OS25: An area of pasture to the rear of Home Farm

An area of pasture to the rear of Home Farm that makes a **moderate contribution** to the character and setting of the conservation area. Its current land use as an area of pasture enhances the peaceful, rural character of the conservation area and the surrounding landscape.

Figure 51: OS25 in the middle distance



OS26: An area of pasture south of the gated road

This area of pasture makes a **moderate contribution** to the character and setting of the conservation area. It enhances the rural setting of the conservation area as it is approached along the gated road.

OS27: An agricultural field on the northeast side of the Welford Road

An enclosed field that makes a **moderate contribution** to the character and setting of the conservation area, which lies to its southeast side. The field contributes to the rural character of the conservation area and the surrounding landscape.

OS28: An agricultural field on the southeast side of the gated road towards Naseby

This enclosed field makes a **moderate contribution** to the character and setting of the conservation area. It contributes to the tranquil atmosphere of the area and its remote character. A belt of trees along its northeast edge contributes to the verdant character the landscape within and surrounding the conservation area.

OS29: Two agricultural fields west of Haselbech Lane

Two agricultural fields, the southern-most is unenclosed adjacent to the road, which make a **moderate contribution** to the character and setting of the conservation area. The fields contribute to the peaceful rural character of the area as the conservation area is approached along Haselbech Lane and along the gated road from Naseby.

OS30: Two large agricultural fields at the north end of the conservation area

These two agricultural fields make a **moderate contribution** to the character and setting of the conservation area. Within this area there is large spinney that is visible from various locations within the conservation area (see Section 7.6, View 15) and reflects the character of the parkland within the conservation area. The agricultural land use in these two fields contributes to the tranquil and rural atmosphere of the conservation area.

OS31: An agricultural field east of Rickleboro Hill Spinney

An agricultural field that makes a **moderate contribution** to the character and setting of the conservation area. The agricultural land use of this particular enclosure contributes to the peaceful, rural character of the conservation area.

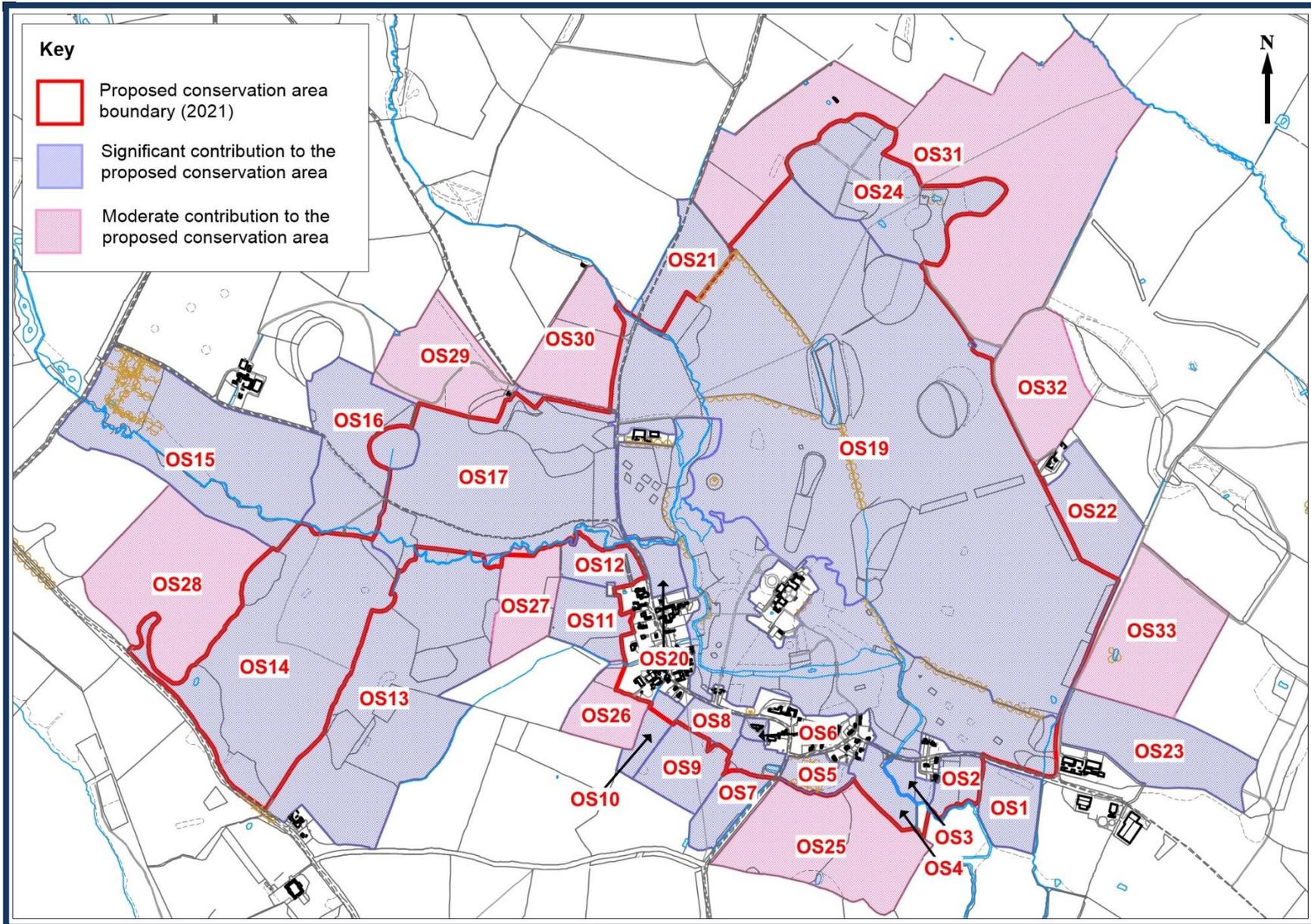
OS32: An agricultural field east of byway

An agricultural field that makes a **moderate contribution** to the character and setting of the conservation area. The peaceful, rural character of the conservation area, which is situated immediately west of this field, is enhanced by this agricultural field.

Figure 52: OS31 in the middle distance



Figure 53: Map showing the open space analysis for Cottesbrooke



7.8 Public Realm and Other Features of Value

The public realm can be defined as the space around and between buildings that are publicly accessible, including streets and open spaces. In addition to the public realm having the potential to contribute to the character, appearance and amenity of the conservation area, it often includes specific features that also make a contribution and should be retained. Positive aspects of the public realm and features of value within the Cottesbrooke Conservation Area include the following:

- The painted timber way marker posts at the junction of Station Road and Main Street; and the junction of Main Street and the gated road to Guilsborough. They contribute to the historic and rural character of the village. In many other historic villages throughout the Daventry area these have been replaced with modern aluminium signposts
- The K6 telephone box in Main Street
- The 'Beware of Cattle' sign opposite the farmyard, Main Street
- Roadside verges that are not delineated by kerb stones contribute to the rural character of the village
- The letter box in Main Street, which dates to the reign of Queen Victoria.
- There is no street lighting and very little signage in Cottesbrooke village, which contributes to its rural character.



Figure 54: Clockwise from top left, the K6 telephone kiosk in Main Street; Victorian post box in Main Street; way marker sign at the junction of Main Street and the gated road to Guilsborough; historic signage in Main Street.

8 Architectural Character

Architectural form is a key aspect of the character and appearance of the conservation area. Set out below is a summary of building types and materials; including the characteristics of the form of the built environment within the conservation area; and pictorial examples of common materials, form and detailing, set out in the “palette” (see Section 8.4).

8.1 Building Types and Materials

Cottesbrooke’s historic buildings date largely to between the 17th and 19th centuries with the exception of All Saints Church, which dates from the late 13th century, although it underwent some alterations during the 18th century.

Most of Cottesbrooke’s historic buildings are in residential use and have a strong vernacular character. The majority are constructed from honey-coloured squared ironstone or ironstone rubble, including some of the more recent developments, and this gives the village its coherent character. There is also some use of red brick, particularly at the south end of Main Street. Examples include Home Farmhouse and the long boundary wall between nos. 27 and 30. Elsewhere in the conservation area, features such as chimneys and some later alterations also use red brick. The 19th century brickworks a short distance away on the edge of Creaton may have supplied at least some of the materials. A small number of buildings have either been painted white or have been rendered but this type

of finish on the exterior of buildings is not a strong characteristic of the conservation area.

Several high-status buildings within the village stand out due to their larger scale, detailing and positioning, for example The Grange, The Old Rectory and Court End. All three buildings display architectural detailing including stone coping on the gables and stone kneelers (see Section 8.4, photograph X). Both Court End and The Grange have stone mullion windows, the former with stone hood molding above and the latter with a molded stone string course between the ground and first floors. The entrance to The Old Rectory has a Gibbs surround, characterised by stone blocks of alternate sizes and a key stone above. The Georgian sash windows also have key stones that stand proud of the stone lintels. At Court End, the entrance to the building on Main Street has a Classical surround with pilasters supporting a molded cornice, below which there is an arched door opening with a keystone above. All three buildings stand in generous plots of land and The Grange and The Old Rectory are set back from the street frontage.

Cottesbrooke Hall is, of course, another high-status building on a level above that of any other building within the conservation area in terms of its architectural detailing and decorative elements. It is built of red brick with ashlar dressings. Giant pilasters with Corinthian capitals support entablature with cornices breaking forward above the capitals of each pilaster. Above there is a parapet of alternating plain and balustraded panels with urns above the pilasters. The central doorway in the south elevation has pillars

supporting entablature and a scrolled, broken pediment that is decorated with florets and foliage.

Elsewhere in the conservation area vernacular buildings display simple detailing. A number of buildings have timber lintels above doors and windows but there are also examples of flat segmental lintels in brick and stone; flat stone lintels with key stones; and chamfered stone lintels. These lintel types are usually seen above sash windows.

There is a variety of window styles within the conservation area. Timber casement windows are the most common type throughout the conservation area and they tend to be painted white. There are also examples of Georgian and Victorian timber sash windows, for example, at The Old Rectory, Home Farm and Court End in Main Street, Home Farm in Station Road, and Cottesbrooke Hall and its lodge buildings. Like sash windows, stone mullion windows are less common but they can be seen at 1-5 The Old School Cottages (Grade II listed) in Station Road, and The Grange and Court End in Main Street. A number of properties have dormer or half-dormer windows. At Cottesbrooke Hall and The Old Rectory they have arched dormer windows.

The influence of the Cottesbrooke estate on local architectural character is most apparent in the types of doors that are in use in parts of the conservation area. There are two main types of door; a solid timber door with a slight recess that has a five-point arch at the top and battens running vertically from top to bottom; and a timber panelled door that has a window above, usually divided by

narrow glazing bars into six lights. These doors are painted in the estate colour of dark green. A significant number of cottages throughout the conservation area also have timber, shallow-pitched canopy porches above the main entrance door, again painted dark green. The consistent use of door and porch materials, styles and colour adds to the impression of the village's association with Cottesbrooke Hall.

Roofing materials vary throughout the conservation area. A number of the older, vernacular buildings have thatched roofs, there being six buildings in Station Road which are 1-2 and 2-4, 7, 8, 11, 12. In Main Street nos. 21, 21, 23, Myrtle Cottage and no. 32 are all thatched. Other historic buildings have either roofs of Welsh slates or clay tiles.

Chimneys in the conservation area are usually positioned at the apex of the roof. There are examples of both brick and stone chimneys. Some brick chimneys display decorative brickwork using blue, red and London brick to create patterns, for example at 23 Main Street. Other decorative features of chimneys in the conservation area include chamfering and stepped cornices. The stone chimneys of The Grange are particularly distinctive, being tall, grouped in threes and being set at a 45-degree angle to axis of the building. The chimney of The Old Forge building in Main Street is also distinctive, its height and tapering form suggesting that the building formerly had a non-domestic use.

Although Langham Lodge and 1-3 Langham Cottages incorporate particular detailing that can be seen in historic buildings in the

conservation area, on the whole they do not conform to the overall character of the conservation area. Nos. 1-3 Langham Cottages have eyebrow dormers and stone lintels above windows. Langham Lodge has a string course in brick between the ground and first floor, sash windows and classical entablature and a triangular pediment above the front entrance. These are features that can be seen on some of the village's historic buildings. However, this group of buildings is constructed from buff brick and the cul-de-sac in which they are located has an open, unenclosed character that is in contrast to the enclosed character of Main Street where most buildings are located adjacent to the highway.

In addition to the domestic architecture of the village, Cottesbrooke also has a number of buildings formerly connected to commercial or other non-domestic uses, some of which have been converted to residential or other uses. They make a valuable contribution to the character of the conservation area for the visual interest they add given their varied appearance and retention of original architectural features, for example original plan form, window and door openings. In addition, they add to the historic interest of the conservation area for the information they hold about how the village has developed over time. These buildings include:

- Estate offices in Main Street
- The former forge building in Main Street
- The former estate stables at the north end of Main Street.

Figure 55: Cottesbrooke estate stables in Main Street (Source: Geograph © Ian Rob)



Figure 56: Former forge building, Main Street



Figure 57: Vernacular buildings in Cottesbrooke, typical of materials, detailing and scale



8.2 Scale and Massing

The majority of historic buildings are of modest size and are single-storey with attics, meaning that many have gabled dormers or eyebrow dormers. The exceptions are 1-5 The Old School Cottages in Station Road, East and West Lodge and the former forge building in Main Street, which are single-storey buildings. The higher status buildings tend to be significantly larger in plan and are of two storeys, with The Old Rectory and The Grange also utilising the attic space and having dormer windows. 20th century buildings tend to be of two storeys.

There is quite a contrast between the east and west halves of the village in terms of massing of buildings. In the east, along Station Road and the very east end of Main Street, buildings are either detached or semi-detached. With the exception of five cottages in the area of The Nook, buildings are set back from the street frontage. Along Station Road clusters of buildings are separated by small, enclosed areas of pasture which, especially on the south side of the road, enable views out to the open countryside and parkland. This creates a loose-knit, spacious character. The large open spaces of the recreation ground and the churchyard, as well as the larger property plot sizes of The Grange, The Old Rectory and the Old Rectory Cottage also contribute to the impression of space.

This contrasts with the area of Main Street that lies west of the Lodges to Cottesbrooke Hall. Here buildings are generally more densely massed. Again, the majority of buildings are detached or semi-detached. A significant proportion of them are situated gable-end-on to the street, which is partly accounted for by the fact that

in several groups of buildings are arranged around central yards. Examples include the estate buildings at the south of Main Street and the former stables at the north end.

At the south end of the street there is a grouping of buildings that is situated immediately adjacent to the highway and this creates a densely-massed and enclosed atmosphere. This is compounded in this area by the fact that there are other groups of buildings situated behind those on the street frontage, the Cottesbrooke

Figure 58: Loose-knit settlement pattern in Station Road



estate offices on the east side of the road and agricultural buildings of Home Farm on the west side. Ironstone and brick walls between

Figure 59: Building in Main Street situated gable end-on to the road and linked by stone boundary walls



Figure 60: Densely massed buildings in Main Street



buildings, especially on the east side of Main Street create a continuous building line and contribute to the enclosed character along Main Street. This denser massing of buildings prevents views out towards the countryside on the west side of the street.

An exception to the more densely massed character of Main Street is the area in which Langham Lodge and Langham Cottages are located. The buildings are situated in a cul-de-sac situated off Main Street, which disrupts the linear character of the street. Within the cul-de-sac there are no boundaries separating front garden space from the road and this gives it a spacious atmosphere.

Figure 61: Langham Cottages surrounded by unenclosed green space



8.3 Boundary Treatments

There are several types of boundary treatment within the conservation area that make a significant contribution to its character. These are mapped in Figures 67 to 69.

Hedges are prevalent throughout the conservation area, both within the village and throughout the landscape park. Those within the village line the lanes and also form the boundaries to some properties. They help to soften the built environment and contribute to the rural character of the conservation area. Several hedgerows are depicted as boundaries on the 1628 Map of the East End of Cottesbrooke and may pre-date the enclosure of the open fields. These are shown in Figure 69. Under the 1997 Hedgerow Regulations they meet the criteria to be classed as 'important hedgerows', meaning that prior notification must be given to West Northamptonshire Council's Planning Department in advance of their removal either in part or in whole. A number of other hedged boundaries are depicted on the 1839 Cottesbrooke Tithe Map.

Boundary walls of both ironstone and red brick also feature in the conservation area, particularly in the built-up section of Main Street. Wall height varies throughout the village. Whilst most boundaries along Station Road are formed by hedges, there are also several important walls, for example the tall ironstone wall that starts at the Old School Cottages and continues west towards the junction with Main Street.

Figure 62: Hedged boundaries along Main Street



Figure 63: Hedge marking property boundary in Station Road



Boundary walls are more prevalent in Main Street, especially on the east side of the road, and there is a greater use of red brick. Both in Station Road and Main Street, long stretches of boundary walls create a sense of enclosure and have the effect of channelling views along the lanes

Within the grounds of Cottesbrooke Hall there are a number of important walls, for example those that flank the entrance at the north end of The Nook, and those which enclose the former kitchen garden and greenhouses. There are glimpsed views of these walls from Station Road. A number of the walls within the designed gardens surrounding Cottesbrooke Hall are Grade II listed and are important in creating a series of garden 'rooms'.

The third type of boundary treatment that can be seen within the conservation area is estate fencing formed from horizontal metal rails, which are black in colour. It is used in various locations, including the north side of Station Road, at 7 Station Road, at The Grange and the Old Rectory in Main Street, and along the lane leading to Haselbech. It contributes to the character of the parkland and where it is used within the built environment it provides that sense of the link between properties in the village and the Cottesbrooke estate.

Figure 64: Ironstone wall forming the boundary to the Old School Cottages, Station Road



Figure 65: Red brick boundary wall in Main Street



Figure 66: Estate fencing in Station Road



Figure 67: Significant boundary treatments in the conservation area

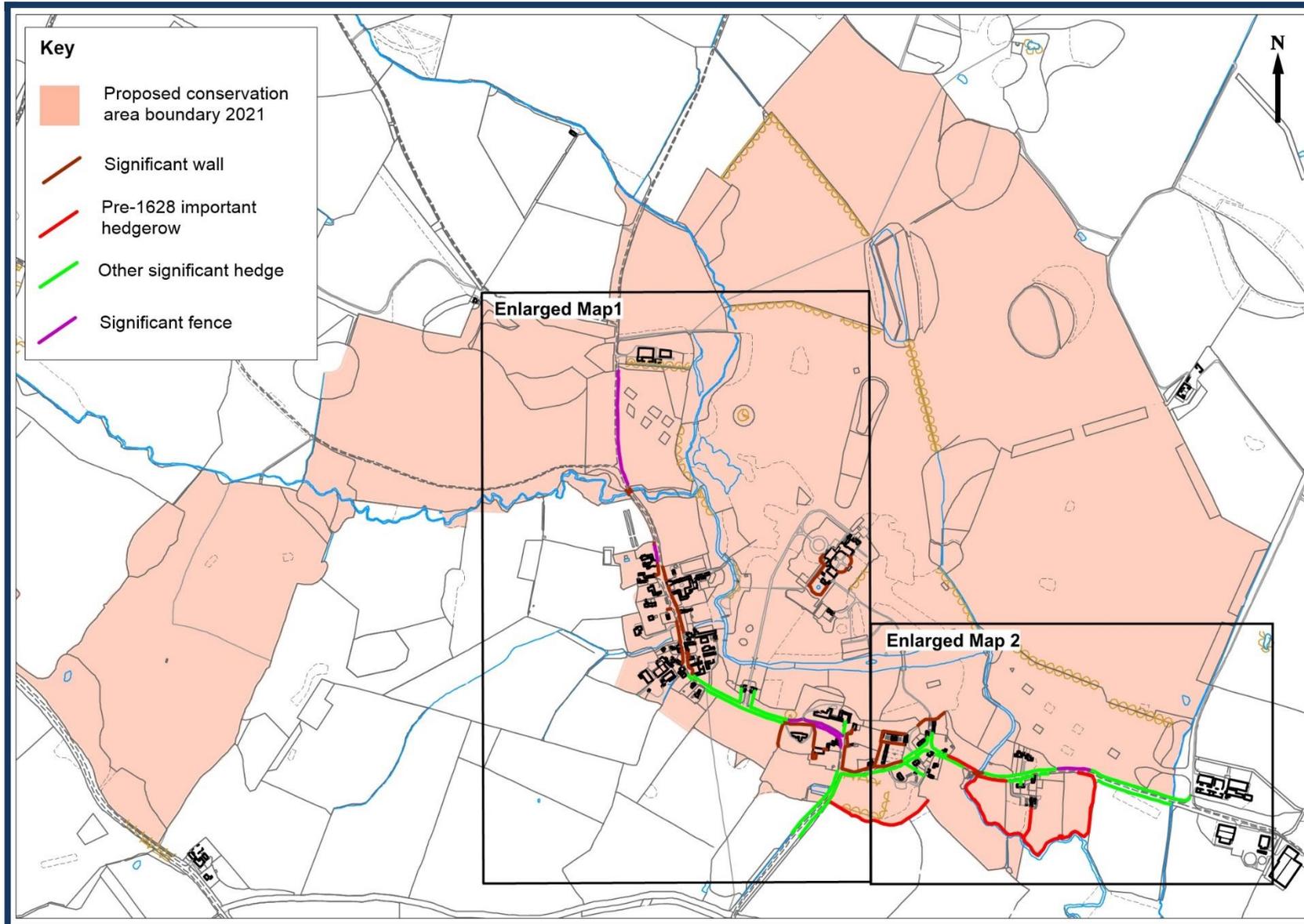


Figure 68: Significant walls, hedges and fences within the conservation area (enlarged map of the west side of Cottesbrooke)

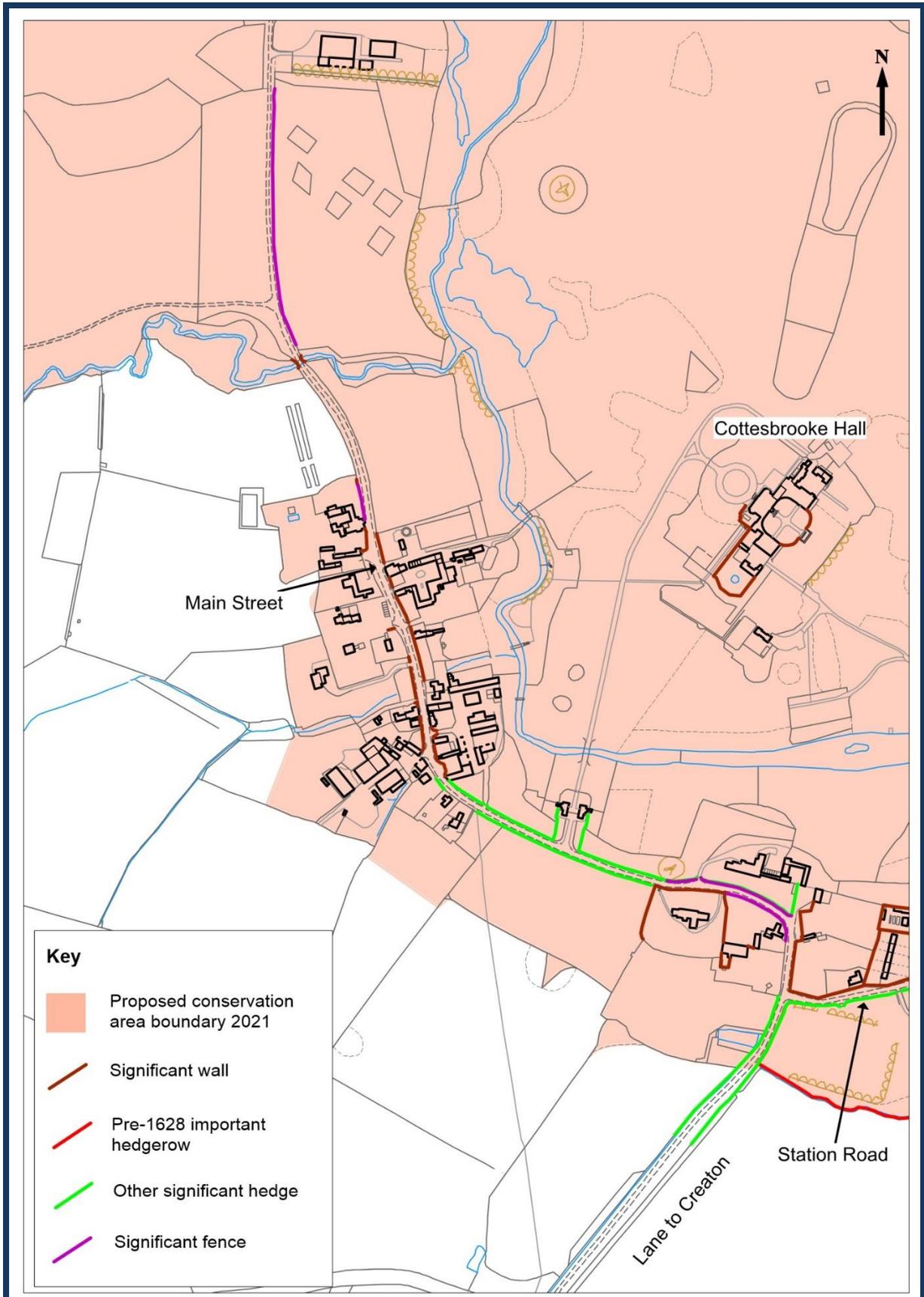
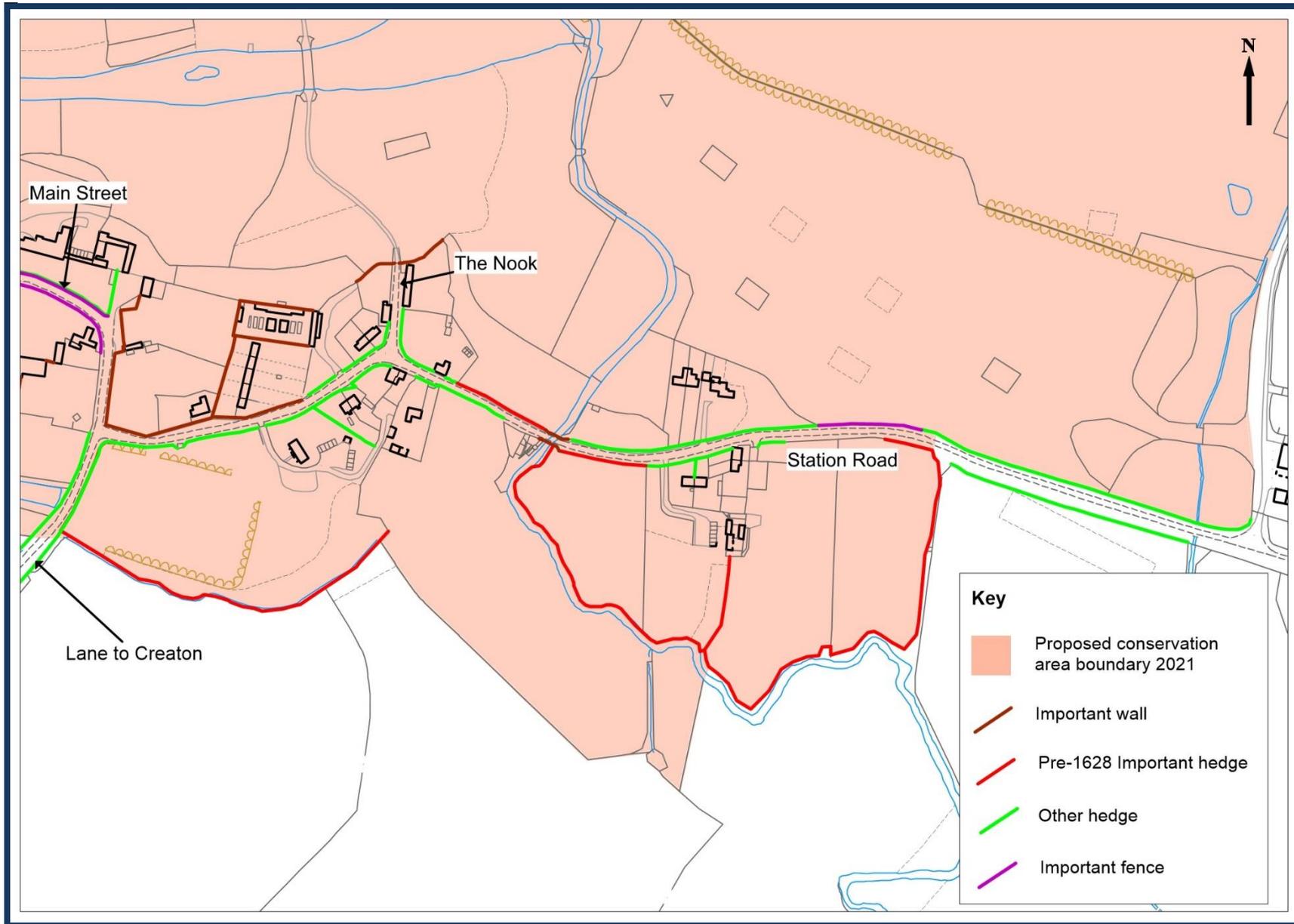


Figure 69: Significant walls, hedges and fences within the conservation area (enlarged map of the east side of Cottesbrooke)



8.4 Palette

Figure 70: A selection of images showing typical materials, surfaces, boundary treatments and fixtures which form a representative palette within the Cottesbrooke Conservation Area.







8.5 Loss of Character

Incremental alterations to historic buildings and the public realm, or larger scale development within a conservation area, can have a detrimental effect on its historic character and integrity.

In the Cottesbrooke Conservation Area there are some instances where alterations or development have resulted in a loss of character. There are a small number of examples where historic timber or metal window frames have been replaced with uPVC frames. This is detrimental to the visual appearance of historic buildings and the wider street scene because the style of window is often not in keeping with the date of the building and uPVC windows usually have thick frames. Replacement with uPVC frames also equates to a loss of the building's historic fabric. This is also true of changes to lintels and sills and there are examples throughout the conservation area where the original lintels, particularly above windows, appear to have been replaced by substantial stone or concrete lintels.

Not only can the replacement of building fabric have a detrimental effect on historic character but additions to buildings can also have this effect. In Cottesbrooke a small number of buildings have been wholly or partly rendered or painted, obscuring characteristic building materials such as orange/red brick or ironstone as well as detailing, particularly around door and window openings. The addition of features such as satellite dishes also detract from the

historic character of individual buildings. These changes detract from views of individual buildings and the street scene as a whole.

A feature of Cottesbrooke Conservation Area are the substantial boundary walls, usually built of ironstone, boundary hedges and estate fencing. In several locations in Main Street these types of boundary treatment have been removed and replaced with timber fencing that does not complement the rural and historic character of the village and interrupts the coherent views along its lanes.

9 Design Guidance

Advice should always be sought from West Northamptonshire Council before commencing any works. The following policies set out key design principles. A Design Guide for Northamptonshire has been produced by CPRE which provides useful advice¹⁶.

9.1 Alterations and Extensions

There will be a presumption against proposals for alterations and extensions which adversely affect the character of the conservation area or its setting. Alterations and extensions should be sympathetic to the character of the building in terms of proportions, scale, materials, and detailing. New development, including extensions, should respect the appropriate pattern of historic plot formation.

9.2 Scale

Additions to existing buildings or new development will generally not exceed two storeys, and the ridge line should respect the ridge line of adjacent buildings.

Ridge lines are typically varied across the conservation area, and new development should seek to be sympathetic to this style. Due to the importance of the continuous built frontage along parts of Main Street, new development and alterations should not affect the established building line, nor create gaps where previously there were buildings or walls. Especially along Main Street the

positioning of buildings relative to the road is varied but on the east side of the road in particular many of the buildings are arranged at an angle or gable-end-on to the road. In some cases buildings are positioned adjacent to the street frontage. In Station Road, buildings tend to be set back from the street frontage. New development should respect this and, where possible, seek to replicate these variations in order to reflect this aspect of the conservation area's spatial character.

New development should not impede important views through, from or towards the conservation area, including those of All Saints Church and Cottesbrooke Hall.

9.3 Materials

A variety of materials, such as ironstone, red brick, thatch, Welsh slate and clay tiles greatly contribute to the area's character and development must be sensitively designed with this in mind.

Many properties within the Cottesbrooke Conservation Area are built using ironstone but the use of red brick also features, especially along parts of Main Street and at Cottesbrooke Hall and within its grounds. See Section 8.4, photographs J - O for examples of typical materials used within the conservation area.

Rendering and painting of external walls can detract from the visual amenity and uniformity of the street scenes and should be avoided. Exterior walls should not be clad, painted or rendered.

¹⁶ <https://www.cprenorthants.org.uk/media/pdf/cpre-ncdg.pdf>

Masonry paints are often not acceptable for use on buildings which pre-date 1919 as they can have a damaging effect on stone and brickwork. In these cases it is more appropriate to use a lime-based render or lime wash.

Pointing on historic buildings should be subservient and done using an appropriate grade of lime mortar, avoiding ribbon or strap style.

9.4 Detailing

Some of the vernacular historic buildings in Cottesbrooke incorporate timber lintels over windows and doors, usually painted white or black (see Section 8.4, photograph D). Other buildings have flat segmental lintels with key stones (photograph N), brick flat segmental lintels (photograph G) or chamfered stone lintels (photograph H).

More elaborate detailing is usually reserved for the larger, higher status buildings. The Grange has a stone string course between the ground and first floors, Court End has stone hood moulding above some of the windows and both buildings, along with several others throughout the conservation area, have stone coping on the gable ends and stone kneelers (photograph X). The entrance to Court End off Main Street displays classical door entablature (photograph R).

The features mentioned above contribute to the character of Cottesbrooke and should be retained. Architectural detailing is reserved for buildings of higher status and the majority of buildings within the conservation area are built in a modest, vernacular style. New development should use appropriate designs in order to be

sympathetic to the existing form within the conservation area with the careful use of detailing according to status.

9.5 Windows

The majority of historic window styles within the conservation area are casement windows with narrow glazing bars. There are also some examples of Georgian and Victorian sash windows. Georgian sash windows can be seen, for example, at Cottesbrooke Hall, The Old Rectory, the East and West Lodges and Home Farm (photographs A, F and G). Examples of Victorian sash windows can be seen at Court End (photograph H). The stone mullion window is also a style that can be seen in the conservation area, including at Court End, The Grange and The Old School Cottages (photograph C). These different styles enhance the historic character of the individual buildings and aid interpretation of Cottesbrooke's architectural development.

Traditional windows and window openings should be retained, maintained and repaired as far as possible. Dormer windows and roof lights are generally not acceptable on the front elevations of historic properties and if used on rear elevations should be designed so that they are in proportion with the building and do not dominate the roof slope. Roof lights should be fitted flush to the roof line. Simple eyebrow detailing should be used in situations accommodating thatch.

If replacement of traditional windows is necessary, they should be:

- Sensitive to the original style

- Generally, either timber sash or metal or timber double casement
- If painted, window frames should be either white or where possible a relevant sensitive colour based on the originals
- Original brick, stone and timber lintels should be retained and every care taken not to damage them if the windows are being replaced and segmental arches should not be replaced with flat lintels
- If it is necessary to replace lintels, replacements should be like-for-like in terms of their design and materials
- UPVC is generally not an appropriate material for use in an historic property.

9.6 Doors and Porches

Traditional doors within the conservation area are of timber and are of a type with panelling on the lower half with window lights in the upper half (photograph S). There are also some examples of solid timber panelled doors (photographs P, R). Most doors are painted the dark green colour of the Cottesbrooke Estate. One exception to the typical door style is the solid timber panelled door on the northwest elevation of Cottesbrooke Hall, which has a decorative window above (photograph Q). There are several examples of properties within the conservation area that have door surrounds with classical entablature but these are reserved for the higher status buildings.

Shallow-pitched canopy porches are prevalent amongst vernacular buildings (photograph S). Examples include 13, 14 and 15 Station Road and 32 Main Street.

Former non-domestic buildings, such as the old forge in Main Street, have a variety of door openings including wide openings with substantial lintels above. They add to the agricultural and/or non-domestic character of buildings and should be retained.

There will be a presumption against uPVC as a material for doors. Porches should not detract from or overwhelm the visual amenity of the relevant building elevation or the uniformity of the street scene, and be appropriately proportioned and scaled.

9.7 Roofing

Historic photographs show a significant number of buildings were previously thatched and eleven buildings have retained thatched roofs. In Station Road these are 1-2 and 2-4, 7, 8, 11, 12. In Main Street nos. 21, 21, 23, Myrtle Cottage and no. 32 are all thatched. Other historic buildings have either roofs of Welsh slates or clay tiles (see Section 8.4, photographs L-O for typical roofing materials). Welsh slate has a distinctive quality and finish. It has a matt surface and a muted grey colouring with blue and/or purple tones. Alternatives often have a darker grey/black colour and a shiny finish, which results in a very different appearance. Traditional roofing materials such as Welsh slate, thatch and clay tiles should be retained wherever possible. Replacement of thatch with an alternative material is also generally not acceptable.

Ridgelines should be carefully designed so as not to obscure views of historic buildings or surrounding countryside. Modern development should seek to sit subservient to historic properties rather than dominating them.

9.8 Setting

There will be a presumption against developments which negatively affect the setting of the conservation area, particularly if they affect views into, out of and through the conservation area.

Cottesbrooke's location within a shallow valley with undulating topography to its southwest and northeast provides long panoramic views through and out from the conservation area to the parkland of Cottesbrooke Hall and the surrounding open countryside. These views are made possible by open spaces on the south side of Main Street and both north and south of Station Road. Elsewhere, the unenclosed character of the lanes running east and north from the village also enable long views. There are several locations from which Cottesbrooke Hall is viewed along avenues of trees and the church spire of All Saints Brixworth is also visible.

Where possible, the open spaces that enable these views and the wider rural setting of the village should be retained. Development should not detract from the built form of the village or from both long and short views of key buildings.

The conservation area is well furnished with trees of differing varieties, including parkland trees and those which form avenues leading to and from Cottesbrooke Hall. They contribute to the amenity of the village and its rural character as well as the

character of the designed landscape park. Important trees should be replaced where felling takes place, so as to conserve the green setting and amenity of the conservation area.

9.9 Public Realm

The public realm should enhance the character of the conservation area. Signage and street furniture should not detract from the visual amenity of the street scape; their design should be sympathetic and number kept to a minimum in order to avoid clutter whilst properly taking account of public safety.

Public realm features that make a positive contribution to the character and amenity of the conservation area should be maintained. In Cottesbrooke this includes the K6 telephone kiosk and the wall mounted letterbox in Main Street, the 'Beware of Cattle' sign in Main Street, the way markers in Main Street and at the junction with the gated road, and the bus shelter in Station Road. Minimal signage within the village is also a positive characteristic that should be maintained.

Satellite dishes should not be placed on the principal elevations of buildings, as they serve to detract from the visual amenity of the conservation area. Furthermore, external wiring should not be taken across the frontage of a building; or, where unavoidable, should be consolidated and kept tidy so as not to affect the visual amenity of the building or streetscape.

Any new development should seek to ensure that measures are taken so that large waste bins are not visible to the street, including back land.

There are wide grass verges throughout much of the conservation area and most of these are not delineated by kerb stones, which gives them an informal character and this contributes to the rural character of the village. Formalising the edges of grass verges within the conservation area with kerb stones should be resisted.

9.10 Future Development

Any future development should aim to enhance the character of the conservation area.

Any new built form should be concentrated within the existing village. It should balance current highway standards with the historic character of the conservation area with regards to road widths, the number and widths of pavements, surfacing, street lighting and signage.

Unless there are opportunities for the sympathetic re-use of existing buildings, for example traditional/historic buildings, new development in the open countryside should be avoided. Should there be reuse of traditional/historic buildings, careful consideration must be given to issues such as vehicular and pedestrian access and the urbanising influence of highway requirements.

Any new built form should be small-scale and incorporate a mix of building types i.e. detached and semi-detached, to reflect the variety seen in the historic areas of Cottesbrooke. Buildings and their layout should be designed in such a way as to create varied rooflines. Where appropriate, the continuous building line that is a feature of the east side of Main Street should be emulated by building boundary walls adjacent to the street frontage.

Future development should respect the plot size, layout and building alignments that characterise the particular part of the conservation area where development is proposed. For example, in High Street plots tend to be relatively small and of irregular shape in Station Road. In Main Street many of the buildings are constructed gable end-on to the street and a significant number are situated immediately adjacent to the footway. In contrast, along Station Road buildings are set back from the street frontage with hedged boundaries.

Individual buildings should be designed to reflect the building materials and detailing evident within the conservation area, for example, timber lintels, brick flat-top segmental lintels or stone flat lintels and sills; the use of ironstone or brick for individual buildings; appropriately designed doors, door surrounds, windows and porches. Roof materials should closely match either Welsh slate or clay roof tiles, which are the predominant roofing materials in the conservation area.

Development which involves below-ground excavation should have regard to the potential for remains of archaeological interest. Professional advice should be sought and appropriate assessment undertaken to assess the extent and significance of any remains which may be affected by proposals.

10 Opportunities for Enhancement

10.1 Local List

Certain buildings, structures and sites make a particularly positive contribution to the character and appearance of the conservation area or its setting, and are therefore worthy of recognition in the planning process.

In response to this, West Northamptonshire Council is producing a "Local List" of locally special buildings, structures or sites, which provides those assets included on the list with appropriate consideration. The Local List differs from statutory "Listed Buildings" in that an asset's inclusion on the Local List does not confer any further planning controls. Rather, being included on the Local List provides weight to the asset's retention, should it be at risk.

Local List candidates are judged by criteria assessing their age; condition and quality; rarity; group value; and historic associations.

Proposed candidates for the Local List within Cottesbrooke are shown below.

Main Street

A wall-mounted post box dating to the reign of Queen Victoria. It is situated in Main Street and is mounted within a stone wall. It has 'VR' in raised letters above the opening. The letters are separated by a crown motif. The opening has a flap with a

projecting hood above. Wall mounted post boxes first came into use in 1857. This example is still in use today.

The Grange is located in Main Street, almost opposite All Saints Church, set back from the road behind a Yew hedge and is probably of 18th century date. Built from ironstone and with its groups of four tall chimneys, it is an imposing building in this part of Main Street and forms part of a group of high-status buildings in this part of the village, which also includes All Saints Church (Grade I listed) and The Old Rectory (Grade II listed).

Icehouse west of The Grange, probably dating to the 18th century, that served Cottesbrooke Hall. It is depicted on the 1839 Tithe Map as a circular structure surrounded by trees. The large pond shown on the map immediately to the north of the icehouse, which no longer exists, would have provided the ice in the cold winter months and also somewhere for the melt water to drain away to. It comprises a roughly circular earth mound that is now covered in thick vegetation. On its south east side it has a small doorway with a timber plank door and a brick arched lintel above, which presumably leads into the domed chamber of the icehouse. The icehouse is an interesting structure associated with the Grade I listed Cottesbrooke Hall that survived the reconfiguration of the parkland and road re-alignment of the late 19th century, indicating how important it was to the functioning of the hall.

The Old Forge Building is an elongated, single-storey building, probably of early 19th century date, that stands gable-end on to Main Street, directly adjacent to the footway. It stands amongst a group of ironstone buildings at the south end of Main Street and contributes to the close-knit character of buildings in this area due

to its proximity to the footway but it is also a distinctive building due to it being of single-storey height, its hipped roof and its tall brick chimney, indicating that it formerly had a non-domestic use. The cobbled yard surface on its north side contributes to its historic character.

A telephone kiosk of K6 design on the east side of Main Street. These telephone kiosks were designed by Sir Giles Gilbert Scott in 1935 to commemorate the silver jubilee of King George V. It is a good example of a K6 telephone kiosk in good condition that has recently been adopted by the community. It contributes to the historic street scene in Main Street.

32 Main Street is a thatched cottage set back from the road frontage behind a tall hedge, built from coursed ironstone rubble, probably of 18th century date. Unlike many thatched cottages, the roofline has not been altered to accommodate extensions to the height of the walls to incorporate a first floor and the cottage therefore retains its original form and appearance. The cottage is depicted on the 1839 Tithe Map and is probably of 18th century date.

Court End, Main Street is the first building to be encountered as the village is entered from the north and, as such, it creates an impression of grandiosity and high status. It is largely constructed from ironstone with a slate roof but the north range is built in red brick. It has an entrance on its east side directly on to Main Street, leading into a porch, which has an arched doorway with a decorative key stone above. Either side of the doorway there are moulded stone pilasters with rusticated stone bases. A cornice runs between the pilasters above the arched doorway. It appears to be a multi-phase building and different styles of windows, for example

stone mullion windows and Georgian and Victorian sashes, may give some indication of the different periods of various parts of the building. Court End is the first building to be encountered as the village is entered from the north and, as such, it creates an impression of grandiosity and high status. It provides a contrast with the smaller scale vernacular buildings elsewhere in Main Street.

Station Road

11 and 12 (The Nook)

Buildings are depicted on this plot on the 1628 Map of Cottesbrooke (NRO Map/4427) but the present ironstone thatched cottages are probably later replacements, dating to the 18th century. They are located adjacent to the boundary wall and gateway to Cottesbrooke Hall and landscape park. Depicted on the 1839 Tithe Map as divided into four cottages, they now form two dwellings. They are good examples of the 18th century vernacular architecture of the village. They contribute to the historic street scene along The Nook towards the gateway to Cottesbrooke Hall.

Images of local list candidates

Figure 71: Victorian wall-mounted post box in Main Street



Figure 72: The Grange, Main Street



Figure 73: Entrance to icehouse in Main Street



Figure 74: Former forge building in Main Street



Figure 75: K6 telephone kiosk in Main Street



Figure 77: Court End, Main Street



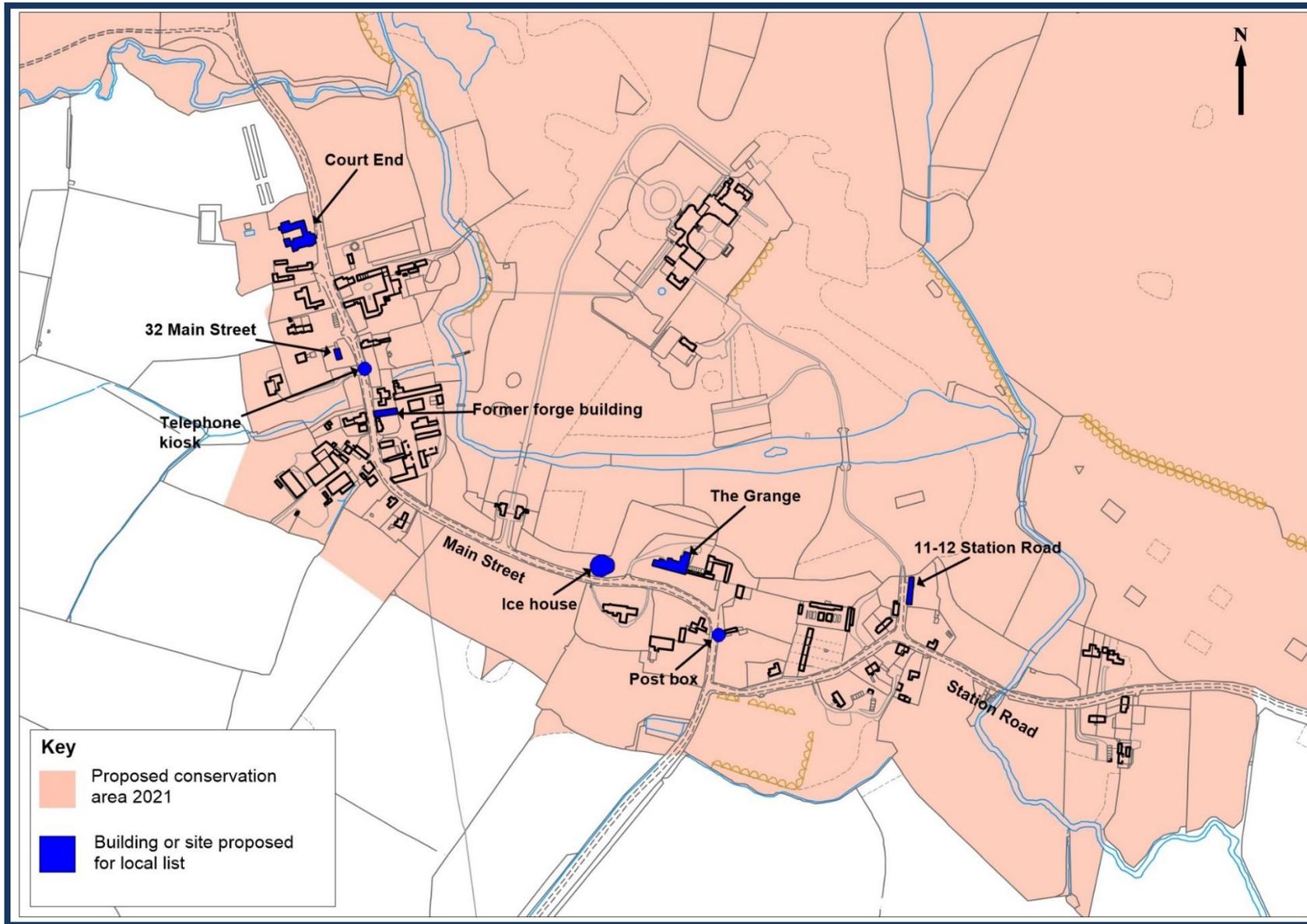
Figure 76: 32 Main Street



Figure 78: 11-12 The Nook



Figure 79: Buildings and sites proposed for local listing in Cottesbrooke



10.2 Article 4 Directions

Certain “permitted development” rights are automatically withdrawn as the result of conservation area designation, meaning that planning permission is normally required to undertake particular works (see Section 2.3). However, many works, such as the replacement of windows, doors or the painting of the exterior of a property are not controlled through conservation area designation and remain permitted development. Over time, these works can have a significant effect on the character and appearance of a conservation area which may cause harm to its special interest. In order to preserve the character of a conservation area the West Northamptonshire Council may choose to remove certain permitted development rights through the placement of an **Article 4 Direction**. The result of an Article 4 Direction is that permitted development rights are withdrawn and planning permission is required to undertake certain works.

The placement of an Article 4 Direction is a separate process to conservation area designation. Certain Article 4 Directions are being explored as the result of this appraisal and are detailed below.

Subject to the outcome of the consultation on this appraisal, detailed proposals will be prepared and further consultation, including directly with the properties concerned, will be undertaken.

Permitted Development Rights to be withdrawn	Location
<p>Alteration or replacement of windows and doors</p> <p>Addition, replacement or removal of porches or canopies</p> <p>Alterations to roofing</p> <p>Painting of exterior walls</p> <p>Construction or demolition of walls, gates or fences</p> <p>Construction, replacement or removal of chimneys</p>	<p><u>Main Street</u> Rectory Cottage, Nos. 1-6 Cottesbrooke Grange, Stable Cottage, No. 22, Home Farmhouse, No. 23, No. 23a, No. 26, No. 27, No. 30, No. 31, No. 32, Rose Cottage, The Stable House, Stable Cottage, Bothy Cottage, Stable Cottage (west side of street), Wren Cottage, Garden Cottage, Cottesbrooke Cottage/Court End</p> <p><u>Station Road</u> Home Farm, No. 5, No. 6, No. 7, No. 8, No. 11, No. 12, No. 13, No. 14, No. 15</p>

10.3 Public Realm Enhancements

Some aspects of the public realm within Cottesbrooke currently detract from the character and appearance of the conservation area and would benefit from sensitive redesign in the future, if possible.

These are as follows:

- Throughout Cottesbrooke village telegraph poles and their overhead lines detract from views of individual buildings and the street scene as a whole, and contribute to street clutter. Should the opportunity arise to replace them with below-ground transmission lines this would enhance the conservation area
- There are some examples within the conservation area of the use of close board fencing. This type of boundary treatment is not in keeping with the character of the conservation area and has a negative effect on the historic street scene. Where possible, the fencing should be removed or replaced with a treatment that is in keeping with the village's historic character.

Figure 80: Telegraph poles and overhead lines in Station Road



Figure 81: Close board fencing in Main Street



10.4 Proposed Boundary Amendments

The current conservation area boundary (designated in 2000) includes Cottesbrooke Hall and the Registered Park and Garden in which it is situated. The village of Cottesbrooke is also included, namely Station Road and Main Street.

The special architectural and historic interest found in the conservation area at the time of its designation in 2000, including examples of vernacular architecture, the historic street pattern and focal point of The Green, and the presence of designated and non-designated heritage assets.

The proposed boundary changes are shown in Figure 82 and 83.

10.4.1 Boundary Amendment 1 (BA1)

On the south side of Station Road, to the east of the playing field, there is an enclosed area of pasture. A portion at the very north end of the enclosure is currently included within the conservation area boundary but the area to the south is not. This particular area contains archaeological earthworks, including small, enclosed crofts, a holloway and ridge and furrow cultivation, which may relate to the medieval settlement. Whilst the holloway and crofts and tofts on its north side are depicted on the 1628 Map of the East End of Cottesbrooke, the other features to its south are not, suggesting that they had already gone out of use by this time and, therefore, are of an early date. Other areas of earthworks relating to the early settlement are currently included within the conservation area so for consistency it is proposed to include this area also.

10.4.2 Boundary Amendment 2 (BA2)

A second area on the south side of Station Road, to the east of 1-2, also has within it an area of archaeological earthworks that may relate to the early settlement of Cottesbrooke, comprising a series of small crofts and an area of ridge and furrow. As with area BA1, the area is depicted as unoccupied on the 1628 map, suggesting it had gone out of use by this date. In line with the approach to other areas of archaeological settlement earthworks, it is proposed to include this area within the conservation area.

10.4.3 Boundary Amendment 3 (BA3)

On the north side of the gated road towards Guilsborough there is a circular spinney whose east half is depicted on the 1839 tithe map. The conservation area boundary (2000) runs through the centre of the circular spinney and it is proposed to include the west half for completeness and to avoid ambiguity about where the boundary lies. The spinney contributes to the verdant character of the parkland.

10.4.4 Boundary Amendment 4 (BA4)

At the most northern edge of the conservation area boundary (2000) there is a wooded area. During the early 19th century it was formed by three spinneys but since then the tree cover has increased, forming a single wooded area. Although it is thought that the area of the park was not extended in the late 18th century,

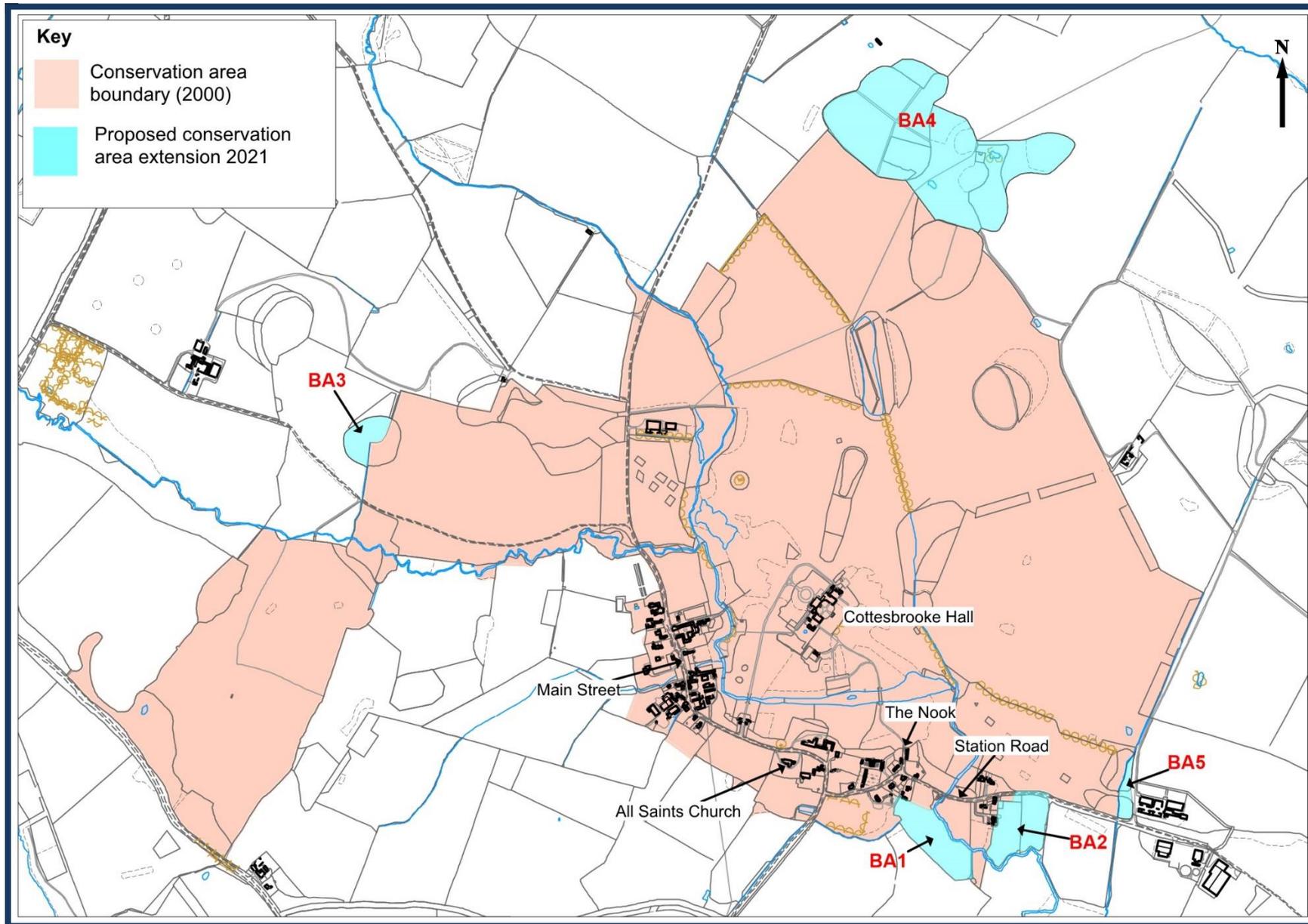
¹⁷, it does appear from Bartholomew's 1897 map that these spinneys were included within the park at some point in the 19th century (see Figure 26). Two of the spinneys were named as Mitley Spinney and Homeground Spinney respectively. Within an unnamed spinney situated between the two there was a building called Moss Hall Lodge, which is depicted on the 1839 Tithe Map, and presumably associated with Moss Hall, a folly which was situated to the south within Moss Hall Spinney. Modern Ordnance Survey mapping shows that a building still exists on the same footprint as Moss Hall Lodge. The spinney itself is a prominent feature in the landscape. Situated on elevated ground at a height of 155m OD it is visible in views looking north from Cottesbrooke Hall (Section 7.6, V15) as well as on the approach to the conservation area along the lane from Haselbech (Section 7.6, V29).

10.4.5 Boundary Amendment 5 (BA5)

At the southeast corner of the conservation area, on the north side of Station Road, there are two small spinneys, which have been in existence since at least the early 19th century and are depicted on the 1839 Cottesbrooke Tithe Map. As such they are a feature of the historic park. In addition, they contribute to the verdant character of the conservation area and screen agricultural buildings that are situated immediately to their east. The current conservation area boundary (2000) runs through both spinneys, thus partially including them. For completeness, and to recognise that they are a feature of the historic parkland, it is proposed to include them in the conservation area in their entirety.

¹⁷ National Heritage List for England [COTTESBROOKE HALL, Cottesbrooke - 1001028 | Historic England](#)

Figure 82: Map showing the current conservation area boundary and proposed extensions



11 Management Plan

Local planning authorities have a duty placed on them under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to draw up and publish proposals for the preservation or enhancement of conservation areas.

Conservation area appraisals undertaken within West Northamptonshire help to identify threats to the character of the conservation area and opportunities for enhancement, which can then be developed into Management Plans which seek to address these issues through recommendations.

The following threats to the character and appearance of Cottesbrooke Conservation Area have been identified through the appraisal. Each threat is accompanied by a recommendation which should be used to guide future management and address key issues.

11.1 Threats and Recommendations

Threat 1: Inappropriate development

Piecemeal and large-scale development, both on the fringes of the village as well as within the conservation area boundary, has the potential to harm the character of the conservation area as well as its setting. Development has led to the erosion of some historic

character, the gradual effect of which is a threat to the general character and appearance of the conservation area.

Recommendation 1: Development proposals should have regard to the established form, scale, design and materials used within the conservation area as highlighted in this appraisal and other planning documents. Development should preserve and enhance the character of the local vernacular.

Development proposals should avoid creating gaps in the continuous building line by setting new development back from the street frontage. This is particularly the case in parts of Main Street.

There are important long views of the surrounding countryside and the Registered Park and Garden of Cottesbrooke Hall from various locations. Views along Cottesbrooke's roads and lanes are also an important contributor to the historic and rural character of the village. Development that interrupts or detracts from these views would be detrimental to the character and amenity of the conservation area and should be resisted.

Threat 2: Threat to the character and appearance of the conservation area through the loss of traditional features of value

The character of Cottesbrooke is greatly enhanced by the presence of traditional architecture and the survival and maintenance of historic features of value, such as its street pattern, historic open spaces, features of the landscape park, vernacular and high-status buildings, which directly contribute to its historic interest and significance. A review of the historic core of the village has

identified some threats to traditional features and historic fabric, such as the replacement of traditional fenestration, loss of original lintels, roofing materials and other detailing (see Section 8.5).

Individual buildings and structures that make a positive contribution through their architectural or social value are also at risk from gradual or wholesale loss. These buildings and structures may be deemed non-designated heritage assets (neither listed nor scheduled); the loss of these assets forms a significant threat to the character and appearance of the conservation area.

Recommendation 2: Development proposals should have regard to the design principles set out in Section 9 of this document in order to preserve the architectural interest of the conservation area. The piecemeal loss of traditional features that contribute to the historic or architectural interest of the conservation area forms a threat to its overall character and appearance and should be discouraged. Through the appraisal process, the council will explore the use of Article 4 Directions which remove permitted development rights, in order to preserve or enhance the character and appearance of the conservation area. See Section 10.2 of the Appraisal for more details.

Work to listed buildings will require consent in most cases.

Heritage assets which make a particular contribution to the character and appearance of the conservation area will be recognised through the Local List. Recognising the contribution made by these assets allows them to be appropriately preserved and re-used, securing their long-term future. The council will seek to adopt and maintain a Local List of local special buildings and

structures for Cottesbrooke. Once adopted a Local List becomes a material consideration in the determination of planning decisions. See Section 10.1 of the Appraisal for more details.

Threat 3: Impact on Trees

Trees make an important contribution to the character of Cottesbrooke. They form an important aspect of views within and towards the conservation area and they are an especially important feature of the Registered Park and Garden of Cottesbrooke Hall. Trees help to soften views of the built environment, they contribute to Cottesbrooke's rural character and avenues of trees within the hall's parkland channel views towards the hall and Brixworth Church. There currently no individual tree preservation orders or tree preservation order areas or Tree Preservation Order Areas within the conservation area. Inappropriate or incremental loss of important trees risks harming the character and setting of the conservation area.

Recommendation 3: Under Section 211 of the Town and Country Planning Act 1990 permissions are required to carry out works to trees over a certain size within a conservation area. This includes topping, lopping, pruning and felling.

Development proposals should have regard for the contribution of trees throughout the conservation area as well as their effect on its setting.

Where individual or groups of trees are considered to be at risk of damage or loss the council will consider of the introduction of a Tree Preservation Order.

Threat 4: Threat to character and appearance of the conservation area through the loss of traditional boundary treatments

Historic boundary treatments of ironstone and brick, as well as hedge boundaries and estate fencing, are a feature of the conservation area and they enhance both the street scene, contributing to their coherence, as well as views of individual buildings. The appraisal has identified examples where historic walls and hedges have been replaced or added to with inappropriate boundary treatments. The loss of historic boundary treatments through either gradual deterioration and/or removal forms a significant threat to the character and appearance of the conservation area.

Recommendation 4: Loss of walls, hedges and estate fencing that has been identified as making a positive contribution to the character and appearance of the conservation area should be avoided.

Historic boundary features should be retained and maintained. Where they have deteriorated they should be repaired with like-for-like materials. Replacement of historic boundary features with inappropriate boundary treatments, for example close board fencing, will not be supported.

Boundary treatments of those properties at the entrances to the conservation area and Cottesbrooke village should retain their rural character.

Threat 5: Impact on archaeology

Cottesbrooke has been inhabited for many centuries. It is recognised that evidence for past occupation may survive as buried archaeological remains within the modern settlement and on its fringes (see Section 7.2).

The area has the potential to yield further archaeology which would enhance our understanding of its development and the development of the wider landscape. Development proposals have the potential to have a detrimental impact on these remains, which forms a threat to the historic interest and subsequent character and appearance of the conservation area.

Recommendation 5: Development which involves below-ground excavation should have regard to the potential for remains of archaeological interest. Professional advice should be sought and appropriate assessment undertaken to assess the extent and significance of any remains which may be affected by proposals.

Threat 6: Highways

The introduction of modern boundary treatments and signage, and delineating verges and green spaces with kerbs as the result of highways development, forms a threat to the rural character and appearance of the conservation area.

Development that involves alterations to highways, footways and signage can have a dramatic impact on the character and appearance of the conservation area. The nature of the rural, secluded lanes and street pattern, with grass verges and often lined with ironstone and brick walls, hedgerows or with buildings

immediately adjacent to the highway, forms an important aspect of the special interest of the conservation area. Historic and traditional materials and signage also make a special contribution to this character and can easily be lost.

Future development proposals could lead to an increase in traffic which could have a significant effect on the quiet and peaceful character of the conservation area, as well as the physical fabric of buildings that lie close to the highway. Rigid application of modern highways standards, both to the existing street layouts and within any new developments, can be harmful to historic character, appearance and setting.

Recommendation 6: The Highways Authority, Northamptonshire Highways, should, as far as possible, seek to ensure that works to highways and footways do not negatively detract from the character and appearance of the conservation area.

The introduction of kerb stones between the edge of verges and the highway would result in a loss to the rural character of the conservation area and should be resisted.

Development proposals should have regard to the impact of modern highways standards, traffic levels and parking provision on the historic environment.

Threat 7: Public Realm

The condition of the public realm has a great effect on the quality of the conservation area. Poor maintenance of the public realm, and street clutter, could detract from the character of the

conservation area. Areas of the public realm which currently detract from the appearance of the conservation area and are therefore a threat to its character have been identified in Section 10.3.

Recommendation 7: Street furniture and signage within the conservation area is minimal. Where possible street furniture should be consolidated and kept to a minimum in order to prevent cluttering of the street space. Street furniture and signage should be maintained to a high standard by all stakeholders. Good design of new street furniture or that which is being replaced should be encouraged to enhance the conservation area.

Proposals should take the opportunity to enhance areas identified as detracting from the character and appearance of the conservation area at Section 10.3 by using designs and materials appropriate to the historic character and appearance of the conservation area.

Sources

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Department of Communities and Local Government (2019) National Planning Policy Framework

Historic England (2019) Conservation Area Designation, Appraisal and Management

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Royal Commission for Historic Monuments (1981) An Inventory of Historical Monuments in the County of Northampton, Vol. III: Archaeological Sites in North-West Northamptonshire, Her Majesty's Stationary Office: London.

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<https://lidarfinder.com>

<https://magic.defra.gov.uk/MagicMap.aspx>

<https://opendomesday.org/>

<http://rnrpenvironmentalcharacter.org.uk/>

Further Information and Contact Details

Information regarding conservation areas can be found on our website at:

www.westnorthants.gov.uk/planning-and-building-control/conservation-areas

Information regarding local history can be found at the Northamptonshire Record Office or Northamptonshire Libraries.

For advice relating to development within conservation areas, please contact West Northamptonshire Council's Development Management department via

Email: planning.ddc@westnorthants.gov.uk or

Telephone: 0300 126 7000

Information and advice for those living and working within conservation areas can also be found on the Historic England website at:

www.historicengland.org.uk/advice/your-home/owning-historic-property/conservation-area/.

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Appendix A: Listed Buildings and Registered Park and Garden

List Entry Number	Name	Grade	National Heritage for England web page	Image
1055735	Lodge, Gates and Gate Piers to Cottesbrooke Hall (west)	II	LODGE,GATES AND GATEPIERS TO COTTESBROOKE HALL (WEST), Cottesbrooke - 1055735 Historic England	

1356893	Lodge, Gates and Gate Piers to Cottesbrook Hall (east)	II	LODGE, GATES AND GATEPIERS TO COTTESBROOKE HALL (EAST), Cottesbrooke - 1356893 Historic England	
1356891	Cottesbrooke Hall	I	COTTESBROOKE HALL, Cottesbrooke - 1356891 Historic England	

				<p>Southeast elevation</p>  <p>The top photograph shows a wide view of a large, symmetrical red brick building with a classical facade, featuring a central portico with columns. The building is set on a large, well-manicured green lawn under a cloudy sky. The bottom photograph is a closer view of the same building, highlighting the central portico with its columns and the detailed architectural elements of the facade.</p>
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				<p>Northwest elevation</p> 
1055745	Cottesbrooke Hall, Bridge Approximately 300 Metres South East	II	<p>COTTESBROOKE HALL, BRIDGE APPROXIMATELY 300 METRES SOUTH EAST, Cottesbrooke - 1055745 Historic England</p>	

1055751	Cottesbrooke Hall, Outbuildings and Walls Approximately 30 Metres West	II	COTTESBROOKE HALL, OUTBUILDINGS AND WALLS APPROXIMATELY 30 METRES WEST, Cottesbrooke - 1055751 Historic England	
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1067099	Cottesbrooke Hall, Gate Piers and Gates Approximately 40 Metres South West	II	COTTESBROOKE HALL, GATEPIERS AND GATES APPROXIMATELY 40 METRES SOUTH WEST, Cottesbrooke - 1067099 Historic England	
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1067100	Cottesbrooke Hall, Statue of Epaminondas Approximately 85 Metres South West	II	COTTESBROOKE HALL, STATUE OF EPAMINONDAS APPROXIMATELY 85 METRES SOUTH WEST, Cottesbrooke – 10c67100 Historic England		
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1366648	Cottesbrook Hall,, Statue of Homerus Approximately 66 Metres South West	II	COTTESBROOKE HALL, STATUE OF HOMERUS APPROXIMATELY 66 METRES SOUTH WEST, Cottesbrooke - 1366648 Historic England	
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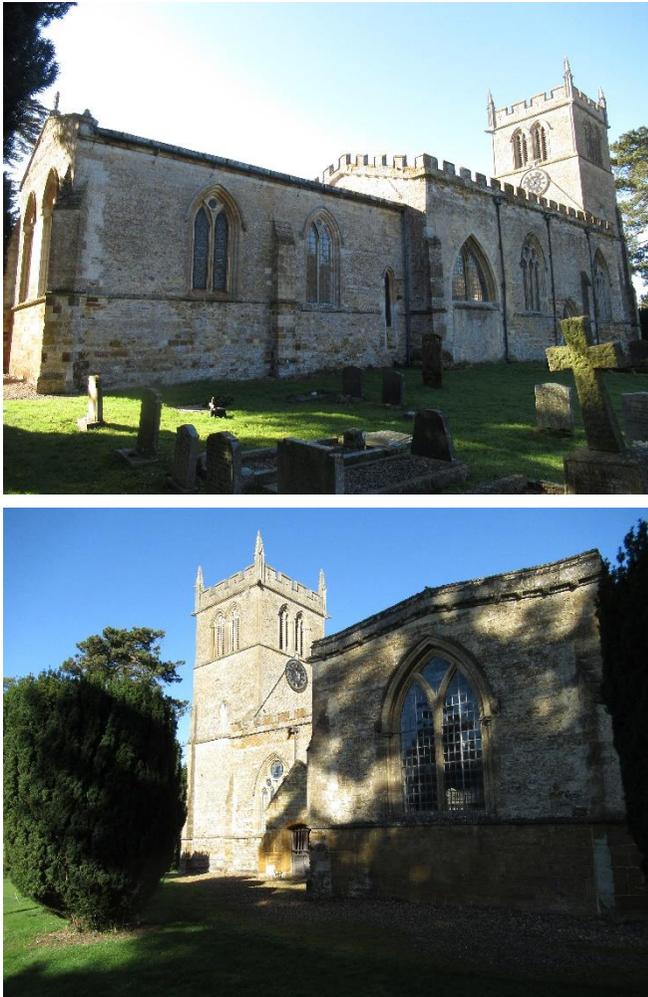
1067101	Cottesbrooke Hall, Statue of Licurgus Approximately 100 Metres South West	II	COTTESBROOKE HALL, STATUE OF LICURGUS APPROXIMATELY 100 METRES SOUTH WEST, Cottesbrooke - 1067101 Historic England	
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1356892	Cottesbrooke Hall, Statue of Socrates Approximately 44 Metres South West	II	COTTESBROOKE HALL, STATUE OF SOCRATES APPROXIMATELY 44 METRES SOUTH WEST, Cottesbrooke - 1356892 Historic England	
1038306	3 and 4	II	3 AND 4, Cottesbrooke - 1038306 Historic England	

1356894	1 and 2	II	1 AND 2, Cottesbrooke - 1356894 Historic England	
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1038538	The Old Rectory	II	THE OLD RECTORY, Cottesbrooke - 1038538 Historic England	
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1039111	The Old School Cottages	II	THE OLD SCHOOL COTTAGES, Cottesbrooke - 1039111 Historic England	
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1067102	Church of All Saints	I	CHURCH OF ALL SAINTS, Cottesbrooke - 1067102 Historic England	
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1001028

Cottesbrooke Hall
(Registered Park and
Garden)

II

[COTTESBROOKE HALL, Cottesbrooke -
1001028 | Historic England](#)



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WEST NORTHAMPTONSHIRE COUNCIL CABINET

9TH NOVEMBER 2021

**CABINET MEMBER WITH RESPONSIBILITY FOR CLIMATE, TRANSPORT,
HIGHWAYS AND WASTE SERVICES: COUNCILLOR PHIL LARRATT**

Report Title	Harmonisation of the Garden Waste Collection Service Across West Northamptonshire
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Report Author	Vanessa Kelly, Waste Services and Projects Officer, vanessa.kelly@westnorthants.gov.uk
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Contributors/Checkers/Approvers

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West S151	Martin Henry	21.10.21
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Communications Lead/Head of Communications	Becky Hutson	14.09.2021

List of Appendices

Appendix A – A Review of Options Considered

Appendix B – Equalities Impact Assessment Screening Form

1. Purpose of Report

- 1.1. Since the creation of West Northamptonshire Council on 1 April 2021, there have been two different garden waste collection services running across the council area, both collecting garden waste from residents' homes fortnightly. There is a free of charge service in the former South Northamptonshire area and an opt-in, chargeable service in the former areas of Northampton Borough and Daventry District.
- 1.2. The purpose of this report is to consider the options for harmonising the garden waste collection service, so that all residents receive the same service across the whole of the council area.

2. Executive Summary

- 2.1 Garden waste is currently collected fortnightly across the whole of West Northamptonshire, with a break of one week at Christmas. The services in the Daventry and Northampton areas are opt-in chargeable services, whereas the service is free of charge for residents in the former sovereign Council area of South Northamptonshire.
- 2.2 The garden waste that is collected is treated by composting into a soil conditioner which is used on farmers' fields. The treatment arrangements are made under a contract and the Council pays an amount per tonne of garden waste treated. Household waste which goes for composting can be counted towards a council's recycling rate.
- 2.3 In the first few weeks of the new council the garden waste collection charges levied in the Northampton and Daventry areas were harmonised as well at the point in the year when residents renew their 'subscription' to the service. Northampton residents, who opted to subscribe to the service were charged £42 for 12 months. Daventry District residents who opted to subscribe to the service, were charged £35 for 10 months, which is the equivalent of £42 for 12 months, bringing their subscription date in line with that of Northampton. For residents in the former South Northamptonshire, the collection service has remained free of charge, under the new council as there was insufficient time to review the arrangements in advance of Vesting Day.
- 2.4 Sovereign councils were able to continue their existing charging policy under the Structural Change Order but maintaining a different charging position in each geographical location will not be a legally defensible position if allowed to continue.
- 2.5 Since 1 April 2021, the council has received negative feedback and several complaints about the disparity of charging across the council area. Complaints have also been considered by the Local Government Ombudsman, who on the basis of the ongoing review and future decision of the council has not found fault.
- 2.6 This report is the outcome of this review and makes recommendations for harmonising the garden waste collection service across the whole of West Northamptonshire in line with the Council's mandate to harmonise charging policies to ensure parity for its residents

3. Recommendations

- 3.1 It is recommended that the Cabinet:
- a) Agree that a charge is made for kerbside garden waste collection for all residents of West Northamptonshire who opt into this service of £42 per bin per year, from 1 April 2022;
 - b) Approve the decision to run the customer service and administration of the garden waste collection service in-house for all residents of West Northamptonshire, thus removing its administration from West Northamptonshire Norse, in the Daventry area.
 - c) Approve the establishment of a subsidised home composting scheme, to be launched at the same time as the charge 2022/23, to offer residents an alternative.

4. Reason for Recommendations

- 4.1 The introduction of a charge for the collection of garden waste brings the south of West Northamptonshire into harmony with the rest of the council area. The scheme will be run council-wide with the level of charge, terms and conditions and service standards the same across west Northamptonshire.
- 4.2 Charging for the collection of garden waste ensures that only those who wish to use the service pay for it and in that way, supports the Polluter Pays Principle. Therefore, those who home compost, or who don't have gardens or who take their garden waste to the Household Waste Recycling Centre are not paying for the collection service.
- 4.3 The Council is permitted to levy a 'reasonable' charge for the garden waste service (under the Controlled Waste (England and Wales) Regulations 2012). The proposed charge will generate income essential to part fund the waste collection services provided to the residents of West Northamptonshire. This includes approximately £800,000 in additional net income to the council in 2022/23 for the south area, where the charge will be newly introduced. It will also maintain the approximate £2.2 million of annual income from the areas of the council where there is an existing charge.
- 4.4 The £42 charge recommended for 2022/23 is the same as was charged in the Daventry and Northampton areas in 2021/22 and so represents no increase for those residents and is identified as average across the region.
- 4.5 The proposal to bring the customer service and administration of the garden waste collection service will enable to Council to have a direct interface with residents who wish to opt-in to this service, ensuring they receive the best possible customer service.
- 4.6 The subsidised home composting scheme provides an alternative option for residents who do not want to pay the collection fee. It also promotes home composting, which in waste management terms is a preferred option.

5. Report Background

- 5.1 Under schedule 1 of the Controlled Waste Regulations, 2012, garden waste is household waste for which a charge can be made for collection. For clarity, the legal requirement is not to balance cost and income. However, the charges applied in West Northamptonshire are used to support the provision of waste services.
- 5.2 Traditionally garden waste has been collected free of charge, initially in attempt to meet government recycling targets and then to maintain performance. However, in more recent years and in response to budgetary pressures the number of councils who charge for garden waste has increased. In 2012/13 30% of local authorities England charged for garden waste collection, and in 19/20 the number has increased to 65 % of local authorities.
- 5.2 The Resource and Waste Strategy for England published in 2018, proposed making garden waste collections free of charge for all, or capping the charge at £30 from 2023/24. These proposals are yet to be agreed and an update from DERFA is expected before Christmas. In recent consultations regarding the 'consistency of waste collection services', DEFRA have said that they would fund the net additional cost for councils if they introduced changes, in line with 'new burdens guidance'. This means that the risk to West Northamptonshire related to these changes is considered to be low.
- 5.3 According to figures from WRAP in 2018/19, the average price charged for the collection of garden waste in England was £43 per year, within the range £24 to £96.

5.5 Daventry

- 5.5.1 A charge for the collection of garden waste was introduced in the former Daventry District, in June 2018, at the same time as the co-mingled recycling collection and 3 weekly refuse collections. The charge for the first year was £35 per bin for the full subscription year, non-refundable and that same price regardless of when in the year the resident signs up. 61 % of the households in the area signed up in 2018/19.
- 5.5.2 The price has gone up by £1 per year, until 2021, when the charge was changed to £35 for 10 months of the year (equates to £42 for a full year), to bring it into line with both the charge and the charging period levied in Northampton.
- 5.5.3 The level of the charge is set by the council, but it is the council's Joint Venture West Northamptonshire Norse, that administers the service and take the payments. WN Norse returns 90 % of the income back to the councils, retaining 10 % to cover administration costs.
- 5.5.4 WNC offer direct debits via an external provider and have 7,387 customers currently signed up on DD. In the last full year of the services, there were 23,145 subscriptions paid, with is 62% of eligible households.

5.6 Northampton

- 5.6.1 The charge for the collections of garden waste in Northampton was introduced in April 2020. The fee was set at £42 per bin in the first year, again with no refunds or discount for signing up part way through the year. The scheme is administered in house, which includes the taking of payments. A specialist company is used for the management and generation of the wheeled bin permits. There is currently no facility for signing up on Direct Debit.
- 5.6.2 A different scheme is in place for garden waste collected from terraced properties, where waste is collected in sacks rather than a wheeled bin. Residents still need to pay the £42 fee for the year, but then can book in collections of sacks of garden waste.
- 5.6.3 In the first year of the scheme 36,502 subscriptions were paid for, including around 200 for chargeable sacks. This is around 52 % of the eligible households.

5.7 Introducing a Charge into the former South Northamptonshire

- 5.7.1 If agreed, this charge for the collection of garden waste will be new for the residents of the former South Northamptonshire Council. This area of West Northamptonshire is largely rural, with relatively few flatted or terraced properties. Take up of the garden waste scheme is expected to be high, at least on par with Daventry's 62 % of households. Experience has shown that, once residents are paying for their garden waste to be collected, they are more likely to maximise the use of their bin. The total tonnage of garden waste collected each year in this area, is not expected to reduce significantly as a result of the charge.

5.8 A Council-wide Garden Waste Collection Service

- 5.8.1 It is proposed that, from April 2022, there will be one garden waste collection service operating across the whole of West Northamptonshire with a charge of £42 per bin per year.
- 5.8.2 The same charge, terms and conditions and service level agreements will apply across the whole council area, but the physical collections will still be provided by the area based collection teams.
- 5.8.3 The scheme will run from April to March each year and residents will need to purchase a permit to ensure that their garden waste bin is collected. Residents will be encouraged to purchase their permit on-line, but there will be an option to call and pay using a card over the phone, for those who do not have internet access. Additional staff will be required at renewal time of year to answer calls and take payments and these additional costs have been factored into the net income. Residents can pay for multiple bins, if they have a large garden, but measures will be in place to guard against commercial garden waste being collected.

5.8.3 It is proposed that the customer services and administration of the scheme will be run in house, which is currently how the service is undertaken in the Northampton area. In Daventry, West Northamptonshire Norse are currently responsible for administering the scheme, which includes, taking the payment (either via the telephone or online) and producing and issuing the bin permits to each participating household. Officers have been involved in discussion with West Northamptonshire Norse to remove this element of the service from the Joint Venture Service Agreement and appropriate financial deductions will be made. This proposal will allow the council to run one scheme across the whole Council area, benefitting from economies in scales in terms of IT, call handling and permit production and monitoring.

5.9 Subsidised Home Composting Scheme

5.9.1 When the garden waste charge was first introduced into the Daventry area, a subsidised home composting scheme was launched at the same time, to give residents a sustainable alternative to paying the collection charge, and to encourage home composting.

5.9.2 Residents of the Daventry District were able to buy a home composter for £10 delivered, which was around £15 cheaper than they are without the subsidy.

5.9.3 It is proposed to offer a subsidised home composting scheme for all West Northamptonshire Council residents in the run up to the new charge in the south and the re-subscription time of year for residents of Northampton and Daventry. This will be capped at £30,000, for one year only, the costs of which will be deducted from the first year increase in income.

6. Issues and Choices

6.1 In reviewing the council's garden waste service, several alternative options were considered for harmonising it across the whole of West Northamptonshire. Appendix A shows a table of the considered options, along with the positive and negative considerations of each option and the financial impact of each.

6.2 Officers have considered whether it will be appropriate and possible to offer discounts, for example in the following circumstances:

- A resident pays by direct debit; or
- A household has more than one bin (multi-bin discount); or
- If a household would like to pay for more than one year in advance; or
- For residents in receipt of certain benefits.

The council is currently seeking to establish a single auto payment system across West Northants which may enable future opportunities for any discounts to be administered as well as providing evidence of where any discounts are needed or justified based on usage.

Therefore, it is proposed to introduce the scheme using existing payment systems in April 2022.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 If agreed, this proposal will generate an approximate £800,000 of additional income to West Northamptonshire. This figure is net of implementation and running costs, such as the costs associated with the production of publicity material and bin permits, additional call handling staff and the subsidised home composting scheme.
- 7.1.2 There will be on-going revenue costs each year, in terms of publicity, permits and staff, but these will always be netted from the income, so there are no net additional revenue costs.
- 7.1.3 The proposal maintains the approximate £2.2 million of income already secured from the existing Northampton and Daventry schemes.
- 7.1.4 In year 1 of the new scheme £30,000 will be spent on providing the subsidised home composting scheme. This has been accounted for in the implementation costs (see section 7.1.1 above).

7.2 Legal

- 7.2.1 The Structural Change Order allowed the continuation of the sovereign council's charging policies in the short term, but this is unlikely to be a defensible position longer term.

7.3 Risk

- 7.3.1 There are several risks associated with not harmonising the garden waste charge across the whole of West Northamptonshire. As previously stated, there is a potential for a legal challenge if the difference in charging policy across the council area is not addressed in a timely way.
- 7.3.2 There is also the risk of reputational damage as a result of complaints from residents about the difference in the service provided across the council area. This could mean an increase in complaints to the Local Government Ombudsman, which will become increasingly difficult to defend.
- 7.3.3 There is a risk that the council will receive complaints from residents of the South area of West Northamptonshire due to the introduction of the charge. However, this risk is likely to be less than if the Council maintained a position where different charges are applied to the geographical areas.
- 7.3.4 There is a risk that central government will require garden waste collected services to be provided free of charge, or capped at a set rate when it publishes the outcome of the latest consultation paper. If this were to be the case, then central government has confirmed that any new burdens arising from the change in policy, would be funded, and sufficient time would be given to allow the necessary changes to be made.

7.4 Consultation

- 7.4.1 Public consultation was undertaken by Northampton Borough Council and Daventry District Council in advance of introducing their chargeable garden waste schemes. In both cases this was as part of a wider consultation exercise about the whole refuse collection and recycling service.
- 7.4.2 No specific consultation has taken place for the harmonisation of the service across West Northants or the introduction of a charge into former South Northamptonshire. However, in the formation of West Northamptonshire Council by bringing together 4 different sovereign authorities and the associated consultation, the new authority has a mandate to harmonise charging policies to ensure parity for its residents.

7.5 Equalities Implications

- 7.5.1 By virtue of the Equality Act 2010 the Council has to bear in mind, and demonstrate having paid due regard to its wider Public Sector Equality Duty (PSED) when proposing service changes i.e. the duty to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this (Equality) Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” (‘protected characteristics’ are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.)
- 7.5.2 In recognition of this duty the Council has carried out an Equality Screening Assessment, a copy of which is appended to this report.

7.6 Consideration by Overview and Scrutiny

- 7.6.1 Not considered by Overview and Scrutiny.

7.7 Climate Impact

- 7.7.1 Charging for garden waste collection, supports the polluter pays principle, whereby only those who wish to use the service, pay for it. Home composting is also being encouraged, which is the most sustainable and carbon neutral way of treating garden waste. There is potential for the garden waste rounds to be rerouted, thus potentially saving fuel and its associated emissions.

7.8 Community Impact

- 7.8.1 The proposal impacts the residents of the south area of West Northamptonshire, as their garden waste service is harmonised with that of Northampton and Daventry.

7.9 **Communications**

7.9.1 A full communications plan for this project has been produced and a comms lead has been part of the project team. The new scheme will be communicated to the public in good time and in a variety of different ways to ensure everyone is aware and to maximise scheme sign up.

8. **Background Papers**

8.1 None.

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Harmonisation of the Garden Waste Collection Service Across West Northamptonshire

Appendix A: Review Of Options

Option	Positives	Negatives	Financial Position
1. Apply £42 per bin charge to all households	Same charge is applied to all West Northants residents who wish to opt in.	<p>South Northants residents will have a charge introduced.</p> <p>There may be a small reduction in the amount of garden waste collected for composting in the south area, from those who choose not to opt into the service, but some of this will be displaced to home composting or to the Household Waste Recycling Centres</p>	Estimated net income increase of approx. £800k*
2. Apply £37 per bin to all households	<p>Same charge is applied to all West Northants residents for those who wish to opt in.</p> <p>Northampton and Daventry residents benefit from a reduced charge (£5 per bin).</p>	<p>Reduced opportunity for additional income which would help WNC budget position.</p> <p>There may be a small reduction in the amount of garden waste collected for composting in the south area, from those who choose not to opt into the service, but some of this will be displaced to home composting or to the HWRCs.</p>	Estimated net income increase of approx. £500k*
3. Eliminate charge for all households	Same charge is applied to all West Northants residents.	<p>Waste collection services are supported by garden waste income.</p> <p>Those who do not use the service still pay for it from their Council Tax.</p>	Loss of approx. £2 million net income.
4. Continue to apply charges to Daventry and Northampton but not in the South area	No change for residents.	Difference in charging for services within one council area, leading to complaints and potential legal challenge.	Neutral No net gain or loss.

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Equality Screening Assessment

The Equality Screening Assessment form must be completed to evidence what impact the proposal may have on equality groups within our community or workforce. Any proposal that results in a negative impact must have a full Equality Impact Assessment completed before approval is sought.

1: Proposal

Requirement	Detail
Title of proposal Harmonisation of charge for garden waste collection across the whole of West Northamptonshire.	In the former Northampton Borough and Daventry District there is a charge for the collection garden waste, on a customer opt in basis. These charges were harmonised in advance of Vesting Day so that the fee is the same (£42 per bin per year) and the time of year at which the charge is made. In the former South Northamptonshire area, there was no separate charge levied for the collection of garden waste. The council made a commitment to review the garden waste service across the whole of West Northamptonshire in the first year of the new council.
Type of proposal: New policy / change to policy / new service / change to service / removal of service / project / event	Change to policy in the south of West Northamptonshire, through the introduction of a charge.

Requirement	Detail
What is the objective of this proposal?	To harmonise the garden waste collection service across the whole of West Northamptonshire, so that all those who choose to use it are charged the same fee. Currently there is dis-parity between those who have to pay extra for the service in the Northampton and Daventry areas and those who don't in the south of West Northamptonshire.
Has there been any consultation on this proposal? (list all the groups/ communities, including dates)	No
Did the consultation on this proposal highlight any positive or negative impact on protected groups? (if yes, give details)	N/a
What processes are in place to monitor and review the impact of this proposal?	<p>Officers will monitor:</p> <ul style="list-style-type: none"> • Sign up rates across the 3 areas – showing whether people are using the service or not. • Tonnages of garden waste collected, and compare those with previous years. • Tonnages of garden waste collected at the Household Waste Recycling Centres • Complaints. • Comments.
Who will approve this proposal? Committee, CLT	Cabinet – October 2021.

Page 2: Equality Consideration

Consider in turn each protected group to ensure we meet our legal obligations of the Equality Act (2010).

Protected Groups	General Equality Duty Considerations: <ul style="list-style-type: none"> • Include factual evidence of how some people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	Changes <ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact. • Are there opportunities to remove possible barriers or disadvantages that a group may face. 	Impact Delete as appropriate. There can be more than one answer per protected group.
Age Different age groups that may be affected by the proposal in different ways.	In order to sign up to the service, residents will have to apply and pay on-line. We are considering making this on-line only but have some concerns that this may disproportionately disadvantage older residents who maybe do not have access to appropriate technology.	A phone number will be provided for residents to call to make their payment for their garden waste service. Residents will be encouraged to pay online, but the phone line will be available for those who can't. An allowance has been made to ensure that additional staff are employed at the start and at resubscription time to cover those phones.	Neutral
Sex Is one sex affected more than another or are they affected the same?	The service will be available to all residents regardless of gender.	N/a	Neutral
Disability It is likely to have an effect on a particular type of disability? Why?	No	n/a	Neutral
Gender Reassignment Will there be an impact on trans males and/or trans females?	The service will be available to all residents regardless of gender reassignment.	n/a	Neutral

Protected Groups	General Equality Duty Considerations: <ul style="list-style-type: none"> • Include factual evidence of how some people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	Changes <ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact. • Are there opportunities to remove possible barriers or disadvantages that a group may face. 	Impact Delete as appropriate. There can be more than one answer per protected group.
Race Are people from one ethnic group affected more than people from another ethnic group?	The service will be available to all residents regardless of race.	n/a	Neutral
Sexual Orientation Are people of one sexual orientation affected differently to people of another sexual orientation?	The service will be available to all residents regardless of sexual orientation.	n/a	Neutral
Marriage & Civil Partnership Are people in a Marriage or Civil Partnership treated less favourably?	No	n/a	Neutral
Pregnancy & Maternity Are people who are pregnant, or have a baby of 6 months or less, affected by this proposal?	No	n/a	Neutral
Religion or Belief Does the proposal affect people differently depending on whether they have or do not have a religion or a belief?	No	n/a	Neutral

Protected Groups	General Equality Duty Considerations:	Changes	Impact
Health & Wellbeing 1. Health behaviours: diet, exercise, alcohol, smoking. 2. Support: community cohesion, rural isolation. 3. Socio economic: income, education. 4. Environment: green spaces, fuel poverty, housing standards)	This service supports people who have gardens to dispose of their waste using a collection service that protects the environment because the garden waste is composted after collection.	As a result of this change, the garden waste collection service is equitable across the whole of West Northamptonshire. Only those who wish to use it have to pay for it, and the charge is the same across the whole of West Northamptonshire. This supports community cohesion.	Positive

3: Equality Impact

Question	Response
What overall impact does the proposal have on the protected groups? If a negative impact is identified in section 2, the response will be a Negative Impact.	Neutral - Positive Impact
Does a Equality Impact Assessment need to be completed? (Yes, if any negative impact is found)	No If yes, this Assessment must adjoined to the Equality Impact Assessment.
Copy attached to Committee Report?	Yes / No
Copy attached to Options Appraisal?	Yes / No

4: Ownership

Question	Response
Department	Highways and Waste Management
Section	Waste Management
Lead Officers Name	Vanessa Kelly
Lead Officers Title	Waste Services and Projects Manager
Lead Officers Contact Details	vanessakelly@westnorthants.gov.uk Tel: 07786 125126
Lead Officers Signature	
Date completed	14 September 2021

Completed forms must be sent to the Equality Office via email to by email to equalities@westnorthants.gov.uk



WEST NORTHAMPTONSHIRE COUNCIL

CABINET

9 NOVEMBER 2021

CABINET MEMBER WITH RESPONSIBILITY FOR PLANNING, BUILT ENVIRONMENT AND RURAL AFFAIRS: COUNCILLOR REBECCA BREESE

Report Title	Upper Nene Valley Gravel Pits Special Protection Area: <ul style="list-style-type: none"> • Supplementary Planning Document; and • Mitigation Strategy 	
Report Author	Amanda Jacobs, Senior Planning Policy Officer amanda.jacobs@westnorthants.gov.uk	
Contributors / Checkers / Approvers		
MO	Geoff Wild, Interim Deputy Monitoring Officer	21 October 2021
S151	Martin Henry, Executive Director Finance	26 October 2021
Other Director/SME	Stuart Timmiss, Executive Director Place, Economy & Environment	25 October 2021
Legal (Solicitor)	Theresa Boyd	18 October 2021
Property	Simon Bowers, Assistant Director Assets & Environment	18 October 2021
Communications Lead/Head of Communications	Craig Forsyth, Marketing and Communications Manager	27 October 2021

List of Appendices

- **Appendix A** – Upper Nene Valley Gravel Pits Special Protection Area (SPA) Supplementary Planning Document (SPD)
- **Appendix B** – Draft West Northamptonshire Upper Nene Valley Gravel Pits SPA SPD – Addendum to the SPA SPD: Mitigation Strategy

1. Purpose of Report

- 1.1. The purpose of this report is to seek adoption of the Upper Nene Valley Gravel Pits SPA Supplementary Planning Document (referred to throughout this report as 'SPD'). Cabinet is also requested to endorse taking the draft mitigation strategy for the West Northamptonshire Upper Nene Valley Gravel Pits (UNVGP) Special Protection Area (referred to throughout this report as 'SPA') out to consultation for six weeks in November/December 2021.

2. Executive Summary

- 2.1. Local planning authorities have a duty as competent authorities under the Conservation of Habitats and Species Regulations 2017 (as amended) (known as the Habitats Regulations) to ensure that planning application decisions comply with the Habitats Regulations.
- 2.2. Special Protection Areas (SPAs) are protected in UK law by the Habitats Regulations and development proposals must not give rise to adverse effects on the integrity of SPAs. If they are likely to, measures must be secured to avoid or mitigate this impact, otherwise the competent authority is obliged to refuse permission in the absence of satisfying exacting derogation tests.
- 2.3. The UNVGP SPA was designated in 2011 by the Habitats Regulations due to its number and type of bird species present, including golden plover and lapwing¹.
- 2.4. The former Northampton Borough Council adopted the existing SPD on 13 September 2017. The former South Northamptonshire Council was also bound by the Habitats Regulations in relation to the SPA; it consulted on the draft SPD but did not adopt it. Therefore, Cabinet is recommended to adopt the SPD for West Northamptonshire so that the mitigation strategy can be appended to it. Once adopted both the SPD and mitigation strategy, together, can be used to guide and mitigate development within West Northamptonshire that would otherwise adversely impact on the SPA.
- 2.5. A draft mitigation strategy has been prepared for Unit 1 of the SPA which is situated in West Northamptonshire. The mitigation strategy sets out details of measures required to mitigate recreational pressure resulting from residential development allocated within the submitted Northampton Local Plan Part 2 (LPP2) and any windfall development in West Northamptonshire. The mitigation strategy outlines contributions required by all net additional dwellings within 3km of Unit 1 the SPA to pay for measures to ensure protection of the SPA.

3. Recommendations

- 3.1 It is recommended that Cabinet:
- a) Adopt the UNVGP SPA SPD for the West Northamptonshire Council area; and
 - b) Endorse the UNVGP SPA SPD – Addendum to the SPA SPD: Mitigation Strategy for consultation.

¹ Full details of bird species can be found here: <https://www.northampton.gov.uk/downloads/file/10814/20150801-spa-spd>

4. Reason for Recommendations

- 4.1 The above recommendations are proposed so that, as the competent authority, West Northamptonshire Council, can protect Unit 1 of the SPA from adverse impact from recreational pressure resulting from proposed and windfall housing growth within 3km of Unit 1 the SPA. Protection of the SPA and its qualifying features will not only meet the requirements of the Habitats Regulations but also help protect the SPA now and in the future so that protected bird species can remain present, and it can be enjoyed by residents and visitors. Adoption of the SPD and endorsement of the consultation for the mitigation strategy would align with the council's Green and Clean, Environment and Wellbeing priority within its Corporate Plan.

5. Report Background

Regulations and Planning Policy

- 5.1 The SPA is split into nine Units with Unit 1 (Clifford Hills Gravel Pits) situated within the boundary of West Northamptonshire. Units 2 to 9 are situated in North Northamptonshire where a mitigation strategy is already in place (adopted in 2016) to protect units 2 to 9 from recreational impact resulting from housing growth.
- 5.2 The SPA was designated in April 2011 under the Conservation of Habitats and Species Regulations 2017 (as amended) due to the number and types of bird species present. Development proposals must not give rise to adverse effects on the integrity of the SPA, either alone or in combination with other plans and project, and if they are likely to, measures must be secured to avoid or mitigate this impact, otherwise the competent authority is obliged to refuse permission in the absence of satisfying exacting derogation tests (the work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as 'derogation'²).
- 5.3 The UNVGPs are also designated as a Ramsar site (a wetland of international importance named after the Ramsar Convention signed in the city of Ramsar, Iran) which is afforded the same protection as a European Site as a matter of Government policy³. The SPA and Ramsar site boundaries are identical; the qualifying features are only slightly different (see the UNVGP SPD for full details).
- 5.4 West Northamptonshire Joint Core Strategy 2011 to 2029 (Local Plan Part 1) Policy BN4 sets out that new development will need to demonstrate through the development management process that there will be no significant adverse effects upon the integrity of the SPA and Ramsar Site. If Habitats Regulations are not met and impacts not mitigated, then development must not be permitted.
- 5.5 Both the South Northamptonshire Local Plan Part 2 (LPP2) and the emerging Northampton LPP2 have been informed by Habitats Regulations Assessments (HRA). The Northampton HRA concludes that: "In line with the findings of the visitor access study above and the 3km consultation zone defined by the SPD for all applications involving a net gain in residential units,

² <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

³ NPPF - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

it is judged that all residential development within 3km of Upper Nene Valley Gravel Pits SPA and Ramsar site would be likely to contribute to an in-combination recreational disturbance effect on the European site". The South Northamptonshire HRA concludes that: "significant effects of the Local Plan Part 2 on the Upper Nene Valley Gravel Pits SPA and Ramsar site are likely".

- 5.6 Consequently, both the adopted South Northamptonshire LPP2 (adopted July 2020) and the emerging Northampton LPP2 contain policies related to the SPA. Policy NE1 of the adopted South Northamptonshire LPP2 commits to adopting a mitigation strategy within 12 months of adoption of the South Northamptonshire LPP2.
- 5.7 The Submitted Northampton LPP2 is currently going through the process of examination and contains a policy relating specifically to the SPA (policy 30). It is proposed, via a main modification to policy 30, to adopt a mitigation strategy by the time the Northampton LPP2 is adopted.
- 5.8 Consultation in late 2021 would enable adoption of the mitigation strategy by April 2022 to ensure it is in place by the time the Northampton LPP2 is adopted.

Residential Impact on the UNVGP SPA

- 5.9 A study of visitor and recreational impact on the SPA was undertaken by Footprint Ecology in 2014⁴. The study demonstrated that the number of dog walkers visiting the area is high and that further development will increase pressure across the SPA including at Unit 1 in West Northamptonshire.
- 5.10 Through visitor surveys the study identified that most visitors lived within 3km of the SPA and that any residential growth within this distance would further cause adverse impact on the SPA and that mitigation is required to protect the SPA. The study recommended that mitigation measures in the form of access management such as interpretation panels and fencing as well as directing visitors to less sensitive areas would alleviate the recreational pressure on the SPA from population growth as a result of new housing.
- 5.11 The mitigation strategy uses the data from the Footprint Ecology study to understand the residential impact from LPP2 growth on Unit 1 of the SPA. It identifies mitigation measures that would be appropriate for Unit 1, calculates the cost of these measures over the lifetime of the LPP2 plan periods and sets out a cost per dwelling contribution.

Mitigation Measures to be delivered over the South Northamptonshire and Northampton plan periods to 2029

- 5.12 The mitigation measures identified in the Mitigation Strategy are contained within appendix 6 and include the following:
 - **Suitable Alternative Natural Greenspace (SANG)** to be provided in association with The Green, Great Houghton, which is a proposed allocation in the Northampton LPP2

- **Interpretation panels and access management** to provide residents and visitors with information about the sensitivity of the SPA and of nearby alternative walking/dog walking routes. Strategic fencing is also expected to be placed at appropriate locations around Unit 1
- **Improvements to identified existing greenspaces** to encourage visitors with dogs to use these less-sensitive areas
- **Wardens** to help mitigate visitor impacts on Unit 1 of the SPA. Their role will be to help educate visitors on the importance of the SPA and the reasons why visitors and dogs must stay on-lead and to access paths. It is expected that wardens will also participate in year-round engagement activities alongside partners who are working to protect the SPA

5.13 The mitigation strategy also allows for ongoing monitoring of the measures to ensure they are suitable and to see if further measures are required.

Contributions to Strategic Access Management and Monitoring (SAMM)

5.14 Any new residential development within 3km of Unit 1 of the SPA will have a recreational impact and therefore must be mitigated. The draft mitigation strategy sets out that each net additional dwelling will be required to make a SAMM contribution of £428.58 to pay for measures. This will be index linked to the Retail Price Index (RPI) rounded to the nearest whole pound, with a base date of 2021. This will be reviewed annually on 6 April.

5.15 Making this contribution will remove the need for developments to mitigate against recreational pressure individually, undertake project level appropriate assessment and speed up the process of approval from the council and Natural England. This would in turn, speed up the determination of these applications.

5.16 Some housing schemes, when accounting for their scale or relationship to Unit 1 of the SPA may need to provide bespoke mitigation measures in addition to or instead of making the financial contribution to ensure effective avoidance/mitigation of impacts on the SPA. Where a development will create ten or more net additional dwellings it is advised that early dialogue with Natural England take place. Natural England will then advise the Local Planning Authority if mitigation may be dealt with through a fixed SAMM contribution of £428.58 per dwelling (index linked with a base date of 2021) and/or bespoke mitigation.

5.17 It should also be noted that the draft mitigation strategy requires the SAMM contribution from net residential development that is created through permitted development rights, reserved matters, Section 73 and certificate of lawfulness applications (as well as outline and full).

5.18 The draft mitigation strategy sets out how the SAMM contribution is to be paid. It is proposed that payment can either be made via a section 106⁵ obligations agreement or via an 'up front' contribution at the validation stage of an application via a section 111⁶ payment. Templates are provided in appendices 4 and 5 of the draft mitigation strategy to show how this will be achieved.

⁵ Section 106 of the Town and Country Planning Act 1990

⁶ Section 111 of the Local Government Act 1972

Adoption of the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document by West Northamptonshire Council

- 5.19 The SPD supplements policies within the West Northamptonshire Joint Core Strategy. It provides details on the SPA relating to its designation and when Natural England need to be involved in planning decisions that could impact the SPA.
- 5.20 To enable the mitigation strategy to be appended to the SPD, the SPD needs to be adopted by West Northamptonshire Council.
- 5.21 The SPD was adopted by the former Northampton Borough Council in 2017 and is therefore a material consideration used for decision making in the Northampton area.
- 5.22 The South Northamptonshire area has an adopted South Northamptonshire LPP2 which contains local policies that aid decision making in parts of the 3km area around Unit 1 of the SPA. As such it is also bound by the Habitats Regulations and is required to protect the SPA.
- 5.23 Because the SPD was not adopted by South Northamptonshire Council, it is not a material consideration to be taken into account when planning applications are considered in the former South Northamptonshire area. For the mitigation strategy to be a material consideration for all relevant parts of West Northamptonshire, it is necessary for Cabinet to adopt it.

Conclusion

- 5.24 To meet the requirements of the Habitats Regulations and protect Unit 1 of the Upper Nene Valley Gravel Pits SPA, West Northamptonshire Council needs to fully adopt the SPD and have a mitigation strategy in place. This would mitigate impacts of new development on Unit 1 of the SPA in terms of recreational pressure and conserve the habitats of the species for which the SPA is designated. Failure to protect Unit 1 of the SPA would be in breach of the council's responsibilities as competent authority.
- 5.25 Accordingly, to ensure that it becomes a material consideration across the former Northampton and South Northamptonshire areas, it will be necessary for the SPD, for which the mitigation strategy will be an addendum to, be formally adopted by the council.
- 5.26 Alongside this, it is proposed that the attached draft mitigation strategy be put out to public consultation.

6. Issues and Choices

- 6.1 By adopting the SPD and endorsing consultation on the mitigation strategy, this will enable the council to carry out its function as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 6.2 If the council decides not to endorse the consultation on the mitigation strategy and adoption of the SPD, the council would not be able to mitigate against the impacts of residential growth

within 3km of Unit 1 of the SPA. The effect of this would be that the council would have to refuse planning permission for residential development that would cause adverse impacts on the SPA.

- 6.3 By not endorsing the consultation on the mitigation strategy, this will have direct implications for the adoption of the Northampton Local Plan Part 2 (LPP2). It is a requirement of Natural England and the Habitats Regulations that development does not adversely impact the SPA and the mitigation strategy needs to be in place before the adoption of the Northampton LPP2 to allow for development contained within it to be mitigated. Likewise, by not adopting the SPD for West Northamptonshire, this would be contrary to the commitment to protect the SPA within the South Northamptonshire LPP2.
- 6.4 As such it would be appropriate to adopt the SPD for West Northamptonshire and approve the consultation on the draft mitigation strategy to allow residential growth that can be mitigated through SAMM contributions and/or bespoke measures.
- 6.5 By adopting the SPD and approving consultation on the draft mitigation strategy, this would align with the Corporate Plan's priority of achieving a green and clean West Northamptonshire.

7. Implications (including financial implications)

7.1 Resources and Financial

- The draft mitigation strategy sets out a SAMM contribution to be paid by each new dwelling that is created within 3km of Unit 1 of the SPA. This contribution has been reached through identifying the costs of mitigation measures, including both revenue and capital costs. The measures set out in the draft mitigation strategy will be funded by developers and will not be a burden on the public purse.
- The mechanism for payment of the SAMM contribution will be through either:
 - A planning obligation under Section 106 of the Town and Country Planning Act 1990;
OR
 - A contribution through Section 111 of the Local Government Act 1972
- There will be revenue costs associated with resourcing staff. This will need to be considered within any applicable restructure so that the administering, collection and distribution of funds and the implementation of measures is taken account of. Currently it is envisaged that these measures would form part of a role(s). Assumed oncosts, travel and equipment costs have been included in calculations.
- There will be capital costs associated with the mitigation measures, including installation of interpretation panels, potential fencing and possible works to nearby green spaces.
- There are no costs associated with adopting the SPD or with the proposed consultation on the Mitigation Strategy.

7.2 Legal

- The SPD has been produced in accordance with the requirements of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- The adopted SPD will be a material consideration in determining planning applications.
- Adoption of the SPD across the West Northamptonshire area will ensure cohesive and robust decision making and support policies in the relevant local plans.
- The council has a specific duty, as competent authority, under the Conservation of Habitats and Species Regulations 2017 (as amended) to mitigate the impact of residential development to avoid significant impact on the SPA. The compensatory measures included in the Mitigation Strategy would allow the council to protect Unit 1 of the SPA to the end of the Northampton and South Northamptonshire Local Plan Part 2 periods.
- The mitigation strategy will provide clear guidance to applicants ensuring the planning application process and decision making is transparent and open and complies with the Local Planning Authority's duty as competent authority under the Conservation of Habitats and Species Regulations 2017.

7.3 Risk

- The risk of not adopting the SPD for West Northamptonshire would be that the requirements in Policy NE1 of the South Northamptonshire Local Plan Part 2 could not be carried out. The SPD needs to be adopted prior to the mitigation strategy being adopted so that it can be appended to the SPD.
- Not endorsing the draft mitigation strategy for consultation would prevent its eventual adoption and the ability to collect SAMM contributions to mitigate recreational pressure resulting from residential development. If no mitigation strategy is in place, residential proposals within 3km of Unit 1 of the UNVGP SPA would need to be refused. As a result of this, the Northampton Local Plan Part 2 would be found unsound as proposed allocations and/or windfall planning applications within 3km of Unit 1 would need to be refused. Likewise, any windfall residential applications within the former South Northamptonshire area would also need to be refused if they were located within 3km of Unit 1 of the SPA.
- The consequence of refusing planning applications would lead to the council being unable to meet its housing requirements. If the council cannot meet its housing targets contained within its local plans, then it would be harder to refuse more speculative planning applications.
- Failure to implement a mitigation strategy would put the SPA at risk from further recreational pressure.

7.4 Consultation

- Informal engagement in preparing the draft mitigation strategy has taken place with statutory and other bodies including:

- Natural England
 - The Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust
 - A steering group consisting of local tenant farmers, parish councils and ornithological specialists.
- It is requested that Cabinet agrees to public consultation on the draft mitigation strategy to garner comments which will be taken into account prior to eventual adoption.

7.5 **Consideration by Overview and Scrutiny**

- Not applicable

7.6 **Climate Impact**

- If the Cabinet does not allow for the UNVGP SPA SPD to be adopted for West Northamptonshire and the mitigation strategy to go out to consultation and eventually be adopted by the council, then the UNVGP SPA is at risk of disturbance to protected birds from further recreational impact.
- Statutory bodies including Natural England and the Environment Agency as well as the Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust have been involved in the production of both the UNVGP SPA SPD and the West Northamptonshire UNVGP SPA SPD – Addendum to the SPA SPD: Mitigation Strategy.

7.7 **Community Impact**

- The measures contained within the mitigation strategy will impact visitors to Unit 1 of the SPA. The visitors are mainly expected to come from within 3km of Unit 1 of the SPA and will include dog walkers, walkers and other people who use the SPA recreationally. The measures will require the community to adhere to specific rules set out in terms of observing the Countryside Code and build behaviour patterns that help preserve the SPA for the reasons related to its designation, namely over wintering bird species.

7.8 **Communications**

- The document has been checked for accessibility.
- Consultation on the mitigation strategy will consist of informing organisations on the Planning Policy database and statutory consultees that comments are welcome on the draft UNVGP SPA SPD Mitigation Strategy over an eight-week period.
- A press release will be prepared to coincide with the start of the consultation.

8. **Background Papers**

- 8.1 The North Northamptonshire Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document – Addendum to the SPA SPD: Mitigation Strategy
<http://www.nnjpu.org.uk/publications/docdetail.asp?docid=1584>

- 8.2 Visitor Access Study of the Upper Nene Valley SPA (Footprint Ecology, 2014) - <https://www.footprint-ecology.co.uk/work/reports-and-publications>
- 8.3 Submitted Northampton Local Plan Part 2 - <https://www.northampton.gov.uk/info/200205/planning-for-the-future/2553/northampton-local-plan-part-2-submission>



**West
Northamptonshire
Council**

Upper Nene Valley Gravel Pits Special Protection Area (SPA) Supplementary Planning Document (SPD)

Addendum to the Upper Nene Valley Gravel Pits SPA SPD: Mitigation Strategy



October 2021

www.westnorthants.gov.uk

Please note that no change is being made to the already adopted SPA SPD, this addendum will be added onto the end of the document as a new section 6.

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Consultation History

Issue	Date	Comments
V5	3 June 2021	From internal colleagues, NE and Wildlife Trust
V8	6 August 2021	Natural England
V9	13 September 2021	Outcome from Steering Group

Consultees

Internal	External
Developer Funding, Development Management, Assets, Ecology, Finance, Legal, Joint Planning Unit	Natural England, Wildlife Trust

Distribution List

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners / Organisation(s)

Links to other documents

Document	Link
Upper Nene Valley Gravel Pits SPA Supplementary Planning Document	https://www.northampton.gov.uk/info/200205/planning-for-the-future/2105/upper-nene-valley-gravel-pits-spa-spd
West Northamptonshire Joint Core Strategy	https://westnorthantsjpu.inconsult.uk/website/view?objectId=2737424
Submitted Northampton Local Plan Part 2	https://www.northampton.gov.uk/info/200205/planning-for-the-future/2553/northampton-local-plan-part-2-submission
Northamptonshire Biodiversity Supplementary Planning Document	https://www.northampton.gov.uk/info/200205/planning-for-the-future/2328/biodiversity-supplementary-planning-document-for-northamptonshire
South Northamptonshire Local Plan Part 2	https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/40/local-plan-part-2

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This addendum (to the Upper Nene Valley Gravel Pits Special Protection Area SPD) applies to the council area of West Northamptonshire. This authority has the potential for residential sites to be located within the 3km buffer zone of Unit 1 of the SPA, which is detailed further below.

Purpose

1. The West Northamptonshire Mitigation Strategy has been prepared to enable mitigation of Unit 1 of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site. The Mitigation Strategy uses the same methodology as, and is based on, the adopted North Northamptonshire Mitigation Strategy which seeks to mitigate development on Units 2 – 8 of the SPA.
2. It is the intention to adopt the West Northamptonshire Mitigation Strategy for Unit 1 of the Upper Nene Valley Gravel Pits SPA to complement the existing North Northamptonshire Mitigation Strategy for Units 2 – 8 of the SPA.
3. In partnership with North Northamptonshire, West Northamptonshire Council is currently progressing an Upper Nene Valley Gravel Pits SPA Mitigation Strategy that will consider the SPA in its entirety. New visitor and bird disturbance studies are being undertaken and, when results are available and relevant to Unit 1, the West Northamptonshire Mitigation Strategy will be updated ahead of the adoption of a SPA wide Mitigation Strategy.
4. Once all up to date studies and surveys have taken place across the SPA, a new Northamptonshire Mitigation Strategy will be adopted and will supersede both the North and West Northamptonshire Mitigation Strategies.
5. Local Planning Authorities have a duty as competent authorities under the Conservation of Habitats and Species Regulations 2017 (as amended) (known as the Habitats Regulations) to ensure that planning application decisions comply with the Habitats Regulations.
6. Special Protection Areas are protected in UK law by the Habitats Regulations and development proposals must not give rise to adverse effects on the integrity of the SPA, either alone or in combination with other plans and projects, and if they are likely to, measures must be secured to avoid or mitigate this impact, otherwise the competent authority is obliged to refuse permission in the absence of satisfying exacting derogation tests.
7. The Upper Nene Valley Gravel Pits SPA was designated in April 2011 under the regulations due to its number and type of bird species present. West Northamptonshire Joint Core Strategy 2011 – 2029 (Local Plan Part 1) Policy BN4 sets out that new development will need to demonstrate through the development management process that there will be no significant adverse effects upon the integrity of the Upper Nene Valley Gravel Pits SPA and Ramsar Site. If Habitats Regulations are not met and impacts not mitigated, then development must not be permitted. A map of the Upper Nene Valley Gravel Pits SPA can be found at Appendix 1. The Upper Nene Valley Gravel Pits SPA is split into 9 Units with Unit 1 (Clifford Hills Gravel Pits) situated

within the boundary of West Northamptonshire. Units 2 – 9 are situated in North Northamptonshire. A map of all units can be viewed via Defra’s Magic Maps¹.

8. As of the 1 April 2021 Daventry District, Northampton Borough and South Northamptonshire Councils constitute the larger unitary authority of West Northamptonshire Council. Daventry District Council adopted their LPP2 in February 2020² and South Northamptonshire’s LPP2 was adopted in July 2020³. The Northampton LPP2 has been submitted to and is going through the process of examination by the Secretary of State.
9. The Northampton LPP2 has been informed by a Habitats Regulations Assessment (HRA) which states (at paragraph 5.79) that *In line with the findings of the visitor access study above and the 3km consultation zone defined by the SPD for all applications involving a net gain in residential units, it is judged that all residential development within 3km of Upper Nene Valley Gravel Pits SPA and Ramsar site would be likely to contribute to an in-combination recreational disturbance effect on the European site.* The South Northamptonshire LPP2 was also informed by a HRA which concluded that *significant effects of the Local Plan Part 2 on the Upper Nene Valley Gravel Pits SPA and Ramsar site are likely.* 6.1.4 – therefore, whilst there are no specific housing allocations within the 3km buffer of the Upper Nene Valley Gravel Pits SPA and Ramsar site, housing development could be granted here as an exception under policies referred to in Chapter 4 “Delivering Housing” of the Plan. Policy NE1 of the adopted South Northamptonshire LPP2 states that *the Local Planning Authority or successor authority will prepare a Mitigation Strategy document concerning the Upper Nene Valley Gravel Pits Special Protection Area with a view to its subsequent adoption as an Addendum to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document within 12 months of the adoption of the Part 2 Plan.* Appendix 2 shows the Upper Nene Valley Gravel Pits SPA and the 3km recreation pressure catchment, with the proposed allocated sites contained within the Northampton LPP2.
10. The ‘in-combination’ effect of proposals involving a net increase of one or more dwellings within a 3km radius of the SPA are concluded likely to have an adverse effect on the SPA’s integrity unless avoidance and mitigation measures are in place. This is through an increase in visitors that will in turn increase the level of disturbance to the wintering waterbirds, particularly through dog walking.
11. For residential developments which result in a net increase in the number of dwellings within 3km of Unit 1 of the SPA it is proposed to avoid and mitigate

1

<https://designatedsites.naturalengland.org.uk/SiteUnitList.aspx?SiteCode=s2000494&SiteName=&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=>

² <https://www.daventrydc.gov.uk/living/planning-policy/part-2-local-plan/>

³ <https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/40/local-plan-part-2>

likely adverse effects on the SPA by making a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable mitigation. This will avoid or mitigate any adverse effect of people visiting the SPA through specific measures and monitoring.

12. This SPD sets out the SAMM mitigation costs for residential developments that fall within the 3km catchment. The mitigation funded by the contribution will ensure that there is no adverse effect on the integrity of the SPA. Alternatively applicants can undertake their own project level Appropriate Assessment and fulfil the mitigation that is required through that assessment. Developments of 10 dwellings or more may be required to pay the SAMM and / or provide other suitable mitigation. Further mitigation will be in exceptional circumstances and where Natural England advise.
13. All applications that involve a net gain in residential development of 1 or more dwellings will be required to pay a mitigation contribution⁴. Due to its size the proposed allocation (LAA1098) The Green, Great Houghton will provide its own Suitable Alternative Natural Greenspace (SANG) and is therefore not considered to fall in the remit of this mitigation strategy, however if suitable space is not provided within that development, then a SAMM contribution will be required. Other large scale developments, that have the scope to deliver bespoke mitigation, will require a project level HRA and the mitigation identified in that assessment will need to be delivered. Proposed schemes of 10+ dwellings are required to liaise with Natural England at the outset to discuss SPA mitigation.

Background

14. Local Planning Authorities have a duty as competent authorities under the Conservation of Habitats and Species Regulations 2017 (as amended) (known as the Habitats Regulations) to ensure that planning application decisions comply with the Habitats Regulations.
15. An assessment of need was undertaken to understand the impacts of recreational pressure across the SPA. Details of recreational use in Unit 1 of the SPA can be found in Appendix 6. This primarily used data collected by Footprint Ecology in their *Visitor Access Study of the Upper Nene Valley Gravel Pits SPA* (2014)⁵. This demonstrates that the number of dog walkers visiting the area is high and that further development will increase pressure at Unit 1.
16. The required mitigation includes access management such as interpretation panels and some fencing as well as directing walkers to less sensitive areas,

⁴ The fee applies to Full, Outline, Section 73, Reserved Matters, Permitted Development and Certificate of Lawfulness applications

⁵ Footprint Ecology: Visitor Access Study of the Upper Nene Valley Gravel Pits SPA - <https://www.footprint-ecology.co.uk/work/reports-and-publications>

alongside wardening and monitoring to minimise or address the adverse effects of people visiting the SPA.

17. Tables 1 and 2 in Appendix 6⁶ list the measures identified which are sufficient to address any additional adverse effect of developments likely to occur within the 3km catchment. They have been recommended as suitable measures through the Footprint Ecology Visitor Access Study and have been assessed by a steering group consisting of Natural England, the Environment Agency, local landowners and Parish Council members.

Question 1:

Do you agree with the identified mitigation measures within the draft SPD? If not, please provide details of other mitigation measures that you consider would be appropriate to include.

Question 2:

Do you know of any existing, publicly accessible open spaces that could be considered as alternative recreational areas to the SPA?

18. Strategic Access Management and Monitoring contributions have been calculated by distributing the costs of measures evenly across the anticipated residential development within 3km of the SPA within the Proposed Submission Northampton LPP2 plan period. However, it should be noted that windfall sites that fall within 3km of Unit 1 of the SPA (including in both Northampton and South Northamptonshire areas) will be required to pay the SMM contribution and / or provide their own mitigation measures depending on the size of the development. The cost of the SMM contributions have been assumed in the Viability Study that was produced to help inform the Northampton LPP2 and they are considered to be viable.

⁶ Appendix 6 is the West Northamptonshire Mitigation Strategy Needs Assessment and is a separate document

Question 3:

Is the impact of development on the SPA the same across the 3km buffer, and if not, should there be any difference in the level of mitigation required? If you are suggesting there is a difference in impact closer / further away from the SPA, please provide evidence in the form of surveys and / or studies to demonstrate the buffer should be altered.

Regulations

19. The SAMM contributions are a specific SPA mitigation measure. They are sought for the management of access to the SPA and can be secured through Section 111 or 106 obligations. This approach is consistent with the views of other local authorities across the country in dealing with mitigation requirements for other SPAs and has been accepted by inspectors at appeal.
20. Payment of the SAMM contribution is required to mitigate against effects on a European site. By following the process set out in this SPD, mitigation is quickly and efficiently secured as an alternative to applicants having to undertake a project level HRA for any residential development applications.
21. Appendix 3 demonstrates compliance with the three legal tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 and Paragraph 56 of the National Planning Policy Framework 2019.
22. Where developments result in the need for specific new infrastructure in addition to the SAMM contribution to mitigate impacts on the SPA, contributions will be negotiated on a case by case basis in dialogue with Natural England and the Local Authority, and will need to meet the relevant regulations. This would include items such as SANGs.
23. The Conservation of Habitats and Species Regulations 2017 provides the legal framework of how an authority can consider whether any adverse effects on the integrity of a European site could be overcome by planning obligations under Section 106 of the Town and Country Planning Act 1990 (planning obligations).

Implications and Contribution to Access Management

24. The SAMM contributions figure detailed below was arrived at through the needs assessment work that costed out the required works; interpretation panels and some fencing alongside the use of a warden to guide and educate dog walkers in the sensitive locations of Unit 1 of the SPA. Monitoring is an important part of access management to ensure that the schedule of works are completed in a timely manner, identify any significant changes in access which could require alterations to management works, and investigate how disturbance affects the birds to inform future management. These works are required over the lifetime of the Northampton and South Northamptonshire LPP2s to 2029.

Developer Contributions

25. Any new residential development within 3km of Unit 1 of the Upper Nene Valley Gravel Pits SPA will have a recreational impact and therefore must be mitigated. The calculated SAMM contributions are for each new dwelling to contribute a set figure of **£428.58**. This will be index linked to the Consumer Prices Index (CPI) rounded to the nearest whole pound, with a base date of 2021. This will be reviewed annually on 6 April.
26. Making this contribution will remove the need for developments to mitigate against recreational pressure, undertake project level Appropriate Assessment and speed up the process of approval from Natural England. This would in turn, speed up the determination of these applications.
27. An example of specific wording to secure this contribution through a planning obligation (Section 106) can be found in Appendix 4. If following this mechanism of payment then a legal fee will also be required. Alternatively a payment through Section 111 of the Local Government Act 1972 can be made with no further legal cost. For template, see Appendix 5. Templates and guidance notes will be made available on the Council's website.
28. If appropriate, phasing of payments for larger schemes can be written into legal agreements with the agreement of Natural England, but some upfront payments would normally be required.
29. Some housing schemes, when accounting for their scale or relationship to the SPA may need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance / mitigation of impacts on the SPA. Where a development will create 10 or more net additional dwellings it is advised that early dialogue with Natural England take place. Natural England will then advise the Local Planning Authority if mitigation may be dealt with through a fixed SAMM contribution of **£428.58** per dwelling (index linked with a base date of 2021) and / or bespoke mitigation. Further mitigation will be in exceptional circumstances and where

Natural England advise. If a bespoke process is required then a project level Appropriate Assessment will be required.

Question 4:

Do you consider the SAMM contribution to be adequate? If not, please state why.

Permitted Development Rights

30. In recent years, changes have been made to the General Permitted Development Order (GPDO) which allow, in certain circumstances, new dwellings to be developed without the need to apply for planning permission, having defined them under the GPDO as 'permitted development'. However, in such circumstances the proposed development must still comply with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations).
31. The Habitat Regulations require that any development granted planning permission by a GPDO, which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), must not be begun until the developer has received written notification of approval of the local planning authority that the proposals will not have an adverse impact on the integrity of a European site. Within the plan area this will require the provision of appropriate mitigation measures to address adverse impacts of the development on the European sites.
32. Accordingly, compliance with the Habitat Regulations can be secured as part of the 'prior notification' process in a similar way to residential development that requires planning permission accompanied with developer contributions.

Question 5:

Do you have any comments on any other aspect of the SPD not covered by questions 1-3?

Examples of different levels of SAMM contribution

Development of 1 unit within the 3km buffer – $1 \times £428.58 =$ contribution of £428.58.

Development of 11 units within the 3km buffer – $11 \times £428.58 =$ contribution of £4,714.41

Development of 50 units within the 3km buffer - $50 \times £428.58 =$ contribution of £21,429.12

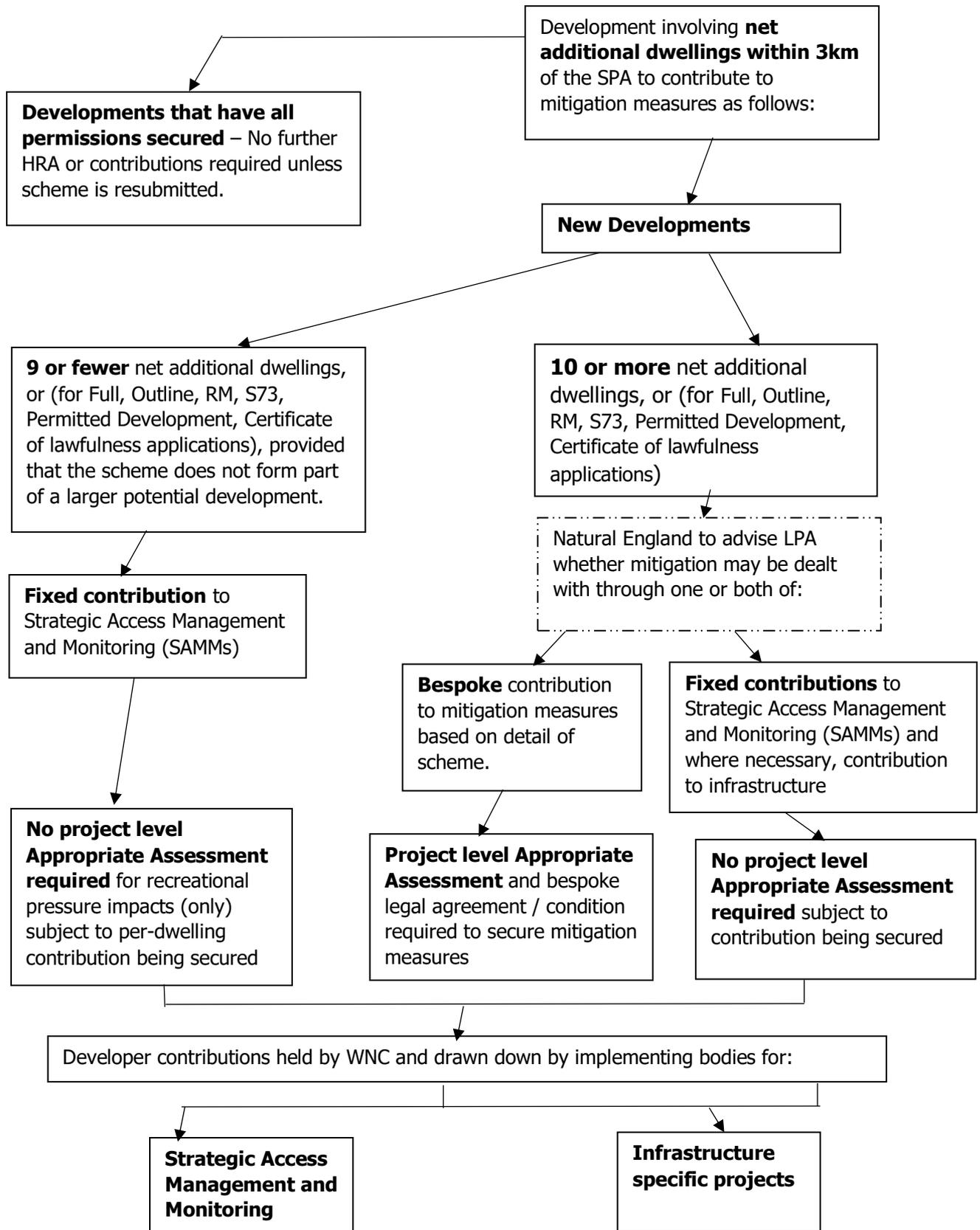
Development of 400 units within the 3km buffer – $400 \times £428.58 =$ contribution of £171,432.99

Examples of bespoke mitigation

Other large scale developments, that have the scope to deliver bespoke mitigation, will require a project level HRA and the mitigation identified in that assessment will need to be delivered. Proposed schemes of 10+ dwellings are required to liaise with Natural England at the outset to discuss SPA mitigation. Bespoke mitigation may include provision of Suitable Alternative Natural Greenspace (SANG).

Process

The following flow chart sets out how the process will work.



Payment mechanisms

33. If using a Section 106 planning obligation, on commencement of development the contributions to SAMP will be required as per the legal agreement. It is important that the contribution towards SAMP is made on commencement to ensure the mitigation is in place ahead of any significant effect on the SPA.
34. If using the Section 111 mechanism a form should be completed with payment at the application stage. A template for the form can be found at Appendix 5.
35. To comply with Habitats Regulations, mitigation must be in place before occupation of the development. The planning obligation associated with the development will contain the following occupation restriction. This is non negotiable.

Not to occupy the development or any part thereof until the Council has issued written confirmation that the payment for the Strategic Access Management and Monitoring contribution has been received.

36. As referred to in paragraph 28 above phasing options can be considered for larger schemes on a case by case basis. Occupation restrictions could relate to specific phases of the development.

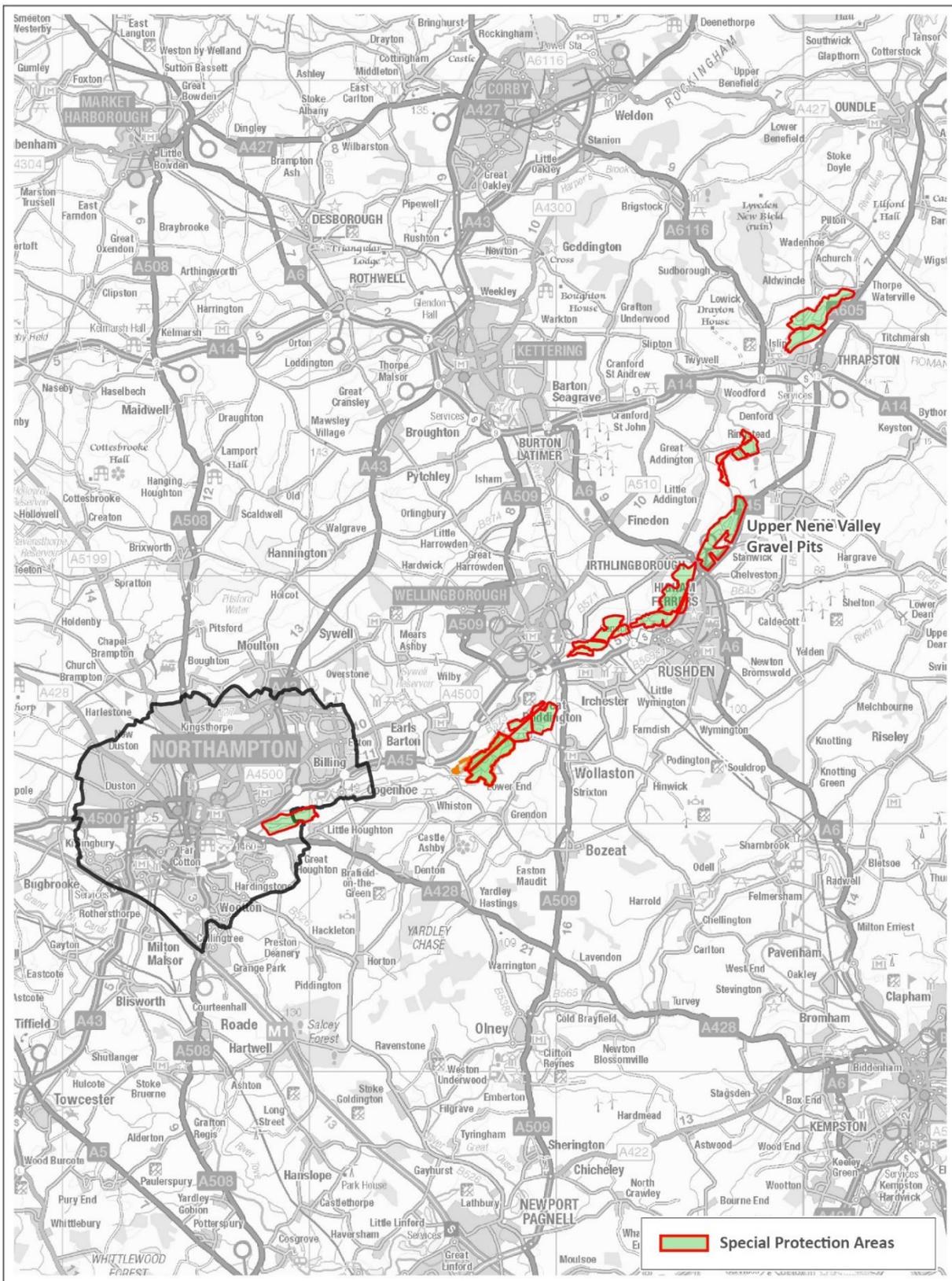
Governance

37. The Local Authority will hold the developer contributions and this will be paid to third party providers to undertake the physical work required or to undertake the wardening.

Conclusion

38. The above contributions are necessary to enable the proposed development to satisfy policy, guidance and the Habitats Regulations. Failure to mitigate the impacts on the SPA will result in an approval of the application being unlawful and contrary to Policy BN4 of the West Northamptonshire Joint Core Strategy, Policy 30 of the Proposed Northampton LPP2 and Policy NE1 of the South Northamptonshire LPP2.
39. This approach to SPA mitigation has been fully endorsed by Natural England.

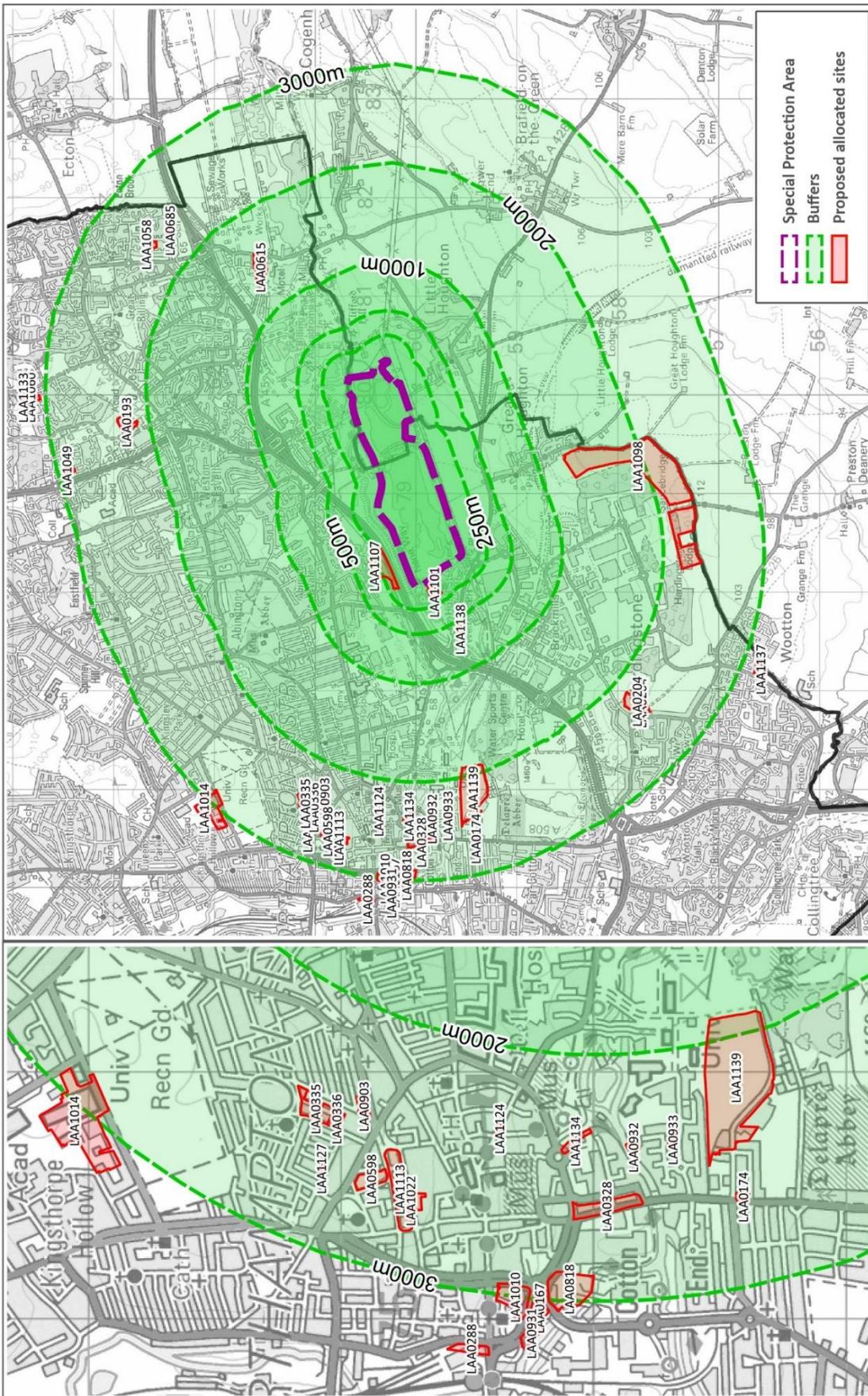
Appendix 1 – Map of Upper Nene Valley Gravel Pits Special Protection Area



Upper Nene Valley Gravel Pits Special Protection Area

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Appendix 2 – Proposed allocations within the Northampton LPP2 shown in 250m, 500m, 1km, 2km and 3km buffer zones



Proposed allocations within the Northampton Local Plan Part 2 shown in 250m, 500m, 1km, 2km and 3km buffer zones

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Appendix 3

Compliance with the three legal tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 and Paragraph 56 of the National Planning Policy Framework 2019.

Planning obligations should only be sought where they meet all of the following tests:

1. Necessary to make the development acceptable in planning terms.

Local Planning Authorities have the duty as competent authorities under the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) to ensure that planning application decisions comply with the Habitats Regulations.

As identified within the Habitats Regulations Assessment produced to inform the production of the Council's Proposed Submission Local Plan Part 2 (LPP2), and detailed within policy 30 of the proposed LPP2, all new residential development within 3km of the SPA is likely to have an adverse effect on the SPA. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within a 3km radius of the SPA are concluded to have an adverse effect on its integrity unless avoidance and mitigation measures are in place. This is through an increase in visitors that will in turn increase the level of disturbance to the wintering waterbirds.

2. Directly related to the development.

Evidence demonstrates that visitors come mainly from within a 3km zone around the SPA and visit different areas within the SPA. Therefore new development that falls within the 3km buffer can be seen to be directly increasing visitors to the SPA. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within a 3km radius of the SPA are concluded to have an adverse effect on its integrity unless avoidance and mitigation measures are in place.

This SPD considers what is required to mitigate against increased visitors to the SPA and takes into account the in-combination effects, as required by the Habitat Regulations.

Mitigation measures have been identified to avoid the adverse impacts on the SPA and they amount to £216,462.50 over the lifetime of the LPP2. This cost is divided between proposed allocations within the LPP2 to reach a cost per dwelling to mitigate the 'in combination' effects of development on the SPA.

3. Fairly and reasonably related in scale and kind to the development.

Strategic Access Management and Monitoring (SAMM) costs have then been apportioned by distributing the costs evenly across the anticipated development within 3km of the SPA within the plan period. This has been calculated as a cost of

£428.58 for each new dwelling. This contribution is therefore a proportionate cost dependent on the scale of development proposed and it is therefore fairly and reasonably related in scale and kind to the development.

Appendix 4 – Planning Obligation Wording

Wording for Strategic Access Management and Monitoring (SAMM) contributions to be included in any legal agreement.

To pay to the Council (West Northamptonshire Council) on or before commencement of development the following sums Indexed Linked:

1.1 The Strategic Access Management and Monitoring contribution in the sum of [] pounds and [] pence (£) for use by the Council for providing strategic access management and monitoring arrangements in relation to the Upper Nene Valley Gravel Pits Special Protection Area to mitigate any adverse significant effect arising from the development. This is in accordance with Policy BN4 of the West Northamptonshire Joint Core Strategy, Policy 30 of the Northampton Local Plan Part 2 , Policy NE1 of the South Northamptonshire LPP2 Policy and the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

Appendix 5 – Section 111 Template

The following template would need to be submitted at the planning application stage.

Section 111 of the Local Government Act 1972
Habitats Mitigation Contribution ⁷

DRAFT

To the Planning Manager,
West Northamptonshire Council, The Guildhall, St Giles' Square, NN1 1DE

Application Reference Number:

Address of Planning Application:

The Council is the local planning authority for the area within which I proposed to develop land for residential purposes.

I have applied to the Council for planning permission for

[Insert description of the development] ("the Development")

at

[Insert address of the Land]

I have read the Upper Nene Valley Gravel Pits SPA SPD: Mitigation Strategy and I am contributing a sum of £..... towards the cost of measures to mitigate the impact of the proposed residential development at the above address on the Nene Valley Special Protection Area (SPA)⁸ – known as the 'Strategic Access Management and Monitoring contribution'. The payment has been made to the Council for defined purposes to be held by the Council and used solely for those purposes upon the development being commenced.

I hereby acknowledge and agree that:

- a) The Strategic Access Management and Monitoring contribution has been paid to West Northamptonshire Council as a contribution towards mitigation of the effect of the proposed development on the Nene Valley SPA as set out in West Northamptonshire Joint Core Strategy (2014) Policy BN4, policy 30 of the Northampton LPP2 and Policy NE1 of the South Northamptonshire LPP2;
- b) No refund of this habitats mitigation contribution will be made unless the application does not receive approval or is later withdrawn.

⁷ A signed copy of this form and a direct payment by cheque must accompany the relevant application as a contribution towards mitigation of the effect of proposed development on the Nene Valley SPA.

⁸ This amount must be the sum of **£428.58** for each dwelling to be developed.

- c) *In respect of any refund (including where an application is withdrawn) I further acknowledge that:*
- *A request for a refund will be made to the Local Planning Authority in writing;*
 - *The total amount refunded will be the sum of the original habitats mitigation contribution payment less an administration fee of £50;*
 - *No interest will accrue to be refunded; and,*
 - *No refund will be made until the period for appeal has passed or an appeal has been dismissed or six months has elapsed since the date of withdrawal.*

Signature of applicant/agent:

Date:

Full name of applicant/agent:

West Northamptonshire Council

Signed:

West Northamptonshire Council Planning Manager

This receipt signifies the agreement on behalf of West Northamptonshire Council to the terms in which the habitats mitigation contribution is made by the applicant as set out in this form and in accordance with Section 111 Local Government Act 1972.

Appendix 6 – West Northamptonshire Mitigation Strategy Needs Assessment

Mitigation Options for Unit 1

Issues	Mitigation
<ul style="list-style-type: none"> • Disturbance to birds within Unit 1 of the Upper Nene Valley Gravel Pits (Clifford Hill Gravel Pits) Special Protection Area (SPA) • Off-lead dogs within the SPA basin 	<ul style="list-style-type: none"> • Interpretation panels • Fencing • Provision of Suitable Alternative Natural Greenspace (SANG) for residents of The Green, Great Houghton • Wardening • Promote Brackmills Country Park as local off-lead area.

SPA Mitigation needs

1. The following Strategic Access Management and Monitoring (SAMM) mitigation measures have been determined between West Northamptonshire Council, Natural England and other local partners. Requirements include interpretation panels , fencing, wardening and monitoring, which is required throughout Unit 1 of the SPA to mitigate and evaluate visitor pressure and patterns over time.

Suitable Alternative Natural Greenspace (SANG)

2. It is expected that the greatest impact on the SPA will result from development at The Green, Great Houghton (proposed allocation LAA1098). A SANG will be secured here to provide an area for residents to use and, in particular, provide dog walkers with a substantial “off-lead” area and a sufficient circular route.

Interpretation panels and Access Management

3. Interpretation panels will provide residents and visitors with information about the sensitivity of the SPA and of nearby alternative walking / dog walking routes. These will be placed at all entrance points to Unit 1. Information will include the requirement to keep dogs on leads, links to the Countryside Code and details of nearby off-lead dog walking areas.
4. Fencing will be placed at appropriate and agreed locations around the SPA to aid visitor management.

Greenspace improvements

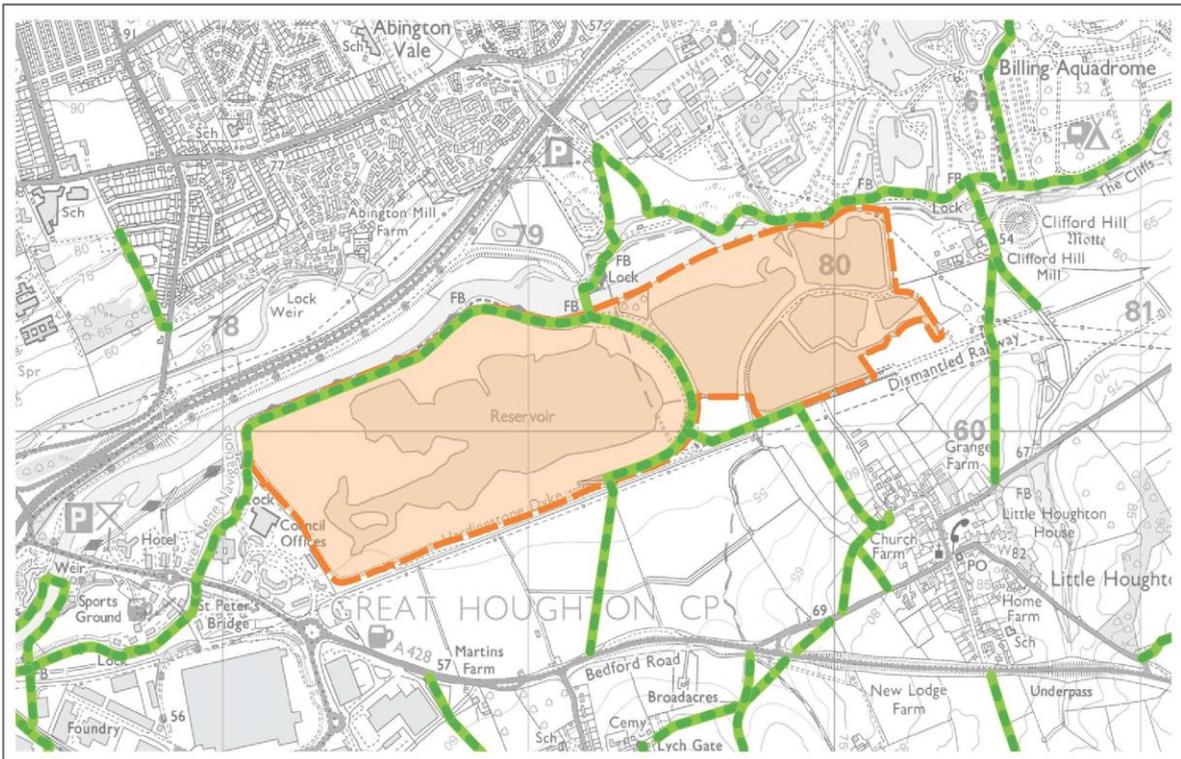
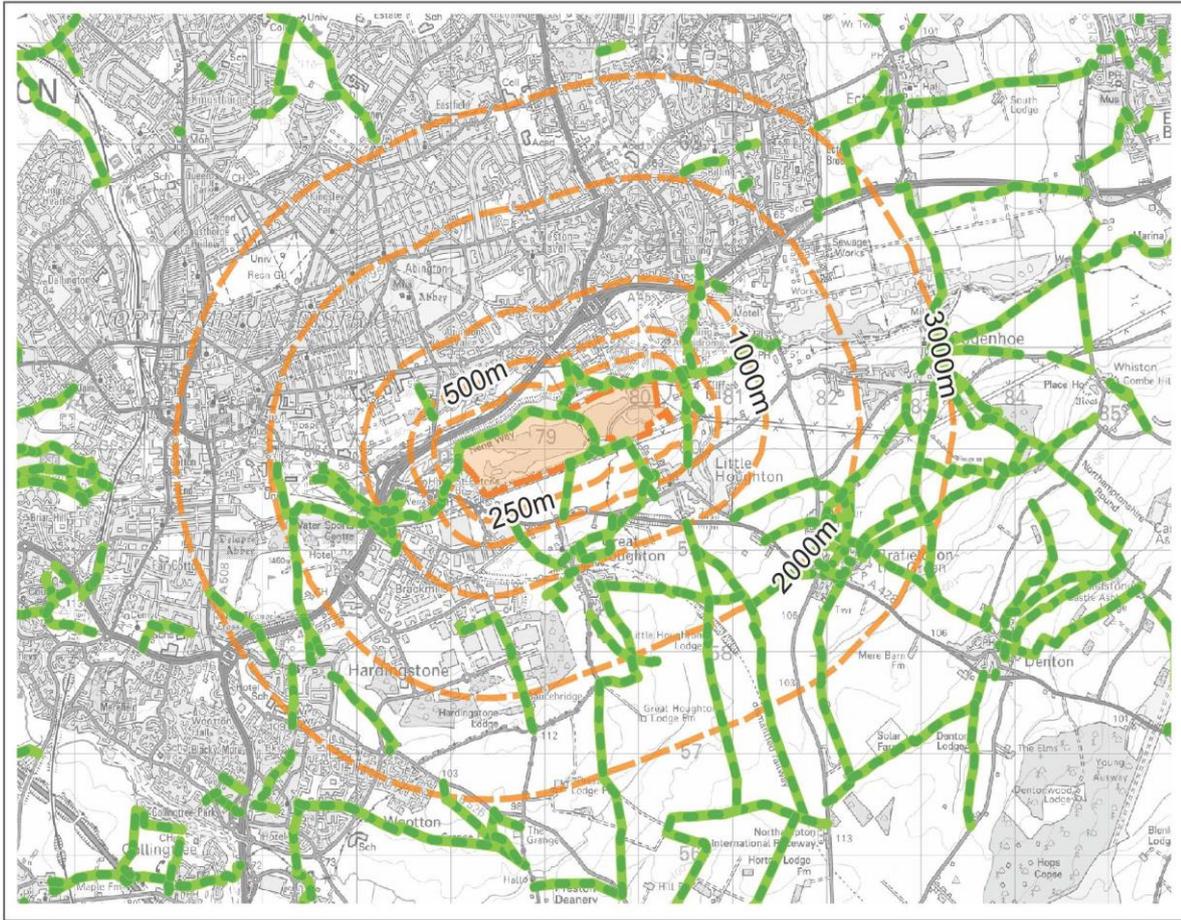
5. Improvements to nearby greenspace including Brackmills Country Park and surrounding areas must include signage to longer walks, dog bins, footpath improvements and maintenance as well as overall ecological enhancement.

Wardening

6. A part-time warden is required to help mitigate visitor impacts on Unit 1 of the SPA. Their role will be to help educate visitors on the importance of the SPA and the reasons why visitors and dogs must stay on-lead and to access paths. It is expected that wardens will also participate in year-round engagement activities alongside partners who are working to protect the SPA.

Monitoring

7. A monitoring scheme to track the implementation of mitigation measures. Patterns of visitor access to and around Unit 1 of the SPA must be monitored for any significant changes that could require adjustments to access management.
8. Additionally, the reaction of the SPA's birds to disturbance needs to be monitored to better inform future mitigation measures.
9. A part time funding officer will be required to administer monies collected and to distribute funds to implement measures to the relevant internal and external bodies.
10. See maps on continuing page showing the Upper Nene Valley Gravel Pits SPA and Public Rights of Way.



West Northamptonshire Council

Unit 1 of the Upper Nene Valley Gravel Pits SPA and Public Rights of Way

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Indicative Costs

11. The following costs are based on figures included within the Mitigation Strategy Needs Assessment undertaken for North Northamptonshire's Mitigation Strategy. They take account of indexation using the most up to date figures from Office of National Statistics Consumer Price Index⁹ and will be updated annually on 6 April. The provision of a warden is funded in perpetuity and capital costs reflect ongoing maintenance. In future, where monitoring and up to date surveys show additional visitors and dog walkers, additional mitigation measures such as increased wardening may be required. Residential windfall development within 3km of Unit 1 of the SPA will be expected to pay the contribution fee to mitigate their impact on the SPA and this will be spent on scaled up mitigation measures.

Table 1: Indicative costs to implement **full complement of measures** required to mitigate the impacts of visitor pressure in Unit 1 of the Upper Nene Valley Gravel Pits SPA

Measure	Unit 1 cost
Fencing 50m @ £33.51/m ¹⁰ plus ongoing maintenance costs	£5,483.93
5 x Interpretation panels @ £1,117.10 each plus ongoing maintenance costs ¹¹	£18,279.76
1 x ft Warden (and associated costs) in perpetuity @ £45,600 / year ¹²	£2,072,727.27
1 x ft Monitoring / Funding officer @ £36,864.19 from 2022 - 2029 ¹³	£258,049.30
TOTAL for Unit 1	£2,354,540.27

Measures included in the Mitigation Strategy

12. The mitigation strategy must include an appropriate but representative proportion of the total measures required. Consequently, some on-site presence is required to oversee implementation of the access management measures on the ground, talk to visitors, and answer questions about and generate public support for the changes. It is estimated that this could be accomplished by one 0.25 FTE (full-time equivalent) warden.

13. Resources will also be required to coordinate the collection of mitigation funds, oversee works contracts as well as monitor and report on the progress

⁹ <https://www.ons.gov.uk/economy/inflationandpriceindices/datasets/consumerpriceinflation>

¹⁰ Cost taken from Upper Nene Valley Gravel Pits Mitigation Strategy and index linked (CPI) to August 2021

¹¹ Greenbarnes Signage - <https://www.greenbarnes.co.uk/shop/signage/lecterns/a2-man-made-timber-interpretation-panel-ref-pipa2/> - materials and labour

¹² Cost of WNC warden

¹³ CIL and S106 Officer role from Planning Resource website <https://jobs.planningresource.co.uk/job/356533/senior-cil-and-s106-officer> (April 2021)

of the mitigation strategy. It is estimated that this would require one 0.25 FTE monitoring / funding officer. It may be that this administrative role could be resourced in whole or in part by or within the local planning authorities. This possibility has not been investigated however, so costs for the full amount are included in this analysis.

14. Therefore, the following measures have been selected for their combination of low cost and high effectiveness (recommended mitigation measures costs are shown in Table 4). These are:

- Fencing
- Interpretation panels
- One 0.25 FTE warden
- One 0.25 FTE monitoring / funding officer

Table 2: Indicative costs to implement **recommended mitigation measures** in the Upper Nene Valley Gravel Pits SPA

Measure	Unit 1 cost
Fencing 50m @ £33.51/m ¹⁴ plus ongoing maintenance costs	£5,483.93
5 x Interpretation panels @ £1,117.10 each plus ongoing maintenance costs ¹⁵	£18,279.76
1 x ft Warden (and associated costs) in perpetuity @ £45,600 / year ¹⁶	£518,181.82
1 x ft Monitoring / Funding officer @ £36,864.19 from 2022 - 2029 ¹⁷	£115,500.00
TOTAL for Unit 1	£657,445.51

Apportioning Mitigation Costs

15. It is expected that the greatest impact on the SPA will result from development at The Green, Great Houghton (proposed allocation LAA1098). It is therefore proposed that a SANG is delivered in association with this development.

16. The inclusion of a SANG at The Green, Great Houghton reduces the cost of the entire package of mitigation measures as it removes the need to identify and pay for land to accommodate an additional off-lead dog walking area. However, if a SANG does not come forward on this site, then SMM contributions will be required.

¹⁴ Cost taken from Upper Nene Valley Gravel Pits Mitigation Strategy and index linked (CPI) to August 2021

¹⁵ Greenbarnes Signage - <https://www.greenbarnes.co.uk/shop/signage/lecterns/a2-man-made-timber-interpretation-panel-ref-pipa2/> - materials and labour

¹⁶ Cost of WNC warden

¹⁷ CIL and S106 Officer role from Planning Resource website <https://jobs.planningresource.co.uk/job/356533/senior-cil-and-s106-officer> (April 2021)

17. As such, the costs associated with the mitigation measures identified in Table 2 are spread equally among the remaining proposed allocations within the Northampton LPP2 that are located within 3km of the SPA (see Table 3 below).
18. To mitigate adverse impacts on the Upper Nene Valley Gravel Pits SPA from proposed and windfall residential development within 3km of Unit 1 of the SPA, a contribution of **£428.58** is required per dwelling towards SAMM mitigation measures.

Table 3: Proposed residential allocations within the submitted Northampton LPP2 that fall within a 3km radius of the Upper Nene Valley Gravel Pits SPA

Site number	Site name
0174	Ransome Road Gateway
0193	Former Lings Upper School, Birds Hill Walk
0204	The Farm, Hardingstone
0335	Great Russell Street / Chronicle & Echo North
0336	Site R/O Aldi, former Chronicle & Echo site
0685	Adj 12 Pennycross Place, Ecton Brook Road
0903	Hawkins Shoe Factory, Overstone Road
0932	Southbridge Road Site 1
0933	Southbridge Road Site 2
1010	Land at St. Peter's Way / Court Road / Freeschool Street
1014	University of Northampton, Avenue Campus
1022	Belgrave House
1049	Land off Arbour Court, Thorplands Garage Block
1058	Land off Oat Hill Drive, Ecton Brook
1098	The Green, Great Houghton
1107	Former Abington Mill Farm, land of Rushmere Road
1113	Greyfriars
1124	41 – 43 Dergate
1127	32 Connaught Street
1134	St Johns Railway Embankment
1138	Land south of Old Bedford Road
1139	Ransome Road

Appendix 7: GLOSSARY

Appropriate Assessment – An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site.

Commencement – commencement of development is in accordance with the legal requirements in section 56 of the Town and Country Planning Act 1990. This states that 'development is taken to be begun on the earliest date on which a material operation is carried out'. A material operation is defined in the Act and can include any works of construction, digging foundations, laying out or constructing a road and a material change in the use of the land.

Competent Authority – The decision maker under the Habitats and Species Regulations 2017 (or as subsequently amended): often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project.

Development Plan – A set of documents, which at the time of this SPD's adoption comprises certain saved policies from the Northampton Local Plan (1997), South Northamptonshire Local Plan Part 2 (2020), West Northamptonshire Joint Core Strategy and the Submitted Northampton Local Plan Part 2, Northamptonshire Biodiversity SPD, and the Upper Nene Valley Gravel Pits SPA SPD.

Development Plan Document – A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

Local Plan – A Local Plan forms part of the development plan system set out in the Town and County Planning Act 1990. Local Plans set out a vision and a framework for the future development of an area, addressing housing, the economy, community facilities and infrastructure, the environment, adapting to climate change and securing good design. Local Plans (together with any adopted neighbourhood plans) are the starting-point for considering whether planning applications can be approved.

National Planning Policy Framework (NPPF) – A document that sets out the government's planning policies for England. It guides planning decisions and sets the framework for the production of planning documents at the local level.

Natura 2000 Sites – An ecological network of sites (SPAs and SACs) established under the Habitats Directive to provide a strong protection for Europe's wildlife areas.

Special Protection Area (SPA) – A nature conservation site designated for its bird interest under the Birds Directive, but subject to the assessment procedure set out in the Habitats Directive.

Strategic Access Management and Monitoring (SAMM) - This comprises of various methods of access management including wardening and general monitoring of the SPA. It is not classed as infrastructure.

Suitable Alternative Natural Greenspace (SANG) – Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA.

Supplementary Planning Document (SPA) – A planning document produced at the local level to build upon and provide more detailed advice or guidance on local policies.

Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document



Golden plover *Pluvialis apricaria*, Summer Leys Nature Reserve. Photo courtesy Nicholls of the Yard

August 2015

Statutory status of the Upper Nene Valley Gravel Pits SPA Supplementary Planning Document

This Supplementary Planning Document (SPD) has been prepared under the 2004 Planning and Compulsory Purchase Act (the '2004 Act'). The Upper Nene Valley Gravel Pits Special Protection Area (SPA) SPD is a statutory Local Development Document (LDD). It applies to the four Local Planning Authorities which cover the SPA (South Northamptonshire, Northampton, Wellingborough and East Northamptonshire), but will be adopted by each Local Planning Authority as a statutory SPD.

The SPD was prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (Statutory Instrument 2012 No. 767) (the '2012 Regulations'), which set out the minimum requirements for the preparation of an SPD. It is essential for these requirements to be met in order for this document to be classified as a statutory LDD, thereby supplementing Local Plans.

This SPD will supplement policies within the North Northamptonshire Core Spatial Strategy, adopted June 2008 and West Northamptonshire Joint Core Strategy Local Plan (Part 1), adopted December 2014 (see Appendix 5). The specific preparation process for the Upper Nene Valley Gravel Pits SPA SPD is directed by 2012 Regulations 12-14 and 35. The process also needs to have regard to the relevant Statements of Community Involvement (SCI).

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1. Introduction

The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the ‘Habitats Regulations’).

Northamptonshire’s main towns are earmarked for major urban growth until at least 2026. This generates particular pressures from built development, demand for public access and recreation opportunities. There is a strong body of evidence that increasing levels of development, even when well outside the boundary of protected sites, can have negative effects on these sites.

In addition to direct threats to the SPA from poorly located or designed development, Natural England considers the SPA to be ‘at risk’ from increasing recreational disturbance. A difficult balancing act is required to resolve impacts associated with recreation without compromising the ability of people to be outside and enjoying the green spaces near their homes.

This Supplementary Planning Document (SPD) has been produced to help Local Planning Authorities, developers and others ensure that development has no significant effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD outlines a consistent approach to both consulting Natural England and identifying potential significant effects on the SPA’s qualifying features.

Nature conservation designations in the Upper Nene Valley Gravel Pits area

The Upper Nene Valley Gravel Pits span a number of statutory and non-statutory nature conservation sites which are protected through a range of legal and policy mechanisms (Table 1). Local Planning Authorities and other competent authorities¹ must take these designations into account when carrying out their functions.

Table 1 Types of nature conservation designations in the Nene Valley

Designation	Protection mechanism	‘Level’
Special Protection Area (SPA)	Conservation of Habitats and Species Regulations 2010	Statutory
Wetland of International Importance (Ramsar site)	The same protection is afforded to designated Ramsar sites as to European Sites ² as a matter of Government policy. ³	Statutory
Site of Special Scientific Interest (SSSI)	Wildlife and Countryside Act 1981 as amended	Statutory
Local Wildlife Site (LWS)	Local and national planning policy and guidance	Non-statutory

The SPA and Ramsar site boundaries are identical; the qualifying features are only slightly different (see below). All further references to the SPA should therefore be interpreted as including the Ramsar site.

The SSSI includes an additional 20ha of land at Earls Barton Carr and Ringstead Gravel Pits.

Further information regarding these sites can be found in Appendix 1. In particular, please note that while the SPA’s qualifying features are present in the non-breeding season, the features of interest of the SSSI and non-statutory sites may be present at any time of year.

Copies of citations for the SPA and Ramsar sites can be found at www.jncc.gov.uk and for SSSI at <http://designatedsites.naturalengland.org.uk/SiteSearch.aspx>.

Further information on Local Wildlife Sites can be obtained from the Wildlife Trust.⁴

1 In England, any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(1)), government department, statutory undertaker, public body of any description or person holding a public office; and any person exercising any function of such a person.

2 Special Protection Areas (SPA) and Special Areas for Conservation (SAC), designated under the Birds Directive and Habitats Directive, respectively.

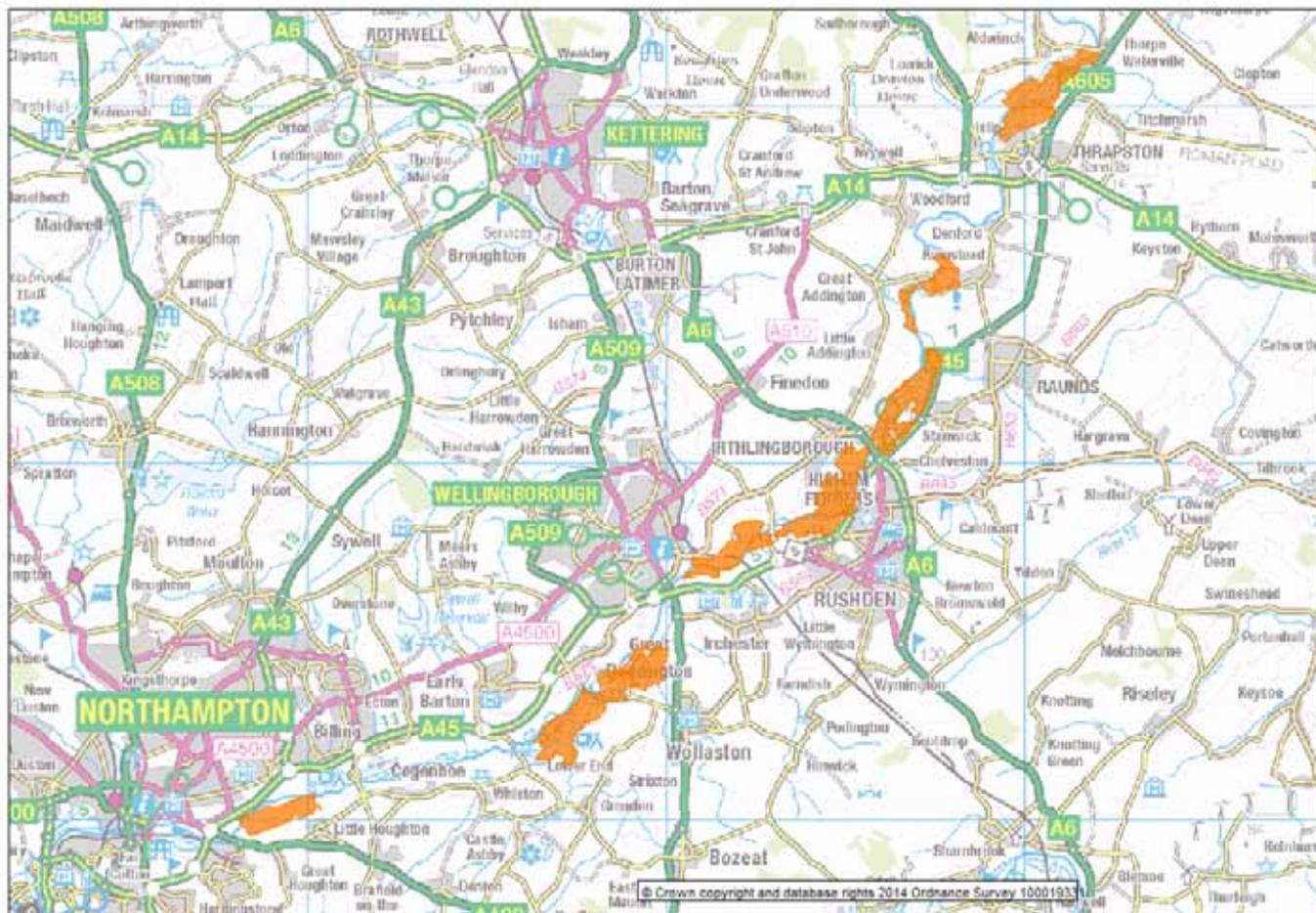
3 Communities and Local Government. 2012. National Planning Policy Framework, paragraph 118.

4 The Wildlife Trust BCN, Lings House, Lings Way, Lings, Northampton NN3 8BE. Tel: 01604 405285 Email: northamptonshire@wildlifebcn.org Web: www.wildlifebcn.org.

2. The Upper Nene Valley Gravel Pits Special Protection Area

The SPA was formally classified by the UK Government in 2011. It covers 1358 hectares in four local authorities in Northamptonshire (Figure 1). It is a composite site comprising 20 separate blocks of land and water fragmented by roads and other features, and located adjacent or close to urban areas.

Figure 1 Location of the Upper Nene Valley Gravel Pits SPA (in orange)



The site qualifies under **article 4.1** of Directive 2009/147/EC as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 species	Count and season	Period	% of GB population
Bittern <i>Botaurus stellaris</i>	2 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.0%
Golden plover <i>Pluvialis apricaria</i>	5,790 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.3%

The site qualifies under **article 4.2** of Directive 2009/147/EC, and under Criterion 6 for the identification of Wetlands of International Importance, as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

Migratory species	Count and season	Period	% of subspecies/ population
Gadwall <i>Anas strepera</i>	773 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.0% <i>strepera</i> , NW Europe (breeding)

The site qualifies under **article 4.2** of Directive 2009/147/EC, and under Criterion 5 for the identification of Wetlands of International Importance, as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:

In the non-breeding season, the area regularly supports 23,821 individual waterbirds (5 year peak mean 1999/2000 – 2003/04), including wigeon *Anas penelope*, gadwall *Anas strepera*, mallard *Anas platyrhynchos*, shoveler *Anas clypeata*, pochard *Aythya farina*, tufted duck *Aythya fuligula*, great crested grebe *Podiceps cristatus*, cormorant *Phalacrocorax carbo*, bittern *Botaurus stellaris*, golden plover *Pluvialis apricaria*, lapwing *Vanellus vanellus* and coot *Fulica atra*.⁵

The site further qualifies under **Criterion 6** for the identification of Wetlands of International Importance because it regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season:⁶

Species	Count and season	Period	% of subspecies/ population
Mute swan <i>Cygnus olor</i>	629 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	1.7% Britain

Potential threats to the SPA

In addition to direct threats to the SPA from poorly located or designed development, Natural England considers the SPA to be ‘at risk’ from increasing recreational disturbance. Northamptonshire’s main towns are earmarked for major urban growth until at least 2026. A 2012/13 study of visitor and access patterns across the SPA showed very clearly that visit rates to the SPA tend to increase with proximity to residential areas.⁷ Most visits are made by people who live within 3km of the SPA, who visit very frequently for relatively short periods of time.

Access by people and dogs can be a significant cause of disturbance in some parts of the SPA. The site is also subject to a range of recreational activities including fishing and watersports. Demand for access and recreational activities (both formal and informal) within the Nene Valley is increasing along with disturbance to the birds for which the SPA is designated.

Disturbance effects are cumulative. Without mitigation, any net increase in the number of residential units near the SPA has the potential to increase the significance of the effect by increasing the number of visits to the European Site. Those visitors may increase levels of disturbance to the wintering waterbirds or the habitats they depend on.

The Habitats Regulations require that the effects of plans and projects be considered in combination with effects arising from other plans and projects.

3. Consultation: when and how to engage with Natural England

Natural England must be consulted regarding proposals that could affect the Upper Nene Valley Gravel Pits SPA. Early consultation is both advisable and beneficial: it allows potential impacts to be identified at an early stage, survey works undertaken and mitigation agreed where necessary.

Natural England has developed specific consultation zones for the SPA (Appendix 4). These clarify for local planning authorities and other competent authorities when to consult with Natural England about potential impacts on the SPA. *Applications that fall outside the consultation zones may still require consultation with Natural England for other reasons, e.g. Environmental Impact Assessment applications.*

Table 2 presents a summary of when to consult Natural England. Similar criteria (known as Impact Risk Zones) have been published for all SSSIs in England. They can be viewed at the MAGIC website www.magic.gov.uk or downloaded from the Natural England website.⁸

5 Natural England. 2011. Citation for Upper Nene Valley Gravel Pits Special Protection Area Site Code: UK9020296. Peterborough: Natural England

6 Joint Nature Conservation Committee. 2011. Information Sheet on Ramsar Wetlands (RIS): Upper Nene Valley Gravel Pits. Peterborough: Joint Nature Conservation Committee.

7 Liley D, Floyd L, Cruickshanks K, Fearnley H. 2014. Visitor access study of the Upper Nene Valley Gravel Pits SPA. Footprint Ecology: unpublished report for the Nene Valley NIA Partnership. Available at <http://www.nenevalleynia.org/wp-content/uploads/2014/08/Footprint-Ecology-Upper-Nene-Valley-Gravel-Pits-SPA-Visitor-Survey-screenres.pdf>. Accessed 3 December 2014.

8 Natural England. 2014. Dataset Downloads: GIS Digital Boundary Datasets [ONLINE]. Available at http://www.gis.naturalengland.org.uk/pubs/gis/GIS_register.asp. Accessed 18 November 2014.

Please send consultation requests to by email (preferred) to consultations@naturalengland.org.uk. Otherwise correspondence should be sent by post to:

Natural England
 Consultation Service
 Hornbeam House
 Electra Way
 Crewe Business Park
 Crewe
 Cheshire
 CW1 6GJ

Table 2 Consultation zones for the Upper Nene Valley Gravel Pits SPA/Ramsar site

Type of plan or project	Consultation with Natural England
Spatial/community development plan guidance or strategy relating to Northamptonshire/ Nene Valley e.g. Core Strategy, Local Plan, Development Plan Document, Minerals and Waste Local Plan, Rights of Way Improvement Plan, Neighbourhood Plan	All plans
Environmental permits e.g. land drainage consent, applications under the Integrated Pollution Prevention and Control Directive, fisheries related/EA Strategic Plans	<p>Land drainage consent: within SPA or on River Nene between Northampton and Thorpe Waterville</p> <p>Fisheries: all applications within SPA</p> <p>Water discharge/abstraction: all applications which may affect the SPA</p> <p>EA CAMS/Flood Management Plan/Nene Navigation Plans: all within Nene catchment</p>
Development Management	
Within SPA/Ramsar	All applications
0 – 50 metres	All applications except householder applications
0km-2km of SPA/Ramsar	<ul style="list-style-type: none"> • All planning applications with a new/additional footprint outside existing settlements • Large commercial / industrial development with internal floor space > 1000m² • Quarry applications • All proposals that would alter accessibility in or around the SPA (e.g. new or reduced public car parking, new cycle tracks or pedestrian routes) • All proposals likely to generate significant noise (e.g. clay pigeon shoot)
0km-3km of SPA/Ramsar	All applications with net gain in residential units
0km-5km of SPA/Ramsar	<ul style="list-style-type: none"> • Infrastructure including road, rail, pylons, pipelines (except routine maintenance)
0km-10km of SPA/Ramsar	<ul style="list-style-type: none"> • Airports • Solar development over 0.5ha • Pig and poultry units • Any industrial development including combustion sources which could cause air pollution • Landfill and other waste management including composting • Discharge to surface water or ground • All wind farms/turbines except: <ul style="list-style-type: none"> • Building mounted turbines • Single turbines less than 15m

4. Significant effects on the Upper Nene Valley Gravel Pits SPA

Habitats Regulations Assessment

The Habitats Regulations include a stringent assessment process (Habitats Regulations Assessment (HRA)) which competent authorities must follow when considering plans or projects that could have significant effects on European Sites, either individually or in combination with other plans or projects.^{9, 10}

The relevant competent authority (Table 3) will be able to advise whether HRA will be needed. Applicants may be required to provide additional information or carry out survey work before an assessment of a proposal can be made.

Table 3 Competent authorities for plans and projects related to the Upper Nene Valley Gravel Pits SPA

Example of plan/project	Competent authority
Proposal to change habitat management or to introduce a new recreational activity, <i>e.g.</i> sailing, fishing (where no planning consent is required)	Natural England
Land drainage consent; consents for discharge, abstraction, fish stocking	Environment Agency
Proposals requiring planning consent	Local Authority
National infrastructure projects	The relevant Government department

Significant adverse effects can arise from any of the following causes, alone or in combination with the effects of other plans or projects:

- **Physical loss of habitats within the SPA** through conversion to other land uses
- **Fragmentation of habitats within the SPA**, which isolates waterbirds in small habitat patches and impedes waterbird movement through the site
- **Loss of usable habitat within the SPA** in which the physical extent of habitat remains, yet factors like disturbance or visual barriers reduce the amount of habitat that is actually suitable for waterbirds
- **Loss of supporting habitat** adjacent to or outside the SPA
- **Increased disturbance to waterbirds** from human activity (*e.g.* recreational uses), domestic pets, noise, light and other factors that cause birds to spend less time feeding and more energy avoiding the disturbance, compromising long term survival
- **Changes in ecological condition**, *e.g.* due to lack of management, ecological succession or deteriorating water quality, which render the habitat unsuitable for waterbirds
- **Direct waterbird mortality**, *e.g.* from collision with structures.

Applicants who are unsure whether their proposal could have a significant effect on the SPA are advised to contact Natural England as early as possible.

Appropriate Assessment

Assessing a proposal's impact is a complex process.^{11, 12} The effects of development will vary from lake to lake, and similar proposals may have different effects on different lakes. The effects of a proposal must be considered in relation to both individual parts of the SPA and the entire SPA.

9 Refer to European Commission. 2001. Assessment of plans and projects significantly affecting Natura 2000 Sites: methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Luxembourg: Office for Official Publications of the European Communities.

10 Refer to Tyldesley D. 2009. The Habitats Regulations Assessment of Local Development Documents, revised draft guidance for Natural England

11 Refer to Dodd AM, Cleary BE, Dawkins JS, Byron HJ, Palframan LJ, Williams GM. 2007. The Appropriate Assessment of spatial plans in England: a guide to why, when and how to do it. Sandy, Bedfordshire: RSPB

12 Refer to Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Planning. 2006. Appropriate Assessment of plans [ONLINE]. Available at <http://www.levett-therivel.co.uk/AA.pdf>. Accessed 15 December 2014.

Where it is shown that there will be an adverse effect on site integrity or where the possibility of an adverse effect on site integrity cannot be ruled out, appropriate avoidance or mitigation measures must be incorporated into the proposals. Where avoidance is not possible, and where (despite mitigation measures) the risk of an adverse effect on site integrity cannot be ruled out, plans and projects can only be permitted if:

- There are no alternative solutions
- There are imperative reasons of overriding public interest why the plan or project must proceed
- Habitat compensation is provided, and
- Approval is given by the Secretary of State.

Applicants are advised that most plans and projects are very unlikely to be able to demonstrate that they meet all of these requirements.

Recreational disturbance

Recreational disturbance is the most significant threat to the Upper Nene Valley Gravel Pits SPA. Research shows that disturbance from human recreational activities in wetlands can cause problems for wildlife.¹³ Detailed local studies of the effects of visitor behaviour on bird behaviour and numbers have shown that people and dogs can disturb the SPA's birds as they feed and roost.¹⁴

Birds react to disturbance in different ways. They will often fly, walk or run away, which uses valuable energy. They may also simply lift their heads and watch, or become vigilant to potential danger. All of these behaviours interrupt the birds' feeding. Birds' responses to disturbance can vary with factors like species, weather conditions, type of disturbance, the health and previous experiences of individual birds, and their ability to compensate for the disturbance (e.g. by feeding at night). Effects of disturbance can therefore be subtle and difficult to assess.

Birds will avoid areas that are continually disturbed. Unfortunately these are sometimes the best feeding areas. Repeated disturbance can also cause stress and loss of energy, which affects the birds' health and breeding potential. In extreme cases it can lead to their death.

All parts of the SPA receive equal protection and are equally important, although some are more or less sensitive to disturbance. Therefore the same proposal may require a different type or degree of mitigation depending on the location.

There are a number of factors which influence sensitivity. All of these must be considered when assessing a proposal's impact:

Distribution of birds

The distribution of bird species varies across the SPA. Some species like tufted duck are spread evenly at low numbers across the whole site whereas other species like golden plover, shoveler and bittern are concentrated in certain locations. Similarly, a large percentage of the overall assemblage may be present in a small number of lakes. All notified species present on a lake must be considered for any planning application.

A proposal affecting a lake with a widely distributed species is likely to have less impact than the same proposal on a lake with a large concentration of a single species.

Seasonality

Some lakes are of interest for their wintering birds only and have little or no breeding bird interest. Others are important for their breeding bird and wintering interest. On lakes that are only of interest for wintering birds, it may be that a proposed use can be permitted during the summer (subject to there being no significant impact on the features of interest of the Upper Nene Valley Gravel Pits SSSI). Applicants should check to find out whether the

13 For example, see Kirby J, Davidson N, Giles N, Myrfyn O and Spray C. 2004. Waterbirds and Wetland Recreation Handbook – a Review of Issues and Management Practice. Slimbridge: The Wildfowl and Wetlands Trust.

14 Brayshaw RS. 2010. Survey work to support the Appropriate Assessment for the West Northamptonshire Joint Core Strategy, Element 2: Field surveys (recreational, disturbance and bird behaviour). Report to the West Northamptonshire Joint Planning Unit. Project number UK18-15188. Available at <http://www.westnorthamptonshirejpu.org/connect.ti/website/view?objectId=2757328>. Accessed 8 December 2014.

lake supports significant post-breeding (August – September) flocks of gadwall or shoveler, which may require use restrictions during these months. Some specific surveys may be required.

Screening

The degree of screening around a lake influences the impact of visual disturbance. On a heavily screened lake (*e.g.* Higham Ferrers), visual disturbance will be limited to all or part of that lake. Disturbance may affect a larger area in a more open area like Irthlingborough Lakes and Meadows. Screening can be used to minimise visual impact but needs to be balanced with the habitat needs (*e.g.* sight lines for take off) of the birds using the site.

Species' tolerance of disturbance

It is important to understand how various species react to disturbance. Some species like coot, mute swan and tufted duck are normally quite tolerant of disturbance. Others like shoveler, wigeon and golden plover are more sensitive. These tolerances are largely reflected in how species distribute themselves around the site.

A proposal on a lake with tolerant species is likely to have less of an impact than the same proposal on a lake with species sensitive to disturbance. Most types of disturbance are indiscriminate in their effects. Any mitigation must therefore be designed to meet the needs of the least tolerant species present on site.

Collecting information/surveys

Surveys may be needed to enable a proposal's impacts to be assessed. These include (but are not limited to):

- Desk study, scoping and Phase I habitat surveys
- Specific species population counts (selected locations only)
- Wintering bird survey
- Breeding bird survey
- Access/disturbance survey: an assessment of existing public access levels and its effects on birds under a range of conditions
- Flight line/vantage point surveys (wind turbine proposals and large-scale developments only)
- Other protected species survey
- Surveys of land outside the SPA but which ecologically is functionally linked to the European site (*e.g.* farmland that provides off-site feeding habitat for birds which only use the SPA for roosting)
- Fish survey (fish stocking proposals only)

Prescribed survey methodologies are presented in Appendix 2. Not all of the above surveys will be required in every instance. Natural England should be consulted at the earliest opportunity to agree the full scope of surveys to be undertaken.

Applicants are advised that in many cases survey work will take around 12 months, as wintering bird surveys will be required in addition to any protected species surveys. This should be taken into account when planning surveys and application submission dates.

The competent authority will not be able to carry out an Appropriate Assessment, and therefore the application cannot be determined if it does not include sufficient evidence. The application will not be determined until the necessary survey information is provided. Failure to provide the necessary information may result in refusal.

Once surveys have been completed, the results should be discussed with Natural England so the next steps can be determined.

Outline applications: additional information required

Outline planning applications do not typically include the amount of detail needed to evaluate potential effects on the SPA. For this reason, outline applications should include some information which would normally only be required of a full application. This includes:

Residential and institutional applications:

- A statement of the maximum number of units proposed
- Proposed greenspace provision: its extent, location, connections to other nearby greenspaces, and indicative information regarding its design and function, for example whether it will provide a safe and attractive place for people to exercise dogs, and
- Existing and proposed links to the SPA footpath/Rights of Way network, including permissive Rights of Way and commonly used pedestrian routes/access points, even where these have not been classified as Rights of Way.

Industrial applications:

- Building height and distance from SPA
- Proposed external surface materials, and
- Viewpoint photographs from ground level (i.e. birds' perspective) – locations to be agreed with Natural England.

5. Mitigating significant effects

Within the Upper Nene Valley Gravel Pits SPA it will be very difficult to implement mitigation for proposals causing physical loss or fragmentation of habitats. Please note that providing new habitat outside the SPA boundary (even adjacent to it) is considered compensation, not mitigation. Likewise, following a European Court of Justice ruling, habitat creation inside the SPA boundary cannot be considered mitigation.¹⁵ In rare circumstances, habitat enhancement inside the SPA may offer mitigation, but all such proposals must be discussed with Natural England at the earliest possible stage. Under the HRA process, compensation for damage can only be considered — and the plan or project approved — if it can first be shown that there are no alternative solutions and there are also imperative reasons of overriding public interest. Such cases are rare.

It may be possible to mitigate other types of impact like loss of usable habitat, changes in ecological condition or increased disturbance to waterbirds.

Mitigation measures on the Upper Nene Valley Gravel Pits SPA will often include the following:

- Management of recreational activities
- Access/visitor management
- Habitat management

Mitigation will be considered on a case by case basis, and a mitigation plan may contain a combination of mitigation measures. Appendix 3 presents some of the measures which may be considered depending on the situation. Mitigation measures will only be acceptable where 1) there is a reasonable certainty they will be successful and 2) they are in place and created in time to prevent the anticipated adverse effect arising. In some cases proposals for monitoring and reporting on the performance of mitigation measures may be required.

As well as impacts relating to the SPA, a proposal may have separate adverse impacts on the Upper Nene Valley Gravel Pits SSSI, Local Wildlife Sites, protected species and on priority habitats and species. These impacts will also need to be mitigated. Applicants should refer to the Northamptonshire Biodiversity SPD for more information on addressing biodiversity within developments.

The mitigation scheme should be an integral part of any plan or project. Natural England should be consulted at the earliest opportunity, following an initial ecological evaluation. The mitigation scheme should be developed alongside the plan or project, and be available at the consultation stage. Where an Appropriate Assessment shows that a plan or project — with mitigation — is still likely to have a significant adverse effect on site integrity, the Competent Authority may be obliged to refuse the application.



Female tufted duck *Aythya fuligula*, Summer Leys Nature Reserve. Photo courtesy Nicholls of the Yard

Glossary

Appropriate Assessment: part of a Habitats Regulations Assessment, the consideration of the impact on the integrity of a European site of a plan or project, either alone or in combination with other plans or projects, with respect to the Site's structure and function and its conservation objectives.

Competent authority: any body that has the power to undertake or give any consent, permission or other authorisation for a plan or project.

Environmental Impact Assessment (EIA): a process of evaluating the likely environmental impacts of a proposed project or development, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse. In EU member states the EIA process is governed by the EIA Directive (85/337/ECC) as amended.

European Protected Species: species of plants and animals — not including birds — listed in annexes II and IV of the EU Habitats Directive and protected by law throughout the European Union. Bird species receive separate protection under the Birds Directive.

European Site: one of two types of European statutory nature conservation designations. Special Protection Areas (SPA) are classified under Council Directive 2009/147/EC on the conservation of wild birds (this is the codified version of Council Directive 79/409/EEC as amended). This is generally known as the Birds Directive and protects rare, threatened or vulnerable birds listed in Annex I of the Directive. Special Areas of Conservation (SAC) are classified under Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive) which protects habitats (annex I) and species (annex II) of the Directive. The entire suite of European Sites is known as the Natura 2000 Network. Northamptonshire's only European Site is the Upper Nene Valley Gravel Pits SPA.

Habitat fragmentation: the process by which habitat loss results in the division of larger, continuous habitats into smaller, more isolated remnants. Fragmentation disrupts ecological processes, isolates species populations and leads to reduced species richness (i.e. reduced biodiversity).

Habitats Regulations Assessment (HRA): required under Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (The Habitats Directive), the process of determining likely significant effects and (where appropriate) assessing adverse impacts on the integrity of a European Site.

Mitigation: measures that aim to reduce and/or minimise the risk of an impact on wildlife, for example changes to timing, engineering design or technique. Depending on the kind of impact and the location of the development, mitigation may be necessary outside the site boundary.

Non-statutory nature conservation site: an area of land designated for its nature conservation value but which does not receive statutory protection. Some non-statutory sites may however receive a degree of protection under national or local policy. In Northamptonshire these sites include Local Wildlife Sites (LWS), Local Geological Sites (LGS), Potential Wildlife Sites (PWS) and Protected Wildflower Verges (PWV).

Ramsar site: a wetland of international importance, designated under the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (known as the Ramsar Convention after the Iranian city where it was drawn up and adopted in 1971). As a matter of policy, Ramsar sites in the UK are protected as European Sites. The Upper Nene Valley Gravel Pits SPA is also a Ramsar site.

Statutory nature conservation site: an area of land which receives some form of statutory protection for its nature conservation value. In Northamptonshire these include Special Protection Areas (SPA), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

Supporting habitat: an area of habitat outside the boundaries of a European site but which is of fundamental importance for the overall survival of the population(s) for which the European site was designated. Supporting habitat tends to be associated with sites designated for highly mobile species (e.g. bats, birds) that are not physically restricted to the European site boundaries.

Appendix 1 Description of the Upper Nene Valley Gravel Pits

In 2005, 1,370ha of Northamptonshire's Nene Valley was first notified as a Site of Special Scientific Interest (SSSI). Much of the land was subsequently classified as a Special Protection Area (SPA) and Ramsar site. The area comprises a chain of exhausted sand and gravel pits, extending for approximately 35km along the alluvial deposits of the River Nene floodplain from Clifford Hill on the southern outskirts of Northampton, downstream to Thorpe Waterville north of Thrapston.

The Upper Nene Valley Gravel Pits SPA was designated under the EC Birds Directive (Council Directive 79/409/EEC) for its wintering habitat for wildfowl and wading birds (in particular bittern, gadwall and golden plover) and its assemblage of over 20,000 non-breeding waterbirds. These are known as the site's 'qualifying features'.

In England & Wales, SPAs are protected through the provisions of the Conservation of Habitats and Species Regulations 2010, often referred to as the 'Habitats Regulations' or 'Habs Regs'. The Habitats Regulations protect rare or vulnerable wildlife in the European Union and help safeguard characteristic European biodiversity within a sustainable development framework. They also provide a stringent assessment process (Habitats Regulations Assessment or HRA) to be used when considering plans or projects that may have significant effects on European Sites.

The SPA and Ramsar site boundaries are identical. The SSSI includes an additional 20ha of land at Earls Barton Carr and Ringstead Gravel Pits.

Interest features

Notified features for each of the three designations are slightly different and are presented in Table 4. Please note that while the features of interest of the SPA are all wintering birds that occur in the non-breeding season (generally, from October to March), the SSSI encompasses features of interest — including wintering birds, breeding birds and an example of wet woodland — that may be present at any time of year.

Table 4 Notified features of the Upper Nene Valley Gravel Pits SSSI, SPA and Ramsar site

Notified feature	Designation		
	SSSI	SPA	RAMSAR
>20,000 Non-breeding waterbirds	Y	Y	Y
Aggregations of breeding birds: grey heron <i>Ardea cinerea</i>	Y		
Aggregations of non-breeding birds: bittern <i>Botaurus stellaris</i>	Y	Y	
Aggregations of non-breeding birds: coot <i>Fulica atra</i>	Y	*	
Aggregations of non-breeding birds: cormorant <i>Phalacrocorax carbo</i>	Y	*	
Aggregations of non-breeding birds: gadwall <i>Anas strepera</i>	Y	Y	Y
Aggregations of non-breeding birds: golden plover <i>Pluvialis apricaria</i>	Y	Y	
Aggregations of non-breeding birds: great crested grebe <i>Podiceps cristatus</i>	Y	*	
Aggregations of non-breeding birds: mute swan <i>Cygnus olor</i>	Y	*	Y
Aggregations of non-breeding birds: pochard <i>Aythya farina</i>	Y	*	
Aggregations of non-breeding birds: shoveler <i>Anas clypeata</i>	Y	*	
Aggregations of non-breeding birds: tufted duck <i>Aythya fuligula</i>	Y	*	
Aggregations of non-breeding birds: wigeon <i>Anas penelope</i>	Y	*	
Assemblages of breeding birds: lowland open waters and their margins	Y		
W6: <i>Alnus glutinosa</i> – <i>Urtica dioica</i> woodland	Y		

* Species which are not SPA features in their own right but form a named part of the 20,000 wintering waterbird assemblage and should be taken into account when carrying out a Habitats Regulations Assessment

Conservation objectives

The European Site conservation objectives for the SPA are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes upon which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and*
- *The distribution of the qualifying features within the site.*¹⁶



Stanwick Lakes. Photo by Alex Donohue

Introduction

This section provides guidance on the requirements and methodology for survey work to be undertaken to determine the effects of a plan or project and allow the competent authority to carry out an Appropriate Assessment. It is important to follow the guidelines closely. In certain cases a plan or project may need to be considered in combination with others: surveys therefore need to be done to the same standard and using the same methodologies.

This appendix sets out the main surveys that may be required, but it is not exhaustive and not every survey may be required in each instance. Natural England should be consulted at the earliest opportunity to agree the full scope of surveys to be undertaken.

Where a plan or project is not directly connected with, or necessary to site management for nature conservation purposes, and is likely to have a significant effect on the features of interest of the site, an Appropriate Assessment of the impacts of those proposals is required. This will apply to:

- Proposals entirely new to the SPA and occurring within the SPA boundary
- Proposals involving existing activities occurring elsewhere in the SPA, but new to the specific location within the SPA boundary
- Variation of an activity currently occurring at a specific location *e.g.* increased intensity/duration
- Proposals outside the SPA that may impact on the site, *e.g.* housing development, wind farm (see Table 2)
- Proposals within the SPA that are not connected with nature conservation management and do not require planning consent, but are listed within the SSSI notification package as an Operation Requiring the Consent of Natural England.

Survey methodologies

Desk study, scoping and Phase I surveys

An extended Phase I ecological survey should be carried out to provide a high level assessment of the ecological interest of the area and its surroundings.

Methodology

- Undertake a desk study to identify all relevant statutory and non-statutory nature conservation sites and features of ecological significance that may be affected by the project proposal.
- Undertake a habitat survey of the site in accordance with JNCC Phase I Habitat Survey methodology.¹⁷
- Identify the presence of protected species and species/habitats of conservation importance, within the site and surrounding it, and provide recommendations for further survey work.

Wintering birds

More than 20,000 migratory waterbirds use the Upper Nene Valley Gravel Pits SPA during the non-breeding period. Population surveys are required to determine the numbers, distribution and behaviour (feeding, roosting) of birds within the part of the site that could be affected by the plan or proposal.

Although some Wetland Bird Survey (WeBS) data are available for the Upper Nene Valley Gravel Pits SPA not all pits are counted regularly. Wintering bird surveys are still required to supplement WeBS data.

Methodology

- Counts should use the standard Wetland Bird Survey methodology¹⁸ and be undertaken at two- to three-weekly intervals throughout the defined survey period. Surveys should be at least 10 days and no more than 21 days apart.

17 Joint Nature Conservation Committee. 2010. Handbook for Phase 1 Habitat Survey – a technique for environmental audit. Peterborough: Joint Nature Conservation Committee. Available at <http://jncc.defra.gov.uk/page-2468>.

18 British Trust for Ornithology. Date unknown. WeBS: Core Counts Methods [ONLINE]. <http://www.bto.org/volunteer-surveys/webs/taking-part/core-counts-methods>. Accessed 10 October 2014.

- Counts should be recorded on a pit-by-pit basis to allow comparison with existing data. Standard count units, corresponding to WeBS sectors, will be supplied by Natural England.
- Counts should be undertaken from the beginning of September to the end of March, and a minimum of one winter's counts will be required. Counts may be undertaken over the course of one winter period, e.g. September 2009 – March 2010 (preferred option), or over one calendar year, e.g. January – March 2010 and September – December 2010.
- Additional August counts may be required in areas where there are known to be significant post-breeding flocks of species like gadwall, great-crested grebe and shoveler. This will be advised in advance on a case by case basis.
- Brief details of any recreational disturbance incidents should be recorded, including date, location, type of disturbance and response of birds to the disturbance, in accordance with WeBS methodology.

Any variation from the above must be agreed with Natural England before surveys begin.

Breeding birds

The Upper Nene Valley Gravel Pits SSSI supports more than 27 species defined as breeding birds of open water and marginal wetland vegetation. Many other species of high conservation concern also occur. Surveys are required to estimate breeding bird numbers and distribution.

Methodology

- A general breeding bird survey using a modified version of the Common Bird Census methodology¹⁹ should be undertaken. This should consist of not less than four visits during the period April to July (one visit per month, ideally on or around the middle of the month).
- Surveys should be carried out in good weather, between dawn and 1100 hours or (where necessary) in the three hours prior to dusk.
- Applicants are encouraged to record all bird species. However, special attention should be paid to recording the numbers, distribution and breeding status²⁰ of those waterbird species included in the Guidelines for Selection for Biological SSSIs²¹ and which form the basis for the nationally important breeding bird assemblage found in the Upper Nene Valley Gravel Pits SSSI.²²
- In addition to these species, similar details should be recorded for turtle dove, oystercatcher, lapwing, sand martin, little egret and cormorant, where these are present.
- See Gilbert et al. (1998)²³ for further information on methodologies.
- Additional species/group surveys, e.g. dabbling and diving ducks, and waders, may also be required. See Gilbert et al. (1998) for further information on methodologies.
- Brief details of any recreational disturbance incidents should be recorded, including date, location, type of disturbance and response of birds to the disturbance, in accordance with WeBS methodology.

For context and comparison, 2003 and 2013/14 breeding bird survey results are available from Natural England for any lake in the Upper Nene Valley Gravel Pits SSSI.

19 Available at: British Trust for Ornithology. 2009. Common Birds Census [ONLINE]. <http://www.bto.org/survey/complete/cbc.htm>. Accessed 10 October 2014.

20 Refer to British Trust for Ornithology. Date unknown. Breeding Status Codes [ONLINE]. <http://www.bto.org/sites/default/files/u36/downloads/breedingcodes.pdf>. Accessed 2 December 2014.

21 Under the JNCC Guidelines for Selection of Biological SSSIs. Please note that these guidelines are under revision. Details are available at: [JNCC] Joint Nature Conservation Committee. 2014. Guidelines for selection of biological SSSIs [ONLINE]. <http://jncc.defra.gov.uk/page-2303>. Accessed 2 December 2014.

22 See Table 28, 'Breeding bird assemblages of different habitats: lowland open waters and their margins' in: JNCC. 2014. Guidelines for Selection of Biological SSSIs. Chapter 14: Birds [ONLINE]. Available at <http://jncc.defra.gov.uk/page-2303>. Accessed 2 December 2014.

23 Gilbert G, Gibbons DW, Evans J. 1998. Bird Monitoring Methods: a manual of techniques for key UK species. Sandy: RSPB.

Access/disturbance

Wintering and breeding birds using the SPA can suffer considerably as a result of disturbance from visitor access and recreational activities. An assessment of the type, source and intensity of disturbance, and the birds' response to it, is required to establish the current disturbance levels and evaluate the impact of increased levels of access and disturbance.

This survey is additional to the disturbance incident recording within the breeding and wintering bird surveys.

Methodology: wintering birds

- Map all rights of way, permissive and informal paths and record their usage. This will include the frequency, type and time of use.
- Surveys should be undertaken between October and March, and a minimum of one winter's survey work will be required. Surveys may be undertaken across the course of one winter period, *e.g.* October 2009 – March 2010, or across one calendar year, *e.g.* January – March 2010 and October – December 2010.
- As a general rule, the interval between survey visits should not exceed 10 days; however the specific frequency and total number of survey hours should be agreed with Natural England before surveys begin. Surveys should be undertaken on a variety of days and times, *e.g.* dawn, dusk, daytime, weekends and when known recreational activities (*e.g.* shooting) occur.

On each visit:

- Record the type, and map the location of ALL recreational activities (potential disturbance incidents), *e.g.* sailing, walking (with or without dogs, and whether they are on/off lead).
- For each occurrence of recreational activity, record whether or not birds are disturbed.
- Where disturbance occurs, record the following:
 - Species/approximate number of birds affected
 - Approximate distance from birds to source of disturbance
 - Response of birds to disturbance, *e.g.* heads-up, stop feeding, swim away from disturbance, fly off, circle around and return immediately, fly off and return later (in which case also note duration of absence)
 - Incidents where recreational activity occurs, but the birds are not disturbed, should also be recorded.
 - Record the weather conditions (*e.g.* temperature, icing conditions)

Methodology: breeding birds

- Where an area is also identified as being of importance for breeding birds, an additional 80 survey hours are likely to be required from April through mid June, to identify any additional seasonal disturbance.

Species-specific surveys within the SPA

This principally applies to golden plover *Pluvialis apricaria*, but may also be required for other species that feed or roost in large flocks. The Upper Nene Valley Gravel Pits SPA is of European importance for wintering golden plover. They currently roost at three key locations within the SPA and feed on surrounding grassland and arable land, often outside the SPA. Standard wintering bird population surveys often fail to pick up peak numbers of roosting birds. During the peak wintering period additional golden plover roost surveys may therefore be required at key roost sites, currently Clifford Hill, Earls Barton and Stanwick Gravel Pits.

Methodology

- Counts of roosting golden plover should be undertaken on a fortnightly basis during afternoon/early evening between November and early March
- Natural England should be consulted to agree the survey methodologies for other species.

Species-specific surveys outside the SPA

Some species, principally golden plover *Pluvialis apricaria* and lapwing *Vanellus vanellus* spend a proportion of their time away from the SPA feeding or roosting on surrounding agricultural land or the River Nene. Ensuring that key areas are not affected by developments occurring outside the SPA is paramount. Specific species surveys may therefore be required outside the SPA boundaries.

This will only apply to proposals with a zone of influence extending outside the SPA and which could lead to the loss of feeding grounds, e.g. housing or industrial development on or near areas favoured by particular species (see Table 2).

Methodology

The exact methodology will be agreed with the applicant in advance but is likely to include the following:

- Collation of existing species records in the area
- Desk-based assessments using agreed parameters to identify the suitability of individual fields to support target species based on specific habitat preferences.
- Field surveys to locate feeding birds.

Flight line/vantage point surveys

Vantage point surveys may be required for proposals to erect large or tall structures next to the SPA (e.g. wind turbines, tall buildings) that could interfere with birds' flight paths or sight lines.

The following documents set out methodologies relating to flight line and vantage point bird surveys in more detail:

- Scottish Natural Heritage. 2005. Survey methods for use in assessing the impacts of onshore wind farms on bird communities. Inverness: Scottish Natural Heritage.²⁴
- Scottish Natural Heritage. 2000. Windfarms and birds: calculating a theoretical collision risk assuming no avoiding action. Inverness: Scottish Natural Heritage.²⁵
- Natural England. 2009. Assessing the effects of onshore wind farms on birds. Natural England Technical Information Note TIN069. Peterborough: Natural England.

Developers should contact Natural England at the earliest opportunity to discuss scoping proposals for these surveys; this will depend on the location of the proposal and distance from the SPA.

Protected species

Additional surveys should be undertaken where the extended Phase I survey highlights the potential presence of protected species. The methodology for these surveys should follow the current best practice guidelines for that species. The species/groups most likely to be encountered within the Upper Nene Valley Gravel Pits SPA include bats, great crested newt, badger, water vole, reptiles and otter.

Fish survey

Movement and stocking of fish is authorised by the Environment Agency under Section 30 of the Salmon and Freshwater Fisheries Act 1975. If undertaken in an ecologically sustainable way, fishing and nature conservation can be compatible. However, overstocking of fish, especially carp and bream, can lead to a change in water quality, which impacts on the aquatic plants and invertebrates that are a key food source for breeding and wintering birds within the SPA.

Applications to stock fish within the SPA should provide evidence of the current composition of fish populations within the lake. The Environment Agency can provide detailed advice on the most appropriate methods to obtain this information.

Survey results

Survey results should be discussed with Natural England who will determine if any additional work is required. If the surveys show that a plan or project is likely to result in an adverse impact on the SPA's features of interest, measures will be required to prevent the impact.

24 Available at http://www.snh.org.uk/pdfs/strategy/renewable/bird_survey.pdf?bcsi_scan_9eae6dc6cc4b0eb5=0&bcsi_scan_filename=bird_survey.pdf. Accessed 10 October 2014.

25 Available at <http://www.snh.org.uk/pdfs/strategy/renewable/COLLIS.pdf>. Accessed 10 October 2014.

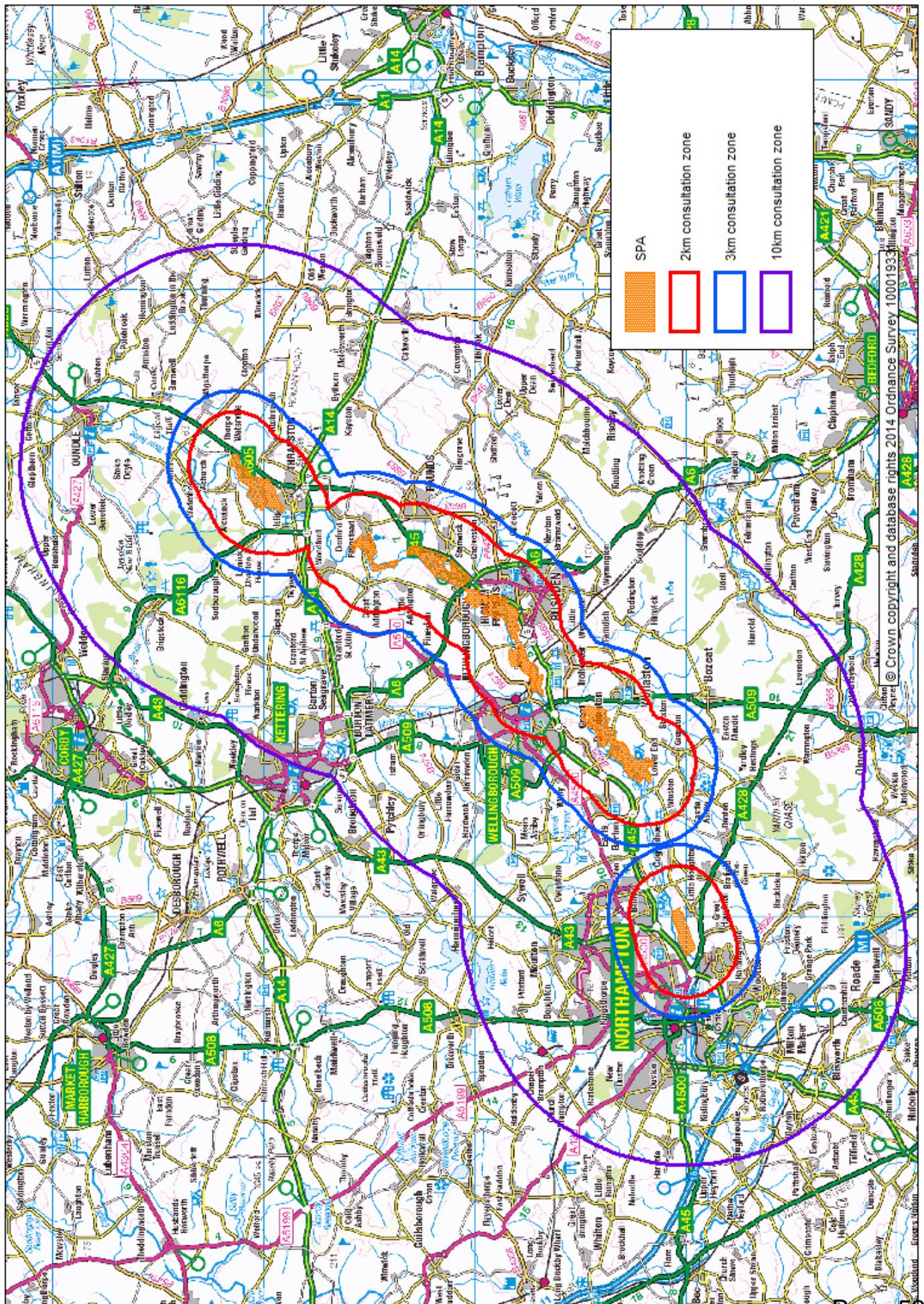
Appendix 3 Some options to mitigate disturbance to birds in the Upper Nene Valley Gravel Pits SPA

(Based on: Liley D, Floyd L, Cruickshanks K, Fearnley H. 2014. Visitor access study of the Upper Nene Valley Gravel Pits SPA. Footprint Ecology: unpublished report for the Nene Valley NIA Partnership.)

The list of mitigation options presented below is not necessarily exhaustive. Proposals for other mitigation measures will be considered on their own merits. The options presented here are not mutually exclusive and in most cases a package of measures tailored to the particular plan or project under consideration will offer the best solution. Mitigation measures should be discussed with Natural England and the competent authority at an early stage in the HRA process.

	Management option	Description
1. Habitat management		
1a	Habitat management	Habitat management may help mitigate adverse effects if it can be shown that the management will result in real and significant habitat enhancements. Measures could (for example) include enhancing habitats in areas away from the recreation pressure (see zoning). Habitat enhancement may create new feeding or roosting sites or help increase the amount of natural food available. Equally, habitat management in areas subject to disturbance may help mitigate localised impacts.
2. Planning and off-site measures		
2a	Locate development away from the SPA	Much recreational use of sites is local, for example from people living within a short drive or walk of sites. Focussing development away from nature conservation sites is a way to reduce the long term future pressures of increased recreation from development.
2b	Management of visitor flows and access on adjacent land (outside European site)	Planting, screening, careful routing, provision of access infrastructure (boardwalks, marked paths, steps etc) around the periphery and outside European sites can influence how people access sites.
2c	Provision of new greenspace sites where access is promoted and encouraged	New green infrastructure, sited away from designated sites, has the potential to draw users away from designated sites. Such sites need to be tailored to provide a viable and attractive alternative destination, matching the draw of the relevant designated site or providing a near equivalent recreational experience in a more convenient location.
2d	Enhance access in areas away from designated sites	At a strategic level it is possible to encourage people to change access patterns by enhancing access provision at less sensitive sites and not enhancing provision at sensitive locations. People can be encouraged to visit specific locations through the provision of attractions/facilities such as toilets, food, improved walking surfaces, hides, etc. Demand can be managed through modification of parking fees and parking capacities, restriction of on-road parking, wardening etc. As such there are parallels with 3e and the approach is similar to 2c.
3. On-site access management		
3a	Restrict/prevent access to some areas within the site	Potential to restrict access at particular locations (roost sites). Temporary fencing, barriers, diversions etc. are all possible.
3b	Provide dedicated fenced dog exercise areas	Allowing dogs off lead etc. in particular locations that are not sensitive for nature conservation or other reasons may increase their attractiveness for dog walkers. Links to 2d.
3c	Zoning (spatial or temporal)	Designated areas for particular activities. Often zones are set out in a code of conduct and prevention of use for the areas outside the zones is enforced through by-laws. We refer to zoning therefore as positive spaces where users are welcomed, as opposed to the exclusion zones described in 3a. Zoning can be spatial or temporal (for example zones may operate during particular times, such as the over-wintering period).

	Management option	Description
3d	Infrastructure to screen, hide or protect the nature conservation interest	Screens, hides, embankments etc. are commonly used to direct visitors along particular routes and screen people from birds or other features vulnerable to disturbance. Such infrastructure can also provide enhanced viewing facilities and opportunities for people to get close to wildlife without causing disturbance. Path design can enhance the extent to which people stray or roam from the path. Boardwalks etc. can protect vulnerable paths.
3e	Management of car parking	Car park spaces can be redistributed around a site, parking closed in some areas, parking fees modified (<i>e.g.</i> encouraging people not to stay too long) or a permit system instigated to limit car park use.
3f	Path design and management	Surfacing, path clearance and other relatively subtle measures may influence how people move around a site and which routes they select.
4. Education and communication to public/users		
4a	Signs, interpretation and leaflets	Provision of informative and restrictive signs and interpretive boards. Directions to alternative, less sensitive sites. General information on the conservation interest to highlight nature conservation interest/importance.
4b	Codes of conduct	Guidance on how to behave to minimise impacts is promoted at a range of sites, through websites, leaflets, interpretation etc. These are sometimes enforced through by-laws and other control measures (see section 5).
4c	Wardening	In addition to an enforcement role (see 5a below), wardens can provide a valuable educational role, showing visitors wildlife etc.
4d	Provision of information off-site to local residents and users	Local media, newspapers etc. can provide means to highlight conservation importance of sites and encourage responsible access. Educational events, provision of items for local TV/other media. Information can be made available in local shops, tourist centres etc. Potential to promote non-designated sites, for example through web/leaflets listing, for example dog friendly sites. Can include school visits and working with children.
4e	Contact with relevant local clubs	Agreed codes of conduct (see 4b) and self-policing can be set up with individual groups and provide a means of ensuring users are aware of how to act responsibly.
5. Enforcement		
5a	Wardening	Wardens have both educational (see 4c above) and enforcement roles. With respect to the latter, wardens can provide direct contact and intervene when they observe particular activities (such as dogs off the lead). The ability of a warden to control disturbing activities is clearly related to whether control measures are in place and their nature. The more specific and statutory in nature the control, the greater the potential for enforcement by a warden. The Wildlife Trusts do have a volunteer system of community 'walking' wardens in place at some sites in the upper Nene Valley.
5b	Limiting visitor numbers	Visitor numbers capped, for example through tickets, permits or a similar system.



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Appendix 5 Policy background

International and national policy

The European Union (EU) has two pieces of legislation that deal with the protection of rare species and habitats. These are referred to as the Birds Directive²⁶ and the Habitats Directive²⁷. The Birds Directive identifies rare species of European wild birds that need protection. Member States are required to take special measures to conserve the habitats of certain rare species of birds. In particular each Member State is required to classify the most suitable areas of such habitats as Special Protection Areas (SPA). Even if none of the qualifying species are there, the land must be protected and managed to achieve favourable condition.

The EU legislation was translated into UK legislation as the Habitat Regulations, which were most recently updated in 2010²⁸. The Regulations deal with both the impact of developments and of development plans on European sites, which include SPAs. Local authorities are identified as a 'competent authority' for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or development plan will not adversely affect the integrity of the SPA.

Development can have direct and indirect impacts on natural resources. Ensuring that new development maintains, enhances, restores or adds to biodiversity is a core principle of UK national planning policy.²⁹

The effect of this guidance and legislation together with the Natural Environment and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. Where a European site (such as an SPA) could be affected by a plan or project then a Habitats Regulations Assessment (HRA) must be undertaken. An HRA identifies the interest features of the site (*e.g.* birds, plants, animals), what they could be harmed by and assesses whether the proposed plan or project could cause that harm to occur. If at the end of the process local authorities are still not certain that harm, or a 'significant adverse effect on site integrity' will not occur then they are legally obliged not to approve the proposed plan or project, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest.

Local policy

West Northamptonshire Joint Core Strategy (adopted 2014) relevant policies include:

- BN2 Biodiversity
- BN4 Upper Nene Valley Gravel Pits Special Protection Area
- BN7a Water Supply, Quality and Wastewater Infrastructure
- BN8 The River Nene Strategic River Corridor

North Northamptonshire Core Spatial Strategy (adopted 2008) relevant policies include:

- 5 Green Infrastructure
- 13 General Sustainable Development Principles

North Northamptonshire Joint Core Strategy 2011-2031 (pre-submission version) relevant policies include:

- 4 Biodiversity
- 19 The Delivery of Green Infrastructure
- 20 The Nene and Ise Valleys
- 33 Rushden East Sustainable Urban Extension
- 35 Nene Valley Farm, Rushden



Mixed flock of golden plover, lapwing and teal. Photo by Colin Wilkinson

26 Council Directive 2009/147/EC on the conservation of wild birds (this is the codified version of Council Directive 79/409/EEC as amended).

27 Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.

28 The Conservation of Habitats and Species Regulations, 2010.

29 Communities and Local Government. 2012. National Planning Policy Framework, paragraph 17.

Local plan saved policies include (this list is not exhaustive and further plans and policy should be considered as they emerge):

South Northamptonshire	Northampton	Wellingborough	East Northamptonshire
EV25 Wildlife Corridors, Rivers and Waterways	E2 Riverside Landscape	G18 Sites of Nature Conservation Value	EN8 Protection of SSSIs, NNRs and LNRs
	E4 Water Environment		EN9 Safeguarding Sites of Local Conservation Interest
	E17 Nature Conservation		
	E18 Sites of Acknowledged Nature Conservation Value		<i>Rural North, Oundle and Thrapston Plan:</i>
	L16 River Valley Policy Area		10 Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves
			11 Enhancing Biodiversity

Additional local strategies to be considered:

- Northamptonshire Biodiversity Action Plan
- Nene Valley Strategic Plan
- Northamptonshire’s Environmental Character and Green Infrastructure Suite
- Nene Integrated Catchment Management Plan
- Nene Valley Nature Improvement Area



A pair of wigeon *Anas penelope*, one of the SPA’s more sensitive bird species. Photo by Colin Wilkinson

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WEST NORTHAMPTONSHIRE COUNCIL CABINET

9 NOVEMBER 2021

COUNCILLOR WITH RESPONSIBILITY FOR FINANCE: COUNCILLOR MALCOLM LONGLEY

Report Title	Local Council Tax Reduction Scheme 2022-2023
Report Author	Martin Henry, Executive Director, Finance

Contributors/Checkers/Approvers

MO (for West and joint papers)	Geoff Wild, Deputy Monitoring Officer	25.10.21
S151 (for West and joint papers)	Martin Henry	20.10.21
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Communications Lead/Head of Communications	Claire Hughes	22.10.21

List of Appendices

Appendix A – Report on results from consultation

1. Purpose of Report

- 1.1. The purpose of this report is to (a) provide members of Cabinet with an update on the proposed Local Council Tax Reduction Scheme (LCTRS) for West Northamptonshire Council for the financial year 2022-2023, including the results from the recent consultation process; and (b) to ask members to recommend to Council a LCTRS for 2022-2023.

2. Executive Summary

- 2.1 The LCTRS must be approved and in place by 31 January each year and prior to that the authority must consult with any precepting authority and any other person who may have an interest on any proposed changes to the scheme. The scheme applies to working age claimants only, as the government prescribes the scheme for those of pension age which provides up to 100% support based on the circumstances of the individual.
- 2.2 At the Cabinet meeting of 14 September 2021, members received a report providing an update on the LCTRS for the year 2021-2022 and were asked to endorse no change to the minimum Council Tax contribution of 20% for working age claimants and to agree, for consultation purposes only, two proposals to the current scheme.
- 2.3 This report provides members with a summary on the results of the consultation. Members are asked to consider the content of this report and to recommend to Council a LCTRS for the financial year 2022-2023.

3. Recommendations

- 3.1 It is recommended that the Cabinet:
- 1) Notes the contents of the report.
 - 2) Recommends to Council a Local Council Tax Reduction Scheme for 2022-2023:
 - i) to include the proposed changes
 - ii) to amend the LCTRS Regulations for pensioners in line with the uprating announced by DLUHC and
 - iii) to uprate the working age Regulations in line with those announced by Department for Work and Pensions (DWP)
 - 3) Recommends to Council that delegated authority is given to the Executive Director Finance to make any changes to the LCTRS up to and including 31 January 2022 in consultation with the Portfolio Holder for Finance.

4. Reason for Recommendations (NOTE: this section is mandatory and must be completed)

To enable a Local Council Tax Reduction Scheme for West Northamptonshire Council to be approved for the financial year 2022-2023 and for the final scheme to be in place by 31 January 2022.

5. Report Background

- 5.1 Members will be aware that since April 2013 each Local Authority has been required to determine a LCTRS, which replaced the national Council Tax Benefit scheme. The scheme applies to working age claimants only as the government prescribes the scheme (CTRS Prescribed Requirements Regulations 2012) for those of pension age, which provides up to 100% support based on the circumstances of the individual.

- 5.2 Each billing authority has discretion as to their local scheme, including the maximum level of support available to working age claimants (and therefore the minimum percentage of the bill they are required to pay) and the eligibility criteria for the scheme.
- 5.3 For the financial year 2021-22, following a full consultation process, members agreed a LCTRS based on a minimum Council Tax contribution for working age claimants of 20% and some changes to align the previous schemes, which were mostly around mirroring the changes made to DWP Housing Benefit scheme since 2013. The scheme has been in place across West Northamptonshire area since April 2021.

6. Issues and Choices

- 6.1 The LCTRS for the financial year 2022-23 must be approved and in place by 31 January 2022 and prior to that the authority must consult any precepting authority and any other interested parties on any changes to the scheme.
- 6.2 At the Cabinet meeting on 14 September 2021 members agreed, for consultation purposes only, two proposals to the current scheme and approved a consultation period commencing on 20 September 2021 and concluding on 16 October 2021. The consultation process included an online form open to all residents, stakeholders and those people representing organisations. A letter was sent to all those of working age who receive LCTRS and a dedicated email address and telephone line were opened for any comments and questions to be submitted. The consultation was also widely promoted on the WNC website, social media channels and via partner organisations. Consultation has also taken place with the Police and Crime Commissioner and with town and parish councils. The proposals included in the consultation were as follows:

Proposal One

- 6.3 For the financial year 2021-2022, members agreed a Council Tax discount for care leavers and a local policy was agreed. Under this policy, care leavers are required to apply for LCTRS and can then apply for an exceptional hardship award to help with any Council Tax payment required. This additional support is funded from the exceptional hardship pot. The proposal is to include this additional support for care leavers up to the age of 25 as part of the LCTRS for 2022-2023.

Proposal Two

- 6.4 The current scheme allows for a 100% disregard of War Widows and War Disablement pensions when calculating entitlement to LCTRS. The proposal is to offer enhanced support to those of working age in receipt of War Widows and War Disablement pensions and who currently must pay a minimum Council Tax contribution of 20%. This proposal would remove the minimum contribution and allows LCTRS to be calculated on 100% of Council Tax liability therefore enabling these claimants to receive up to 100% support.

Summary of consultation results

- 6.5 A full report showing the results from the consultation process is shown at Appendix A. In summary, 306 respondents either partially or fully completed a questionnaire on the draft proposals. Respondents did not have to answer every question. Three responses were received via social media and one oral response via telephone.

- 6.6 284 responses were received to the proposal to remove the minimum contribution of 20% for those working age claimants receiving War Widows and War Disablement Pensions and to allow Council Tax reduction to be calculated on 100% of Council Tax liability. The majority of the respondents, 57.4% said they strongly agreed or tended to agree, while 14.8% said they strongly disagreed or tended to disagree.
- 6.7 Care leavers must currently pay a minimum contribution of 20% of their Council Tax liability. The proposal is to remove the 20% minimum contribution and allow Council Tax reduction to be determined on 100% of Council Tax liability. There were 274 responses to this proposal with 54% of respondents either strongly agreeing or tending to agree and 18.6% either strongly disagreeing or tending to disagree.
- 6.8 We collect specific demographic information from those people who took part in the consultation to build up an understanding of the communities we serve and to inform service delivery. Whilst not all the respondents answered the questions relating to demographics, we can confirm that 269 of the responses were received from individuals and 3 on behalf of organisations. 233 of the responses were received from people in 25-66 age group and 201 responses were from people receiving LCTRS. Many of the consultation responses were completed as a result of a letter from the Council promoting the survey (208).

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The cost of the scheme for 2022-23 is estimated to be £19.7m, including Police and Fire, of which West Northants's share is estimated to be £15.6m. These figures are before any increase in Council Tax for 2022-2023. It should be noted that this position may change due to several factors, including the LCTRS caseload numbers and possible changes in LCTRS entitlement for individuals, as well as the on-going impact of Covid-19. The West Northants budget for 2021-2022 includes provision for a cost of £16.2m as part of the tax base calculation and therefore the reduced caseload could lead to a saving of around £0.6m in 2022-2023.
- 7.1.2 The estimated costs of the proposals supported by the consultation responses is £40,000 but these are offset by the reduced LCTRS caseload and is therefore affordable within existing resources.

7.2 Legal

- 7.2.1 The adoption of a Local Council Tax Reduction Scheme for West Northants is a legal requirement and is set out in Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended by the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021).
- 7.2.2 There is legal requirement to consult on any proposed LCTRS under paragraph 3 of Schedule 1A to the Local Government Finance Act 1991, therefore failure to do so would leave West Northants Council open to challenge on the scheme that is introduced.

7.3 Risk

7.3.1 No risks have been identified as a direct result of this report.

7.4 Consultation

7.4.1 As outlined in this report.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not yet considered by committee.

7.6 Climate Impact

7.6.1 No impacts identified

7.7 Community Impact

7.7.1 No specific impacts have been identified. An equality impact assessment has been completed.

7.8 Communications

No specific requirements identified at this stage

8. Background Papers

8.1 None.

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**West
Northamptonshire
Council**

Local Council Tax Reduction Scheme 2022 to 2023 Consultation

Appendix to Consultation Analysis Report

September to October 2021

Author: Consultation and Engagement Team, West Northamptonshire Council

Owner: Executive Director, Finance, West Northamptonshire Council

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DRAFT

Appendix 1: Local Council Tax Reduction Scheme 2022 to 2023 consultation questionnaire full results

Local Council Tax Reduction Scheme consultation 2022 to 2023

Overview

The first draft budget for West Northamptonshire Council was approved for consultation by We are seeking your views on the Local Council Tax Reduction Scheme for West Northamptonshire Council for 2022 to 2023.

The Local Council Tax Reduction Scheme (sometimes known as Council Tax Support) is to help people on low income to pay their Council Tax.

Local Council Tax Reduction Schemes (LCTRS) were introduced from April 2013 when Council Tax Benefit was abolished and replaced by locally agreed schemes. Those of pensioner age are protected by the prescribed regulations set out by central government.

By law, councils are required to have a scheme to help people on low incomes to pay their Council Tax. Each year councils needs to approve a LCTRS for the following 12 months. Where there are changes proposed, it is necessary for a public consultation to take place.

What is this consultation about?

West Northamptonshire Council set its first Council Tax Reduction Scheme as a new unitary council for the financial year 2021 to 2022. The scheme is aligned for West Northants area and the level of minimum Council Tax contribution that working age claimants must pay is 20% of their Council Tax liability.

It is important to us that we continue to support those who need financial help at the same time as offering an affordable scheme for all our Council Taxpayers.

The proposals contained in this consultation apply to people of working age who are on a low income and currently reside in West Northamptonshire Council area.

We are keen to ensure that all Council Taxpayers are aware of the changes being proposed and want the views of our residents and other stakeholders on the proposed changes to the scheme.

Our proposal for changes to the LCTRS for 2022 to 2023

War widows and war disablement:

Currently all working age claimants in receipt of a War Widows or War Disablement pension must pay a minimum contribution of 20% of their Council Tax liability.

Our proposal is to remove the minimum contribution of 20% and allow their Council Tax Reduction to be determined on 100% of their Council Tax liability whilst continuing to disregard 100% of War Pension income under our local scheme.

Rationale: This means that we can enhance the support offered to those residents receiving war pensions at relatively small cost to the taxpayer.

Care leavers:

West Northants Council understands that the transition out of care for young people can be very challenging. We are keen to offer support for those young people who may be liable for Council Tax by giving additional financial support on top of the other Council Tax discounts that may be available.

For the financial year 2021 to 2022 funding was agreed to establish a discretionary scheme to offer this support. Care leavers aged 18 to 25 who are formerly a child in the care of West Northamptonshire Council and who reside in the West Northants area are asked to apply for the discretionary awards after statutory discounts such as single person discount and LCTRS have been applied.

The proposal for 2022 to 2023 is to include this support within the LCTRS and to allow Council Tax Reduction for care leavers to be determined on 100% of their Council Tax liability.

Rational: This proposed change will reduce the complexity for care leavers by only having one application process whilst also reducing the administration of the scheme.

Other options considered, but discarded:

Setting the level of minimum Council Tax contribution for working age customers at a higher level. This option was considered but would mean a reduction in support to some of our most vulnerable residents at a time when we may not yet have realised the full impact of the pandemic.

Further information on the proposals above can be found at:

- [Cabinet Report 14 September 2021 \(PDF document 425KB\)](#)
- [Equality Screening Assessment \(PDF document 394KB\)](#)

Have your say

We would like your views on our proposals for the LCTRS for 2022 to 2023. The consultation is open to all those residents, stakeholders and people representing organisations impacted by this scheme.

This consultation will run from 20 September 2021 to midnight on 17 October 2021.

Please tell us your views by completing the online consultation survey using the link below. Alternatively, you can email your comments using the contact details below.

The information provided by you in this survey will be used for research purposes only and it will not be used in a manner that would allow identification of individual responses.

Please contact us if you have any queries about this consultation or if you require it in another format or language. Our contact details are as follows:

- Email address: ctrconsultation@westnorthants.gov.uk
- Telephone: 01604 838640

What happens next

Once the consultation closes, we will collate all the feedback received and present this information to the West Northamptonshire Council Cabinet at their meeting on 9 November 2021 to consider when making their decision on the LCTRS 2022 to 2023 for West Northamptonshire.

We will then publish full details of the new scheme in early 2022 with the changes coming into effect from April 2022.

For information about how consultation and engagement responses are managed, please see the [consultation and engagement privacy notice](#).

Questions

War widows and war disablement

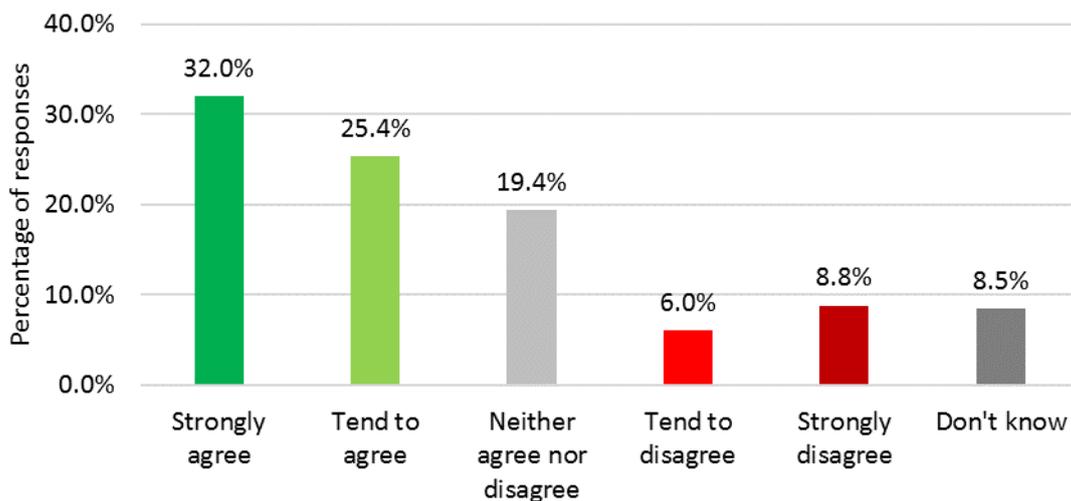
Currently all working age claimants in receipt of a War Widows or War Disablement pension must pay a minimum contribution of 20% of their Council Tax liability.

Our proposal: Remove the minimum contribution of 20% and allow their Council Tax Reduction to be determined on 100% of their Council Tax liability.

Q. To what extent do you agree or disagree with this proposal? Please tick (✓) relevant answer

There were 284 responses to this question.

To what extent do you agree or disagree with this proposal?



	Response number	Percentage (%)
Strongly agree	91	32.0%
Tend to agree	72	25.4%
Neither agree nor disagree	55	19.4%
Tend to disagree	17	6.0%
Strongly disagree	25	8.8%
Don't know	24	8.5%

Q. If you disagree with our proposal, please tell us why along with any alternative suggestions you would like to make:

There were 52 responses to this question.

Strongly agree/ Tend to agree

- REDUCE COUNCIL TAX AS A WHOLE IT IS TOO EXPENSIVE. OR INVEST THE MONEY TO HAVING A TRAIN STATION THAT GOES IN LONDON CONNECTING FORM BEDFORD & LUTON.
- Should this be means tested?
- I feel we have been overcharged over the years and am a victim of hate crime via the Council. I don't understand why my council tax changes so regularly and how the amounts are so different each month. I have disabled children and i am disabled. We also receive carers allowance. The benefit system is flawed as is the Council. I feel as though you are taking my benefits straight back off me and leave me with nothing else to live on.
- I feel this be contribution should be based on what they can realistically afford
- It makes perfect sense to me to put that proposal forward
- Those who earn less and the vulnerable are already under severe financial pressure so in my humble opinion they should not pay anything. My benefit increased this year by 75p yet all bills have increased by far more and for another year my income has decreased with costs increasing. National government fund less meaning local government have to charge more why not have a new forward thinking category for those like myself pay nothing that is means tested. I live in a tiny council bedsit use less than others but pay the same? How is this fair and equitable. seeing that energy costs are being hiked up I and lots like me can only cut their food bill as all others are fixed. I can only afford 1 low quality meal aday and the thought of paying more council tax is debilitating to say the least please do all you can to hep me and the others in similar circumstances please.
- tend to agree as long as it isnt effecting other disabled people
- I do not feel that the local councils do enough for people in need with council tax discounts. If a person is unemployed they are exempt, I do not feel a state pension is enough to pay the huge coubc'i'ntzx bills we heve to pay. Also when I was a, struggling single [...] 20 yrs, ago earning 750 a month it was the one bill I could not meet or afford there was nothing to help me as a working full time single [...] with one small income. It's the same for me now as I am. Now disabled and work part time due to my disability again nothing is Done to help disabled working people. Disgraceful really,
- i think it means they may get more than 20% reduction which i think is very fair as they have served their country and deserve all the help and aid available

- I'm at a loss as to why there are exemptions for diplomats, and member of international organisation's etc. If say, they are visiting here for several months, why are you or any local councils not taking/recovering Council tax for properties that they may be staying in; for the time they are resided in UK. If they are earning a good wage/salary for their jobs then why. Like most things, if people go abroad for the UK they have to pay their way for health systems and everything else. We have all been affected by this change (more so because of Brexit) to welfare and costs (on everything); considering everything has all gone up in price; we should not I feel, be exempting such groups.
- This is something that most councils already do and supports the vulnerable.

Neither agree nor disagree

- Not all people of working age can actually work. People who are disabled etc might not have the funds to pay 20% of their liability. There should be line drawn between people who are working age and actually in work and those of working age who cannot work and will struggle to pay the 20% contribution.
We are not saying we do not want to contribute, but the contribution for those not working should be less than for those in work.
- To be honest, the proposal as written makes no sense to me - in that I can't work out what it actually means in real life. (Though it should be noted that it also doesn't apply to me)
- I am sympathetic to the matter, however as somebody due to poor health and through no fault of my own had to give up a job i loved. Because of this and my continued poor health with a lifelong condition I am trying to survive on benefits which is not easy as it is and i would struggle even more if i had to pay out more on top of what i already pay to compensate others. I am in a position that i would rather not be and therefore i feel any reductions should be fairly distributed.
- whatever is agreed it needs to be fair, for those most in need.
- You are simply cherry picking groups who are small in number to limit the impact on your income. A consultation on the options you have already decided upon is not consultation. It is a request for confirmation of your intended action.

Strongly disagree/ Tend to disagree

- I'm only on ESA, I'm on a tight enough budget as it is...those on long term state benefits without enhancements are just above the waterline, anymore increases, you will drown us..,or is that the plan
- I do not believe the case has been made for an increase in support, which others will have to fund. I do agree with the support as it currently stands. I believe benefit provision is adequate.
- I think everyone should pay something, this would be fairer.

- I feel that reduction should be based on income and that the most needy are those on lower incomes.
- Other income should be considered not a blanket policy excluding all war widows irrespective of other income considerations.
- It should be means tested based on income.
- I'm struggling on benefits as things are why make matters worse.
- I don't think they should pay any council tax
- Unfair to this group
- To change the contributions for the two groups means the shortfall has to be found from other citizens.
- As a person on universal credit and receiving job seekers at £321.00 per month I am still liable for 20% of my council tax bill the individuals in question are receiving monies per month higher than I receive.
- Everyone should pay for services they receive
- The welfare system in this country is very unfair. A couple have two wages coming in so can share rents, electric bills, and council tax. A single person gets 20% reduction - this makes work very costly for single people. It should be 50% and we should be paid for rubbish we re-cycle. Also since libraries / swimming pools closed for covid we should get cash back. Council tax does not really pay for police or ambulance but pays off Government debt which goes to [...].
 The welfare system in this country rewards those who never work - they get free housing and more money than folk who have worked. For example my pension went into liquidation it had [sum of money] in it - never made a penny; claims company took [sum of money] So [sum of money] paid into my bank account. Luckily DHSS let me buy car 7K to help look for work but every month I now get just £600 - my rent is £400. So I paid tax on money working going into my pension and now lose money in welfare as above 6K. Yet I know some who never work who get £65K tax free a year in welfare, free 5 bedroom house, free car etc. Also some never worked since year 2000 but they are never forced to work but people like me who look for work are easy targets and we get pressure on us all the time, even though I am [health condition]. Migrants should get no free NHS, no free education or welfare. It should be a system where you can only get out what you put in - that puts workers first. At moment too many say homeless get free council flat then move in with TVs etc.
- I am a disabled resident of a local village on benefits and due to low income I will not be able to afford any extra as I'm paying most of my money on bills. I'm also struggling to buy food and personal hygiene products. Also our UC is also being cut and gas and electric are also rising. I am struggling with serious mental health issues and this will cause more suffering to myself and others. Please reconsider this and allow us on benefits and pensions a chance to live within our means and not be in constant debt.

- There are already benefits payable to war widows and War Disablement payments. It is unfair to allow one group of people to benefit more than other needy groups.
- Not all of us are workers, some of us, like ourselves are carers. Would love to pay more but simply do not have the money.
- A War Disabled is no different that a normal disabled. Just the circumstance that caused it.
- Because at the moment they have 20% to pay but making it higher of 100% can cause alsorts of issues making it harder to pay.
- I believe that War Widows and War Disablement should get Council Tax exemption, particularly being widowed due to their spouses dying or getting disabled while defending our nation.
- Money is tight enough for people receiving such benefits and increasing council tax further is just going to cause more poverty and hardship.
- I feel that everyone should contributed something
- I'm on benefits and I pay rent out off my benifit as well as some towards my council tax me and my family don't get alot off money have to go food banks life's a struggle everything going up money going down its not fair id love to work but due to bad health I can't work for rest of my life I find it so hard to cope on money we get from state also our council tax ain't spent well on what its ment to as my area is a right mess drug dealers outside my back gate scaring my kids when in garden police do nothing same with motorbike theft list goes on
- War Widows and War Disabled people have already sacrificed enough for us
- Past experience has shown that when the system is 'simplified' it produces very little of the promised savings and results in people dropping out of the safety net of support.
Tinkering with a issue may look good and tick certain boxes but it rarely benefits those in need.
- They may end up paying more
- Again and again governments of all flavours look to shirk their responsibilities. Stop looking at ways to stop spending on those who need help and look more towards those who rob us blind. Locally we've seen vast sums lost on failed projects and redevelopments yet Council has shrugged and said all too hard. All that lost money could have paid for the services now lost forever.
- These questions are impossible to answer without some context. If your proposal makes even some of theses people worse off then I strongly disagree.
- Benefits should be means tested. Physical and mental impairments or difficulties should rank higher than purely age.
- War widows and those suffering disablement have lost and suffered enough. A minor relief is our way of paying them back.

<ul style="list-style-type: none"> • I am on benefit income only and cannot afford higher percentage council tax increase for 2022-2023 in the working age bracket because it can have a negative effect on me living means and inturn can affect my mental health. Claim the monies back from the ppl who robbed the council funds and made us bankrupt in the first place. • Claimants of War Widows or War Disablement pension benefit from preferential treatment in most authorities. It creates a lot of problems when people move into the area without realising that the rules are different here to elsewhere. Also there is not much government support for military veterans considering the level of public support for them, so I think this is a worthwhile expense.
<p>Don't know</p> <ul style="list-style-type: none"> • n/a as i don't know anyone who is in receipt of this • This is poorly worded. I don't know if the suggestion is them paying no council tax or them paying 100% • If this would cause this sector of people financial hardship then I would strongly disagree. • As long as this group does not pay more than they are currently paying.
<p>Comment made but respondent did not answer previous question</p> <ul style="list-style-type: none"> • Think scrap tax as it's fraud ... using legalese against living men and women is a crime of high treason! Bedroom tax is a crime all the taxes fund criminal activities in government. Under the magna carter article 61 the queen had a oath to honour after the nice treaty involving Tony Blair back feb 2001. Therefore the queen holds no power over we the sovereign human beings

Care leavers

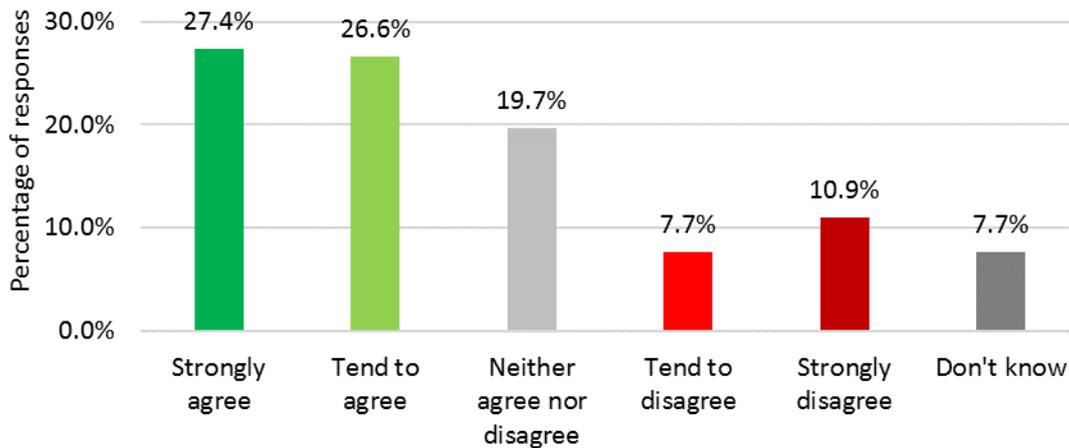
Currently care leavers, up to the age of 25, must pay a minimum contribution of 20% of their Council Tax liability.

Our proposal: Remove the minimum contribution of 20% and allow their Council Tax Reduction to be determined on 100% of their Council Tax liability.

Q. To what extent do you agree or disagree with this proposal? Please tick (✓) relevant answer

There were 274 responses to this question.

To what extent do you agree or disagree with this proposal?



Response number	Percentage (%)
75	27.4%
73	26.6%
54	19.7%
21	7.7%
30	10.9%
21	7.7%

Q. If you disagree with our proposal, please tell us why along with any alternative suggestions you would like to make:

There were 47 responses to this question.

Strongly agree/ Tend to agree
<ul style="list-style-type: none"> • People coming out of care need all the additional help they can get and phase it out slowly from 20 onwards. • Whilst I agree we need to support the vulnerable, we need to do so in a constructive way. if paying everything for 7 years means that they do not learn how to manage their financial affairs, its not supportive
Neither agree nor disagree
<ul style="list-style-type: none"> • I think everyone should be treated the same. • To be honest, the proposal as written makes no sense to me - in that I can't work out what it actually means in real life. (Though it should be noted that it also doesn't apply to me) • Once again i have great empathy for other peoples circumstances but i still feel reductions should be shared equally. • I am not concerned by this

- You are simply cherry picking groups who are small in number to limit the impact on your income. A consultation on the options you have already decided upon is not consultation. It is a request for confirmation of your intended action

Strongly disagree/ Tend to disagree

- A care leaver is not necessarily on a low income
- I believe everyone should contribute something. Happy for a streamlined process, but not one that eliminates liability to contribute to cost of local services.
- I think this should apply to older people not young people and care leavers should be a factor when they are older
- We are all in the same boat on low income we all need help.
- Care leavers have a hard enough time standing on their own two feet with high rents/ housing costs and none of the usual support expected from a young persons family.
- It should be means tested based on income.
- This should be based on income
- Care leaves are more likely to have mental health issues, lower education, less or no family support and a higher rate of suicide than their peers. These issues are down to no fault of their own.
- I would propose to keep the reduction until they reach the age of 25 or reach the average uk income of £25,000 per annum.
- Shortfall has to found from other citizens.
- Again care givers obviously have some form of income/benefit so therefore should pay.
- Everyone should pay towards services they use
- I could just about manage to pay the 20% but if it goes up too 100% I will not be paying the difference as I cannot afford it.
- Do not feel that this is right. Should be based on income if working or benefits that they are currently receiving. There are many young people who are not care leavers who work hard trying to establish themselves / survive and whom may have had difficult upbringings. Again it is not morally right to benefit one group over other needy groups. It should all be income based.
- Stop giving money, that we don't seem to have, away.
- This is the same tack tick as the previous question, you upping the 100% will cause hardship to mostly everyone 20% is a lot but more capable the the latter.
- Care leavers need a good time to readjust their lives to reality, while some never get their lives back to normal. Care leavers should be given a few years exemption and then assessed to know if they still need Council Tax exemption.

- I think that the pensioners who have worked hard all their lives should get some sort of reduction especially those who struggle on a pension.
- These people require support and are going to find going out into the big wide world difficult enough without worrying about how on earth they will pay full council tax charges.
- Again I feel that everyone should pay something and 20% is already low and it should stay the same
- Make it like it was back in the day so there no poverty anymore
- Even if young people can get work, it is often very low paid
- Past experience has shown that when the system is 'simplified' it produces very little of the promised savings and results in people dropping out of the safety net of support. Tinkering with a issues may look good and tick certain boxes but it rarely benefits those in need.
- Because some of them are unable to work and are only in receipt of carers payment
- They may end up paying more
- As a mentally and physically disabled person in my 50s, I've seen the help and support I receive from the NHS and Social Services disappear completely over the past 3 years to the point where I have to pay privately for all my care and treatment because all the focus of resources seems to be on the young. It seems that the more National Insurance people have paid in over their lifetime, the less they are able to access help and support; whilst those who've contributed nothing, or very little, are favoured with the limited provisions available. This scheme is yet another example of this wholly unfair favouring of the young. My real world income has diminished completely because I'm having to pay privately for all my care, equipment and home adaptations and yet I'm not seen as deserving any special assistance to help pay for the ever increasing cost of the Council Tax. In my opinion, this scheme is discrimination of the highest and most blatant order based on age and disability. If you are planning to offer enhanced reductions under the scheme, then this should be offered to all those who are disadvantaged and not just the young. I think any decision to approve this part of the scheme could well be the subject of Judicial Review because it is so blatantly discriminatory and is thus an unreasonable exercise of the council's discretionary powers.
- Look at earlier response
- If this change goes ahead the council should make it mandatory that those entitled to a reduction are correctly informed and automatically notified. Equally so for all the other eligible groups/criteria for rebate/reductions...Example Full time Carer's reduction. My past experience of the benefits system is that you have to really research and fight for what you are entitled to the information is not forthcoming unless you are aware of what is available and can easily miss out on much needed help.

<ul style="list-style-type: none"> • Same comment as before. If you are going to make even some of these vulnerable people worse off then I strongly disagree • In my opinion they should pay at least 20% . Everyone should pay at least something! • Care leavers are extremely vulnerable and placing additional stressors upon them will end up placing more stressors on them than they already have. • They need more reductions • The age brackets seems to me they would be of working age, so therefore able to pay a contribution. • Who will pick up the tab for this? Let me guess. • In my experience care leavers tend to find themselves managing a household budget younger than other young people, and also find themselves without the skills to know what to pay when, how to apply for benefits and where to seek help. The automatic minimum payment for them takes an awful lot of pressure off them in their first few difficult years in the community.
<p>Don't know</p> <ul style="list-style-type: none"> • Same as the last question. So poorly worded that I don't actually understand what I'm being asked • Once again, if this was to cause this sector of people financial hardship I would strongly disagree. • As long as this group does not pay more than they are currently paying.
<p>Comment made but respondent did not answer previous question</p> <ul style="list-style-type: none"> • All tax is illegal so therefore no tax should be being questioned. • Any adults who live in residential care deserve a similar treatment as they need additional support. I believe its a hate crime to penalise people. I feel as though nothing is joined up and no one talks to each other. I think this is a hate crime against those with disabilities as we get forgotten about and have our benefits taken from us. We need more support and things like this shouldn't just be for those in care etc.

Any other comments

Q. If you have any other comments, that you have not already told us, please tell us here:

There were 71 responses to this question.

<ul style="list-style-type: none"> • May all read the constitution of the magna carter article 61. When the common law is up and running in the U.K. theses who have being unlawful will be tried in a common law court. Treason is a serious crime • At current time I do not believe benefit provision should be extended, or amounts increased. Those who pay 100% struggle enough, and funds should be directed to cutting Council Tax for all.

- worried about UC and the uplift being removed. Ctax should be reviewed more often in general i.e what is it used to pay for and where the money goes a lot of things not being maintained etc. would like meetings from a council representative at the village so that they can listen to concerns.
- We all need the same help
- I believe that anyone on Universal Credit should receive a full discount. When Universal Credit was calculated as the minimum needed to live on, Council Tax was not included.
- I feel as though the Council are hateful towards disabled families and offer us no support. I feel as though all the contact I have with Council is hateful and nasty. I feel as though we have been kicked into a corner and have no where to turn.
- Feel that people mental health issues or physical disablement should be entitled to a greater discount on their Council Tax charge.
- Feel additional help should be given across the board and i feel as though I am being discriminated against as i am disability
- I think it should be across the board working age on low income so also not be liable for the 20 percent tax and receive 100 percent of the tax so not paying anything
- I am a carer for my disabled [spouse] and am unable to work so I can look after [them] yet I still have to pay 20% while being forced onto universal credit, making us worse off in the long run. What with the government removing another £20 a week from my universal credit I do not understand how I am expected to pay for my rent/council tax/gas/electric and food. People in our situation are always forgotten and just left to rot and expected to survive. More needs to be done for people like us.
- Remove the minimum 20% contribution for all claimants to ensure that those who cannot afford to pay council tax are not unnecessarily burdened with the same.
- People on disability this includes mobility and on benefits for mental health issues should be exempt from paying this tax as they are struggling as it is and it will also put pressure on there health
- anyone living in poverty should get a helping hand, if there is a genuine need we should help.
- Those in universal credit given help to pay their bill
- If things aren't broken, don't try to mend them! All these consultations and changes cost money. Save the money and use it for better purposes.
- What about people on benefits
- Paying council tax should be done on a means tested basis not on certain sectors.
- I am unsure but I believe everyone should be assessed on their income and outgoings I believe everyone deserves to live comfortably in this day and age and income versus essential outgoings surely is the only way to judge it

- basically the services the council provide in my area Abington is waste collection, the streets and pavements are always littered, dirty and full of pot holes, you never see a sweeper in this area and it really looks rundown to the point of i feel ashamed when i get visitors, NOT HAPPY
- I am unhappy that council tax liability for the disabled increased during to change from South northants to West northants. Disabled people on benefits who are unable to work like myself and my husband are unable to increase income to cover any corresponding increase in tax liability. Tax increases should be aimed at those best able to afford it and not the most vulnerable.
- Without everyone paying at least a percentage of their council tax it will end up with either service cuts or increases for people who don't qualify for a reduction.
- I think that the council reduction scheme should stay as it is times are hard for everyone at the moment due to the pandemic people have lost incomes,homes,jobs due to it all its unfair to increase any council tax for any family.
- We need a radical change to the welfare system, a re-cycling rubbish should be rewarded. Also many homes have multiple people living in them - you can tell by number of bin bags. Poll tax was a much fairer system than council tax as it hit the families who breed like mad. At moment they get rewarded with big council houses. Yet we see many in council homes with luxury cars outside - if they can afford to buy a luxury car they should not be in a council home. Many are drug dealers etc. The smell of cannabis comes from many council flat windows , in old days council visited properties they rented out. Council houses should go to working and married people first not those not working or those who get pregnant to get a free flat - this has caused so much problems in society with these kids joining street gangs. I don't think system works - we should just have ONE TAX to replace all taxes - this should be an assets tax - you should pay 1% a year on the value of all assets you own -so if you own a company the value of all machines would be added up and your luxury homes. People should only be allowed to own 3 properties maximum. Laws should apply to all including Royalty - at the moment they don't pay death taxes or need planning permission and we cant know who they own shares in etc. They made their money from death of [name of human race] by opium through their agents like the [name] family. [Organisation] should be banned from parliament etc
- I've personally helped and seen young people struggle with things like autism and asperges. They can barely do the forms necessary for things they need. Their anxiety and depression is real and I've witnessed a few youngsters (family related) ...transition from care home to new accommodation and not able to cope and been close to taking their own

life through despair. This would help in terms of less stress and more importantly the could get 'started in life by affording the little things they need.

- My family who all live in the West Northants area also have the same thoughts as I do as they are on benefits or pensions.
- I find the CTR scheme really helpful based on my circs , without it I would really struggle.
- I have been receiving this assistance since a change in circumstance. however, the link between variable income and council tax demands is very stressful.

you receive info from dwp, esa etc.

people on zero hour contracts get paid different monthly and the bill is recalculated and posted out every month. this is a waste of money for your office, bad for environment by increasing carbon footprint.

you need to email these things.

also for claimants that are having fluctuating income, the demand for tax should always be calculated over the 12 month period not 10.

it should be made clear the amount of extra income earned results in exactly how much council tax liability.

could be someone is financially worse off for working if you do not make it clear there is an income level thats reached which means no help is available. .eg... if someone earns £700 in one month which gets annualized, does this wipe off all discount until you get the next information from dwp? the following month they earn £100, get a new bill, reentitled to discount, its a very confusing way to portray to customers.

help should be offered not people to understand your process

- Re word your survey to actually make sense
- Consider larger reduction for single occupants
- still confused
- I believe disabled & EDLERY PEOPLE NEED MORE SUPPORT ALL ROUND
- I am currently in receipt of Council Tax Reduction due to low income on benefits. I would like to continue to receive this 20% reduction as I am a single parent and any substantial increase will cause financial issues due to my strict budget.
- People struggle hard to pay the council tax on low incomes. Please bear in mind that some people are receiving a pittance to live on particularly disabled persons who can't work. While council tax is important to keep the community going please don't squander this money. I see some very pointless money wasting from councils.
- Not quite sure if fill in right but this my views on it council tax reduction scheme should carry on people are only getting them self back together after pandemic to add more tax's it will be nightmare people are struggling now and I am one of them been going to food bank to help me struggling to

pay my bills every month I can't work because of my health believe me I would and is sure I am not only one [name] ☹

- To be honest, the proposals as written makes no sense to me - in that I can't work out what they actually means in real life. (Though it should be noted that they also don't apply to me).
- We feel strongly about these proposals. My wife and I have worked all of our lives. Provided employment for others and contributed to the state through taxes. My wife should have retired at 60 but is having to wait until she, like I reached 66. We are both now in need of assistance as now both have multiple serious health issues which are life limiting for each of us. We have almost exhausted our savings and made considerable cut backs. To us, people who can not work due to ill health are just as important as the groups mentioned in this survey especially as we have paid in to the state for nearly 50 years.
- People can afford to pay what they can afford to pay. I am still fuming at how money was wasted on Angel One and the Bus Stn. Two projects that were not needed, frittering away tax payers money. You've closed down libraries and sure start centres across the county. Incompetence doesnt cover it. Now like typical Tories the poor have to pay for your incompetence!
- What about disabled children who's home has been adapted? Also the single person household?
- I think everyone who claims council tax should be awarded in category benefit people who contribute out of there money should have low payments for this as there benefits have gone down not up so they will struggle the most, people old and on war pension etc need to pay low or the same 20% no more. those that work can take the bulk load of the council tax as some earn good money and those on low incomes should pay 15% towards it. but we all can have our views wether it's taken to account and actually acted on it is another matter but people struggle more so now covid payment has gone and there the ones who have children and older people who will suffer hard as they have increased gas/elect bills to deal with without food clothing etc they have to buy to live and then they worry about council tax rising and all this while benefit stays low. its not hard to sort out. think of the people.
- Thank goodness you have realised that not all self-employed people are able to pay as if they were on the National Minimum Wage. Shame that living in your ivory towers meant that you missed this point twelve months ago.
- I thought this was going to be about everyone who gets the discount on their council tax not just for 2 different sort of people so what's happening with people who are on a low income what will they get.

- Ideas for increasing liability for working age people on reduced income due to disability is unfair. My ability as a disabled person at 50 will be the same as when I am 70. The age of the person isn't key- it's the disability.
- What about people who are disabled . The tax has gone but our benefits havent .
- i cant understand why it is only these 2 groups involved as all disabled people need extra help, and should also be considered for the 100%
- This is an incredibly difficult time for us all, but especially to those of us on legacy benefits. We have not seen an increase in what we receive unlike universal credit claimants who have received an extra £80 plus per month throughout the pandemic. I can't make ends meet as it is, so to increase the council tax, will just mean we have even less to eat!
- I think people with disabilities should get 100 percent off there tax bill
- Just want everything else to stay the same and the extra costs taking into account so that other services are not compromised.
- Concerned that the care leavers may not be able to access the correct support in order to be able to claim the benefits they are entitled to, as has experience of social workers who are abusive.
- Please see previous comments regarding lack of help to disabled part time workers such as me and working single mum's such as I was 20 yrs ago on very low income and complete lack of care or help available. Its the one bill that put me in debt to being so high that I couldn't meet
- Care leavers currently need to complete a CTR, SPD to qualify for the 100%, so those that have fluctuations in their income are penalised in the scheme. Such as care leavers do not all qualify under this scheme. Maybe they need to be less rigid and see that they qualified for CTR part of the year to qualify for the exemption
- I feel that all households should pay something towards this service 20% is already a small percentage that all should be able to afford
- Just think government should think of family's on low income for a start stop worrying about things that don't need worrying about
- A reduction for people claiming PIP
- Do you consider yourself to have a disability in line with the definition set out in section 6 of Equality Act 2010? Yes..No..Prefer not to say The above question i cannot answer as i have not seen "section 6 of Equality Act 2010?"
- What about the people who are on benefits? Like I am on Job seekers allowance income based.
- I genuinely believe that council tax should be reduced entirely as especially after the economic hardship of Covid-19 years and now major price hikes in every type of fuel. Our heating bills will be extortionate. I personally have bought an electric blanket to replace most of my gas heating for this coming winter. I will also have to make cut backs on other things i normally have.

For instance, i have [3x health conditions]. I shall have to cut back on as much as possible due to the enormous hikes in everything this year. My home help will be someone who won't be paid. Mind, i suppose [...]. The lesser well off don't have the ability to balance their finances with such increases. Most lower income people will be begging as it is.

- I strongly support reducing from 20% (One Fifth of the Total) to 0% the contribution that War Widow and War Disablement Pension claimants and also Care Leavers have to pay towards their council tax bill. However, why is there not in the consultation a proposal to reduce the contribution those in receipt of ESA (Employment and Support Allowance) benefit from 20% (One Fifth of the Total) to 0% too?
- There are families who do not fall into these categories but who are already struggling with their finances. If these proposals go through with the result that they have to pay a higher council tax fee to cover the cost it simply transfers the problem from one section of society to another.
- An person who is of working age. With a terminal disability shouldn't pay . Also the carers who look after them and are unable to work due to the caring of them and only receives a payment of 270.05 a month should also be excluded
- What about disabled people? You have not mentioned us at all!!Do we not count. We are on ESA and PIP and have low incomes too!!We have had help in the past are we to have help in the future?
- People on employment and support allowance who cannot work because of long term sickness should also be eligible for 100% reduction from council tax. Their disability makes them unable to improve their financial situation.
- I am in receipt of ESA and have had to pay an 80% increase in my Council Tax for the period 2021/22 over the 2020/21 period which is disgusting. How are sick and vulnerable people supposed to finance the Tory South Northants debts? I sincerely hope on behalf of all others in my position you do not penalise us next year!
- Look ar earlier response
- This year you made the most vulnerable people in South Northants considerably worse off by bringing the rate of reduction in line with the other joining areas. Why on Earth could you not just level DOWN so that the most vulnerable got a bit of a break for once. It looks like the nature of your survey intends to do the same this year. I am disabled and my contribution went from £9 per month to £23 per month. A staggering 150% increase.
I pay this out of benefits, It doesn't make any sense. Why not just claim the funds directly from central govt and cut out the middle man and stop putting pressure on those who already are finding life tough.
- Pensioners over the age of 85 should have a 100% reduction in council tax
- Council Tax Reduction has been a great help to me.

- You are simply cherry picking groups who are small in number to limit the impact on your income. A consultation on the options you have already decided upon is not consultation. It is a request for confirmation of your intended action. Stop taking people for fools, either engage in proper consultation, or so eating money on pointless rubber stamp questionnaires
- Putting a minimum ceiling on what customers should contribute towards their liabilities can have a negative effect on customers mental health through raised anxiety and depression which then has a knock on effect with other services such as social service, Dr's, mental health services, police, ambulance etc. etc.
- These potential reductions should be made known to ALL; there are many who would not know to look or have the ability to do so.
- Just wondering if you [incomplete]

Demographics

Q. Are you responding to this consultation as an individual or on behalf of an organisation? Please tick (✓) relevant answer

There were 272 responses to this question.

	Response number	Percentage (%)
As an individual	269	98.9%
On behalf of an organisation	3	1.1%

Organisation/community group respondents

Q. Are you responding as or on behalf of: Please tick (✓) all that apply

There was one response to this question.

	Response number	Percentage (%)
Housing Association	0	0.0%
Advice Agency	1	100.0%
Support Organisation	0	0.0%
Other (please specify)	0	0.0%

Other:

- *No comments were made*

Q. Please tell us the name of your organisation and your role / job title:

There was one response to this question. We have not included details within this report in order to ensure respondents’ anonymity is retained.

Individual respondents

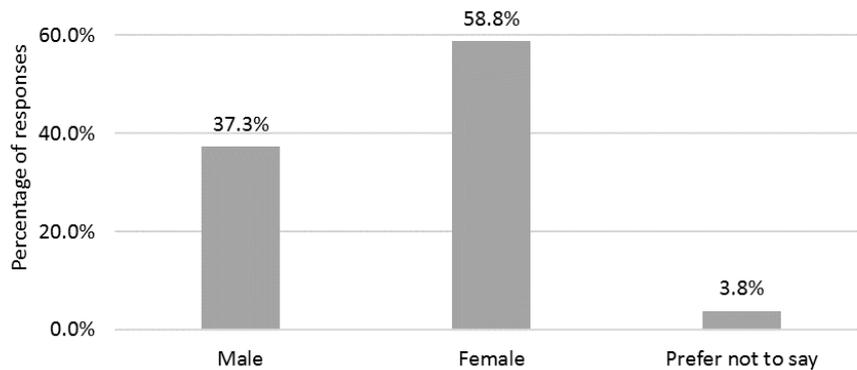
As an organisation, we collect specific demographic information from the people who take part in our consultations or complete surveys to build up an accurate understanding of the communities that we serve so that services and policies can be delivered to meet the needs of everybody, and ensure that everybody has an opportunity to have their voice heard. Please feel free to leave any questions which you do not wish to answer.

Any information you chose to provide will be treated confidentially and in accordance with data protection legislation and regulations.

Q. Are you: Please tick (✓) the appropriate box

There were 260 responses to this question.

Are you:



	Response number	Percentage (%)
Male	97	37.3%
Female	153	58.8%
Other, please state below	0	0.0%
Prefer not to say	10	3.8%

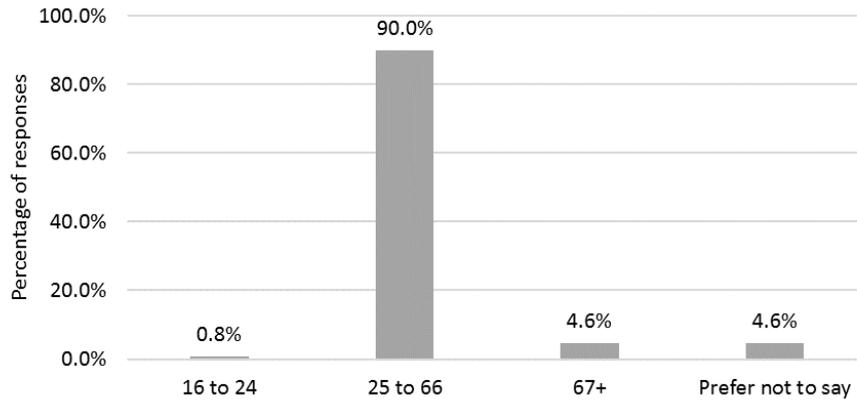
Other:

- *No comments were made*

Q. What age band do you fall in? Please tick (✓) the appropriate box

There were 259 responses to this question.

What age band do you fall in?

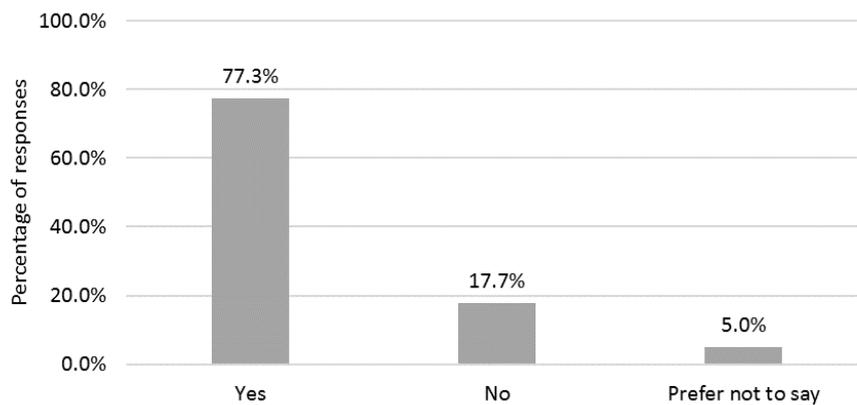


	Response number	Percentage (%)
16-24	2	0.8%
25-66	233	90.0%
67+	12	4.6%
Prefer not to say	12	4.6%

Q. Are you currently in receipt of Local Council Tax Reduction? Please tick (✓) the appropriate box

There were 260 responses to this question.

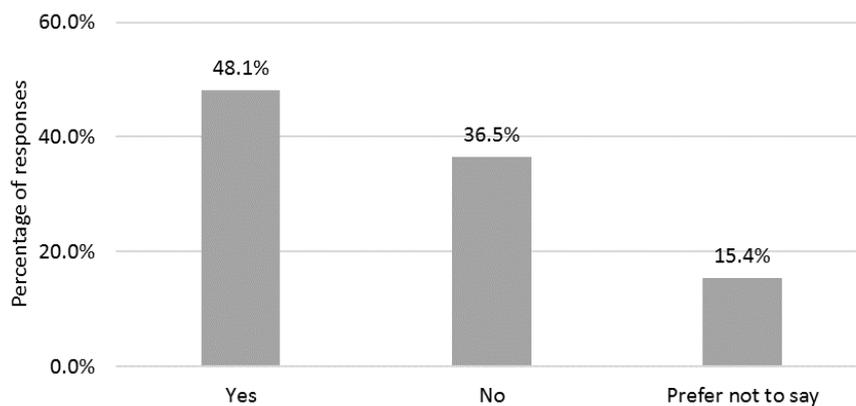
Are you currently in receipt of Local Council Tax Reduction?



	Response number	Percentage (%)
Yes	201	77.3%
No	46	17.7%
Prefer not to say	13	5.0%

Q. Do you consider yourself to have a disability in line with the definition set out in section 6 of Equality Act 2010? Please tick (✓) the appropriate box
There were 260 responses to this question.

Do you consider yourself to have a disability in line with the definition set out in Section 6 of Equality Act 2010?

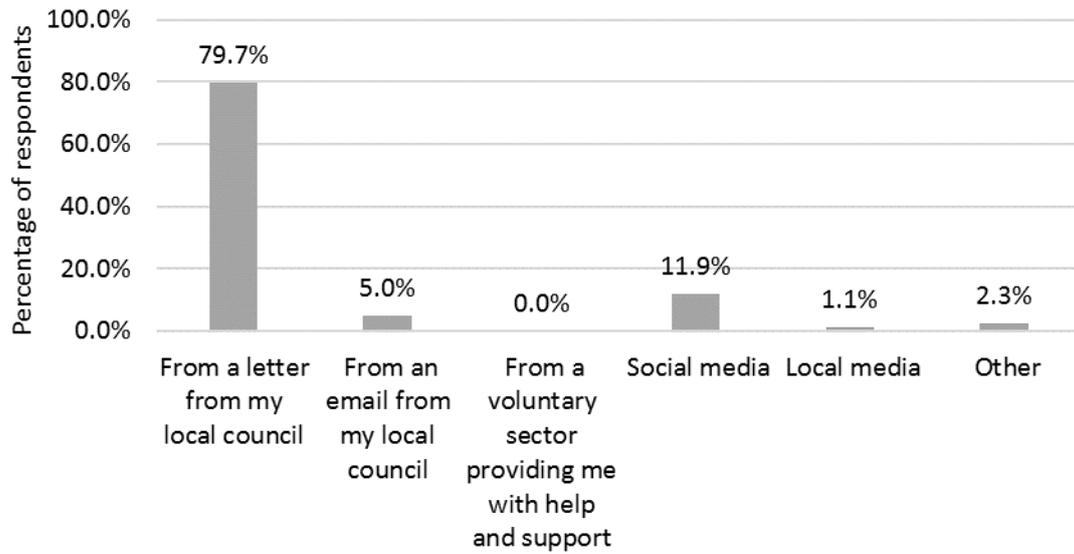


	Response number	Percentage (%)
Yes	125	48.1%
No	95	36.5%
Prefer not to say	40	15.4%

About this consultation

Q. How did you find out about this consultation? Please tick (✓) all that apply
There were 261 responses to this question.

How did you find out about this consultation?



	Response number	Percentage (%)
From a letter from my local council	208	79.7%
From an email from my local council	13	5.0%
From a voluntary sector providing me with help and support	0	0.0%
Social media	31	11.9%
Local media	3	1.1%
Other (please give details)	6	2.3%

Other:

- WNC employee
- From someone else who received a letter
- Link didn't work on letter
- Applied directly for reduction due to low income
- Staff briefing
- Our [family member] noted it on your website.
- Parish council minutes

Appendix 2: Other responses

Feedback receive via letters/ emails

- There were no written responses received in relation to this consultation

Verbal feedback received

- If the Council did more to enforce payment from non-payers then we could reduce the 20% threshold for customers in receipt of JSA.

Feedback received via social media

- So basically you are targeting those groups on low incomes who are the smallest in number, so that you don't lose out overall on income?
- Don't bother with this. I was sent a letter via Royal Mail as I qualify for the Council Tax Reduction Scheme. It's just a few questions asking if the reduction should stay at 20% or be worked out on a percentage of 100%. Waste of time.
- Can you explain to us why you have only chosen groups that are low in number? I am sure they deserve support, but are you not simply cherry picking the smallest need groups so that you have to pay out the least discount?

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WEST NORTHAMPTONSHIRE COUNCIL CABINET

9TH NOVEMBER 2021

CABINET MEMBER WITH RESPONSIBILITY FOR FINANCE – COUNCILLOR MALCOLM LONGLEY

Report Title	Grant of Long Lease to the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire of Barnes Meadows Nature Reserve, Northampton
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Report Author	David Smith, Principal Surveyor (Interim) (david.w.smith@westnorthants.gov.uk)
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Contributors/Checkers/Approvers

West MO	Geoff Wild – Deputy Monitoring Officer	26 th October 2021
West S151	Anthony Russell – Senior Finance Business Partner	25 th October 2021
Other Director/SME	Stuart Timmiss - Executive Director Place, Economy & Environment Simon Bowers – Assistant Director Assets and Environment Duncan Bisatt – Principal Lawyer	2 nd November 2021 21 st October 2021 25 th October 2021
Communications Lead/Head of Communications	communications@westnorthants.gov.uk	None received

List of Appendices

Appendix 1 – Site Plan

1. Purpose of Report

- 1.1 To seek authority to grant a 99-year lease on the Barnes Meadow Nature Reserve, Northampton to the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (WT) at a peppercorn rent.

2. Executive Summary

- 2.1 Barnes Meadow is a nature reserve in Northampton. It comprises three meadows on either side of the River Nene. It is at high risk of flooding. The land is subject to planning policies (and proposed planning policies) which seek to protect it for public use and biodiversity benefits.
- 2.2 The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (WT) is currently managing the land under licenses granted by the then Northamptonshire County Council (NCC) and Northampton Borough Council (NBC).
- 2.3 NCC previously granted 99 Year leases to WT on similar sites but for various reasons, the lease on this property did not complete prior to vesting day (1st April 2021).
- 2.4 Granting a similar lease to the WT over Barnes Meadow is considered the best option given the nature and role of the site, and the practical benefits to WNC.
- 2.5 Cabinet authority is required to grant the proposed lease, due to its length and the fact that it is at less than best consideration.

3. Recommendations

- 3.1 That the grant of a 99-year lease to The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire of Barnes Meadows, Northampton at a peppercorn rent is authorised.
- 3.2 That this authorisation is subject to the conduct of public notification for disposal of open space as required by Section 123(2A) of the Local Government Act 1972 and no material and substantive objections being received (and not withdrawn).

4. Reasons for Recommendations

- 4.1 The WT managing the Barnes Meadow nature reserve would help to ensure it is managed in a fashion which maximises the benefits for people and the environment.
- 4.2 This course of action would also be the most cost-effective as would remove a management and maintenance liability from the Council.
- 4.3 There would also be consistency with previous decisions if this to land was to be managed by the WT.

5. Report Background

- 5.1 Barnes Meadow is a nature reserve in Northampton. It comprises three meadows on either side of the River Nene which encompass a wide range of grassland and wetland habitats. These include a redundant arm of the Nene, the river itself, Hardingstone Dyke and a variety of recently created ditches and shallow scrapes. It is an important site for biodiversity and is in flood zone 3 (the most likely to be flooded) although partially protected by flood defences. Part of the site is the flood plain of the River Nene.
- 5.2 The land is subject to planning policies (and proposed planning policies in the Northampton Local Plan Part 2) which seek to protect it for public use and biodiversity benefits.
- 5.3 Along with other nature reserves, the former Northamptonshire County Council (NCC) agreed in 2011 to lease Barnes Meadow to the WT on a peppercorn basis. The other sites included:
- Abington Meadows Nature Reserve
 - Farthinghoe Nature Reserve
 - Rothwell Ironstone Gullet Nature Reserve
 - Higham Ferrers Nature Reserve
- 5.4 The leases were generally granted. However, the Barnes Meadow lease was difficult to arrange because the access was over land then owned by Northampton Borough Council (NBC). NCC and NBC had respectively granted the WT licenses to use the land in question in 2012, and it has managed it since then.
- 5.5 WNC now owns both pieces of land and it is suggested it would be sensible for a lease of the site to be granted to the WT. The WT has the competence and organisation to manage nature reserves well, and (as a result of previous decisions) already manages similar sites on behalf of the Council. Having the WT manage the sites would also mean the Council did not need to put resources into doing so.
- 5.6 Heads of terms were previously agreed with the WT. The key points of these are that:
- a) The lease would run for 99 years, but after year 30 the Council would have an option to break the lease every 5 years.
 - b) The public would have general access, subject to restrictions to protect public safety or to protect sensitive or protected habitats and species.
 - c) The WT would be responsible for maintenance and outgoings.
 - d) The WT would receive any payments for environmental land management related to the site.
 - e) Peppercorn rent (no real rent).
- 5.7 It is unlikely given the nature of the site that the Council would wish to exercise the break option, but its presence means if there was a profound change in circumstances which meant the site was appropriate for some other use or management, it would be possible to do so.
- 5.8 Given the physical and planning constraints on the site, it has little or no monetary value. The terms of the lease would not allow the WT to make any significant income without the Council's consent. The only income of any consequence is likely to be the land management payments.

the Department of the Environment, Food and Rural Affairs (DEFRA). Given the burdens the WT would be taking on, a peppercorn rent is likely to be the best price (see 7.2.1).

6. Issues and Choices

- 6.1 Barnes Meadow is a large area of public open space and nature reserve. As such the management of this land is an important consideration for the future, especially given the environmental issues involved.
- 6.2 The Council could:
- a) Grant the proposed lease.
 - b) Manage the land in house.
 - c) Seek to dispose of the land entirely.
 - d) Seek to put the land to some other use, such as development.
- 6.3 Managing the land in house would involve the Council needing to deploy resources it does not currently have and expertise it would need to develop. There seems little merit in it doing this when a suitable alternative is available.
- 6.4 The Council could offer the land to third parties (potentially including the WT) for freehold disposal. Whilst potentially removing all future liabilities in relation to the land, it would also remove any ability for the Council to use the land differently in the future.
- 6.5 It is highly unlikely that the land would be found suitable for any other materially different use. In particular, development would be unlikely to be viable given the flooding risks on the site, or acceptable in planning terms. Nor is the Council likely to wish to damage the biodiversity value of the site.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The land has significant amenity and policy value which the proposed course of action should preserve. It has no or very limited financial value.
- 7.1.2 The Council's legal costs are likely to be in the region of £1,000

7.2 Legal

- 7.2.1 Generally, the disposal would be authorised under Section 123 of the Local Government Act 1972. This requires that freehold disposals and all leasehold disposals of seven or more years in length must be on the best consideration reasonably obtainable (referred to this in this report as "best price"). However, there is an exemption where the Secretary of State otherwise approves. Sometimes specific consent is needed, but often the necessary consent is given by the General Disposal Consent (England) 2003. This gives consent for disposals at up to £2 million less than the

best price where the Council considers that the disposal will advance the economic, social or environmental well-being of the area or people in it.

7.2.2 In this case, for the reasons given above, the disposal is probably a best price or if not, is close to it. If there is a need to rely on the General Consent is reasonable for the Council to consider that the proposed use of the property would contribute to the environmental and social wellbeing of both the immediate environs of Barnes Meadow and also the wider area.

7.2.3 The Council must also comply with the subsidy control provisions of the UK – EU Trade and Cooperation Agreement, as applied into UK law by Section 29 of the European Union (Future Relationship) Act 2020. Disposing of assets at less than best price is a form of subsidy. However, it is considered that this case is not the kind or scale of subsidy likely to fall under the controls of the Agreement.

7.3 **Consultation**

7.3.1 There has been no specific consultation undertaken in relation to this proposal.

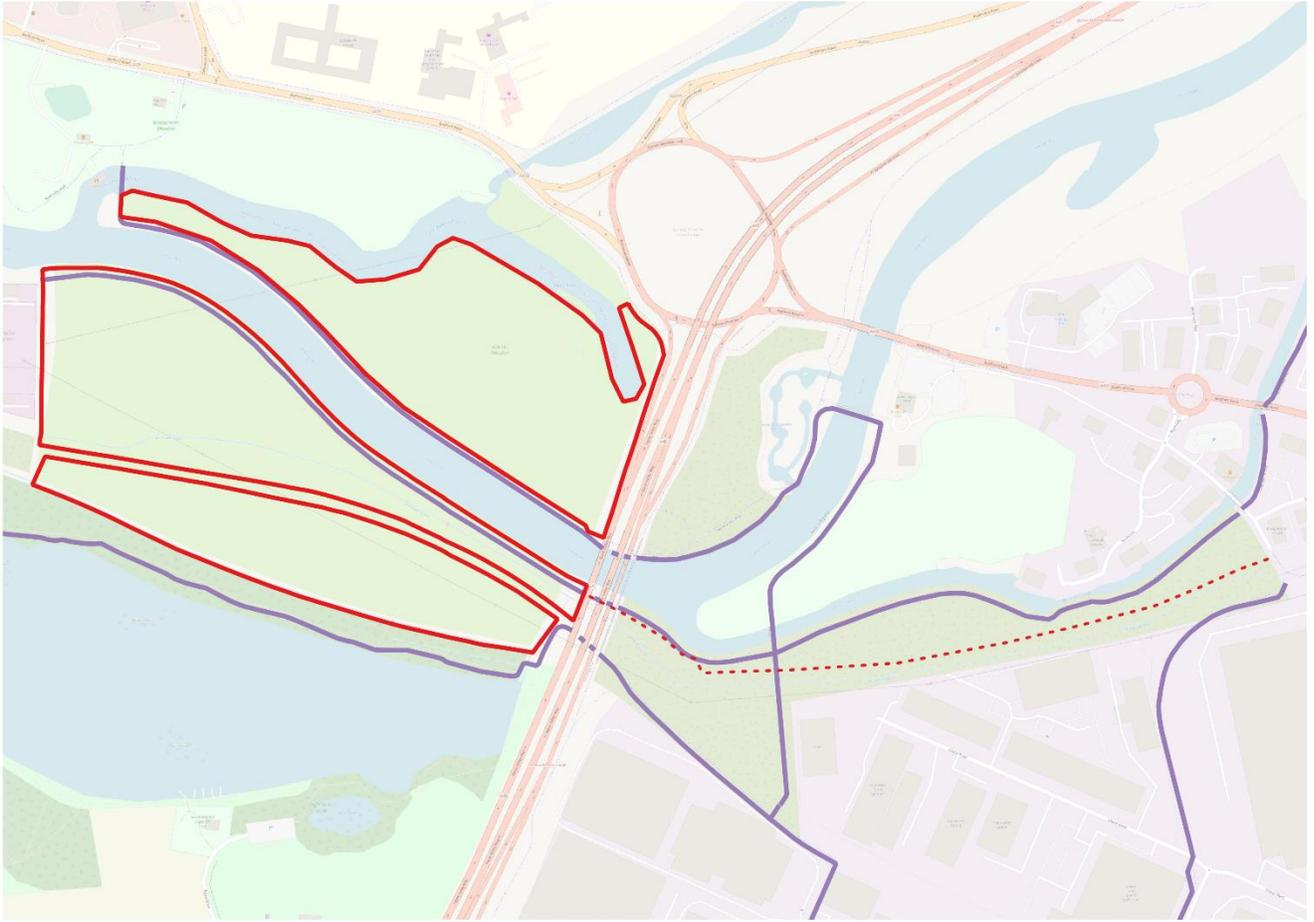
7.4 **Climate Impact**

7.4.1 Management of the land by the WT should help ensure it remains in a healthy state, helping to retain carbon currently locked up in the soils on the site.

7.5 **Community Impact**

7.5.1 The land would remain usable by the community for the term of the lease, with the minor restrictions noted above.

APPENDIX 1 – SITE PLAN





WEST NORTHAMPTONSHIRE COUNCIL CABINET

9th November 2021

LEADER OF THE COUNCIL – COUNCILLOR JONATHAN NUNN

Report Title	Decisions taken by the Leader of the Council under urgency procedures: Northampton Partnership Homes – Westbridge lease and development, Planning Policy Committee and Appointment to West Midlands Rail Ltd.
Report Author	Stuart Lackenby stuart.lackenby@westnorthants.gov.uk

Contributors/Checkers/Approvers

West MO	Catherine Whitehead	TBC
West S151	Audra Statham	TBC
Other Directors/Officers	Simon Bowers – Assistant Director Assets and Environment Stuart Timmiss – Executive Director Place, Economy & Environment	TBC TBC

List of Appendices

- Appendix A: Westbridge Record of Decision and Draft Heads of Terms**
- Appendix B: Planning Policy Committee Record of Decisions and Terms of Reference**
- Appendix C: Appointment to West Midlands Rail Ltd.**

1. Purpose of Report

- 1.1. This report seeks to notify Cabinet of decisions taken by the Leader of the Council as Senior Executive Member in accordance with the relevant statutory provisions (Local Government Act 2000, Section 9E (amended)) where such decisions were required to be made as a matter of urgency.

2. Executive Summary

- 2.1 The statutory arrangements for executive arrangements decision making provide that all Executive decisions can be taken by the Leader of the Council, with or without Cabinet. in West Northamptonshire Executive decision (unless otherwise delegated) are normally referred to Cabinet but where there is insufficient time for that to happen a decision of the Leader in consultation with Cabinet allows a decision to be made but this will be referred to the next meeting of Cabinet. Although these powers are used infrequently, they are most commonly used in order to take decisions that are urgent and cannot wait until the next meeting of the Cabinet.
- 2.2 Three such decisions have been required recently. The first relates to the accommodation requirements of Northampton Partnership Homes (NPH). The second relates to the creation of a Planning Policy Committee, which was agreed as part of the Council's Constitution, but the detailed terms of reference not finalised prior to the Constitution being adopted. The third relates to the appointment of a director to West Midlands Rail Ltd.

3. Recommendations

- 3.1 That Cabinet note the decisions taken by the Leader of the Council set out at Appendices A, B and C.

4. Reason for Recommendations

- 4.1 Where decisions that would otherwise be taken by Cabinet have been taken by the Leader of the Council, it is considered best practice to report those decisions to the next available meeting of the Cabinet.
- 4.2 In the case of NPH, the decision taken provides NPH with accommodation that enables them to operate effectively and deliver against the management agreement with Council.
- 4.3 In the case of the Planning Policy Committee, the agreement of the terms of reference for this committee enables items that would otherwise be taken by Cabinet to be taken by that committee. This improves the efficiency of Cabinet decision making, while improving

the accountability of planning policy decision by including members who are not part of the executive as non-voting members of the committee.

- 4.4 In the case of West Midlands Rail Ltd. The Council was required to appoint a director in its capacity as one of the partner local authorities.
- 4.5 Full reasons for the recommendations are set out in the decision records appended to this report.

5. Report Background

Northampton Partnership Homes

- 5.1 Northampton Partnership Homes Limited (NPH) is a wholly owned subsidiary of West Northamptonshire Council and operates as an arm's length management organisation (ALMO) of the Council, managing the Council's social housing stock through a formal contract known as the Management Agreement which was initiated by Northampton Borough Council in 2015.
- 5.2 It is important that NPH has suitable accommodation to carry out its functions on behalf of Council, including management, operations, building maintenance, new house building and tenant engagement. NPH currently occupies land and buildings at the Council's Westbridge Depot, off St James' Mill Road, Northampton but the arrangements for this tenure have not been formalised and NPH is "holding over" on the previous arrangement. NPH's current office accommodation extends to approximately 1,223m² (13,165ft²) and in addition has a number of storage and on-site car parking facilities.
- 5.3 Westbridge is also used by a number of commercial tenants and the Councils environmental services contractor, Veolia.
- 5.4 It has been proposed that the parties seek a solution that enables NPH to continue to operate principally from Westbridge as its headquarters, with improvements to the buildings, the site, and on a formalised tenure for the remainder of its current management period, which ends on 4th January 2030.
- 5.5 To enable the Westbridge site to be appropriate for the long term accommodation needs of NPH, the CEDOS building, currently derelict will be re-developed to provide NPH with an engagement building. This building will enable NPH to undertake Tenant engagement and training as required by the management agreement.
- 5.6 The decision taken by the Leader of the Council was made to enable the proposal to be put to the Board meeting of NPH to seek their agreement. Undue delay would have resulted if the reference to the Board had had to wait for the Cabinet meeting. Having

provided a decision in principle the final terms will be the subject to a draft lease with Northampton Partnership Homes for office and depot accommodation at the Council's Westbridge site. Cabinet will continue to be kept informed but the need to negotiate or agree terms does not necessarily tie in with the Cabinet timetable and urgent decision making may therefore be necessary.

- 5.7 The decision taken also delegated authority to the Assistant Director Assets and Environment to agree the terms of the lease and enter into any documentation required to deliver the decision.
- 5.8 Northampton Partnership Homes (NPH) has had its office, depot and storage capacity located at the Westbridge Depot, St James Mill Road, Northampton, since 2015 when NPH was created as an Arms-length Management Organisation to manage the housing stock and provide housing services on behalf of Northampton Borough Council.
- 5.9 Westbridge is owned by the Council. The site also accommodates the Council's waste contractor and a number of other tenants. There is no current lease in place between the Council and NPH for their accommodation at Westbridge. While a lease was previously prepared by NBC, this was never completed.
- 5.10 The Westbridge site had originally been intended as the temporary home for NPH with an expectation that more permanent accommodation would be sourced. Since the creation of NPH a number of options have been considered as alternatives to Westbridge including properties in the estate of Northampton Borough Council, other predecessor councils to WNC as well as properties that are in private ownership.
- 5.11 Whilst options outside the Council's estate could meet the accommodation requirements of NPH a move out of the Council's estate would create a financial liability to the Council.
- 5.12 Following significant negotiation, a proposal was developed in agreement with the Council and NPH that would see a new lease at Westbridge being offered to NPH with a commitment for the site to be developed to be fit for purpose in the context of NPH's operational requirements. As a component part of the negotiation the leader of the Council provided a commitment to NPH on the new lease and development of the site to mitigate the financial risk of NPH moving outside of the Council's estate.

Planning Policy Committee

- 5.13 The West Northamptonshire Shadow Authority adopted the Constitution for West Northamptonshire Council prior to vesting day. Within the Constitution, provision was made for the establishment of a Planning Policy Committee with the following responsibilities:
 - Review of and the development of proposals for development framework policies, for approval;

- Approval of proposals that support the development framework policies such as development briefs.

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

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

- 5.14 From vesting day until now, planning policy matters have been taken by the Cabinet directly. In order to ensure decisions about planning policy matters are taken at the appropriate level, with input from other councillors as required, the Leader has taken the decision to agree the Terms of Reference for the Planning Policy Committee so the Committee can be established and begin operating. It was identified that there were an excessive number of items for the meeting in November and therefore Planning Policy Committee would be set up to enable Cabinet to focus on other items. In the event the number of items have reduced allowing the first Planning Policy Committee to take place in December rather than on short notice in November.

Appointment of a Director to West Midlands Rail Ltd

- 5.15 The Council is one of the partner local authorities owning West Midlands Rail Ltd, who jointly manage the West Midlands Business Unit of the West Midlands Rail Franchise with the Department for Transport through a legally binding Collaboration Agreement.
- 5.16 Due to changes to passenger rail franchising in response to COVID, the existing West Midlands Rail Franchise terminated in the autumn and was replaced by a directly awarded National Rail Contract, which required changes to the Collaboration Agreement. These changes required approval by partner local authorities prior to a Special Resolution by the West Midlands Rail Limited Board of Directors. That resolution required the signatures of all directors appointed by the partner authorities, which required the appointment of a director by West Northamptonshire Council.
- 5.17 The Leader of the Council appointed Councillor Phil Larratt as a director on 19 October 2021.

6. Issues and Choices

Northampton Partnership Homes

The options considered were whether to wait for the next Cabinet meeting or to proceed under the Leader's statutory powers. Cabinet members were consulted and agreed the proposed solution was beneficial to the Council and it was important to

meet the timeframe of NPH's board to ensure that a decision in principle could be communicated.

Planning Policy Committee

- 6.1 The decision taken was necessary to bring into effect the provisions set out within the Council's Constitution to manage the Council's business

Appointment of a Director to West Midlands Rail Ltd

- 6.2 The decision taken was necessary in order to sign off the proposed Collaboration Agreement between the Company and the Secretary of State for Transport relating to the management of rail services in the West Midlands.

7. Implications (including financial implications)

7.1 Resources and Financial

There are no financial implications relating to the reporting of the Leader's decision to Cabinet in relation to the decisions described above.

7.2 Legal

The legal implications were considered at the time of the decisions and there are no further legal implications in reporting the decision to Cabinet.

7.3 Risk

The specific risks in relation to the decisions are detailed within the decision records where they exist.

7.4 Consultation

The Leader's decision was taken in consultation with Cabinet members. Specific consultation in relation to the decisions is detailed in the decision records.

7.5 Climate Impact

There are no specific climate impacts in reporting the Leader's decisions to Cabinet.

7.6 Community Impact

8. Background Papers

None

WEST NORTHAMPTONSHIRE COUNCIL

RECORD OF DECISION

Date Of Decision:	27 th September 2021
Title:	Westbridge Lease with Northamptonshire Partnership Homes (NPH).
Is this a “Key Decision”?	Yes
Purpose:	To decide in principle (and subject to the approval of the NPH Board) to enter into a lease with NPH for the Westbridge property on revised terms and subject to capital investment.
Cabinet Member:	Cllr Malcolm Longley, Cabinet Member for Finance
Decision Maker:	Cllr Jonathan Nunn, Leader of the Council
Consultation and Scrutiny:	The chair of Scrutiny Dermot Bainbridge was consulted on 23 rd September 2021 and agreed to the application of the urgency procedure.
Officer Recommendations:	To agree to a decision in principle to enter into a lease with NPH in relation to Westbridge.
Decision Taken:	To agree to enter into a lease with NPH for the site at Westbridge and to capital investment in the site to bring up to the necessary standard. The decision is subject to a detailed decision by Cabinet on the Heads of Terms.
Reasons For Decision:	To ensure that NPH has accommodation which is suitable to meet their needs as an ALMO acting on behalf of the Council in the delivery of vital housing services. To ensure the most cost effective option for the delivery of office accommodation of the ALMO.
Alternative Options Considered (Including Reasons For Rejection):	NPH has been at the Westbridge site since the ALMO was established in 2015. The Westbridge site had originally been intended as the temporary home for NPH with an expectation that more permanent accommodation would be sourced. Since the creation of NPH a number of options have been considered as alternatives to Westbridge including properties in the estate of Northampton Borough Council, West Northants Council and properties not owned by the two Councils. The only site which NPH felt would satisfactorily meet their needs and therefore could be presented to the Board within the Council’s estate is the Westbridge proposal. Whilst options outside the Councils estate could meet the accommodation requirements of NPH a move out of the Councils estate would create a financial liability to the Council. Following significant negotiation a proposal has been developed in agreement with Council and NPH that would see a new lease at Westbridge being offered to NPH with a commitment for the site to be developed to be fit for purpose in the context of NPH’s operational needs. In order for NPH to put the proposal to their Board of Directors so that the negotiations can move forward, an urgent decision in principle is required.
Declarations of interest:	There are no declarations of interest.

Authorised By Relevant Cabinet Member/Chief Officer/Deputy Chief Officer:

Name: Date: Page 575

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WEST NORTHAMPTONSHIRE COUNCIL
RECORD OF DECISION

Date Of Decision:	14 th October 2021
Title:	Planning Policy Committee Terms of Reference
Is this a “Key Decision”?	No
Purpose:	<p>To bring into effect the provisions of the Council’s Constitution set out at Part 4, Paragraph 4.3.5, which provide for the establishment of a Planning Policy Committee with the following responsibilities:</p> <ul style="list-style-type: none"> • Review of and the development of proposals for development framework polices, for approval; • Approval of proposals that support the development framework policies such as development briefs. <p>To consider matters of local importance within the area such as:</p> <ul style="list-style-type: none"> • The designation and amendment of conservation areas; • Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications.
Cabinet Member:	Councillor Rebecca Breese, Cabinet Member for Strategic Planning, Built Environment & Rural Affairs
Decision Maker:	Councillor Jonathan Nunn, Leader of the Council
Consultation and Scrutiny	Consultation has been undertaken with the Cabinet Member for Strategic Planning, Built Environment & Rural Affairs, the Executive Director of Place & Economy and the Monitoring Officer
Officer Recommendations:	<ol style="list-style-type: none"> 1. To approve the terms of reference of the Planning Policy Committee as a sub-committee of Cabinet; and 2. To approve the appointment of members of the committee.
Decision Taken:	<ol style="list-style-type: none"> 1. To approve the terms of reference of the Planning Policy Committee as a sub-committee of Cabinet; 1. To approve the appointment of members of the committee as follows: <ul style="list-style-type: none"> <u>Decision making members:</u> <ul style="list-style-type: none"> • Cabinet Member for Strategic Planning, Built Environment & Rural Affairs: Cllr Rebecca Breese • Deputy Leader of the Council: Cllr Adam Brown • Cabinet Member for Adult Care, Wellbeing, and Health Integration: Cllr Matt Golby <u>Non-Decision making members:</u> <ul style="list-style-type: none"> • Chair of Daventry Area Planning Committee: Cllr Kevin Parker • Chair of Northampton Area Planning Committee: Cllr Jamie Lane • Chair of South Northants Area Planning Committee: Cllr Stephen Clarke • Chair of Strategic Planning Committee: Cllr Phil Bignell • Labour Councillor: to be determined by the Leader of the Labour Group • Labour Councillor: to be determined by the Leader of the Labour Group

	<ul style="list-style-type: none"> • Liberal Democrat Councillor: to be determined by the Leader of the Liberal Democrat Group.
Reasons For Decision:	<p>To bring into effect the provisions of the Council's Constitution set out at Part 4, Paragraph 4.3.5 which provide for the establishment of a Planning Policy Committee.</p> <p>To ensure decisions about planning policy matters are taken at the appropriate level, with input from other councillors as required.</p>
Alternative Options Considered (Including Reasons For Rejection)	<p>The decisions could continue to be taken by the Cabinet directly, but this is not considered ideal as it would not allow agendas for Cabinet meetings to be optimised around the key decisions that Cabinet are required to take.</p>
Declarations of interest	None.

Authorised By Relevant Cabinet Member

Name:

Date:

WEST NORTHAMPTONSHIRE COUNCIL
RECORD OF DECISION

Date Of Decision:	19 th October 2021
Title:	West Midlands Rail Ltd – Appointment of a Director
Is this a “Key Decision”?	No
Purpose:	<p>The Council is one of the partner local authorities owning West Midlands Rail Ltd, who jointly manage the West Midlands Business Unit of the West Midlands Rail Franchise with the Department for Transport through a legally binding Collaboration Agreement.</p> <p>Due to changes to passenger rail franchising in response to COVID, the existing West Midlands Rail Franchise terminated in the autumn and was replaced by a directly awarded National Rail Contract, which required changes to the Collaboration Agreement. These changes required approval by partner local authorities prior to a Special Resolution by the West Midlands Rail Limited Board of Directors. That resolution required the signatures of all directors appointed by the partner authorities, which required the appointment of a director by West Northamptonshire Council.</p>
Cabinet Member:	Councillor Phil Larratt, Cabinet Member for Environment, Transport, Highways and Waste
Decision Maker:	Councillor Jonathan Nunn, Leader of the Council
Consultation and Scrutiny	Consultation has been undertaken with the Cabinet Member Environment, Transport, Highways and Waste and the Assistant Director for Highways and Waste
Officer Recommendations:	To approve the appointment of the Cabinet Member for Environment, Transport, Highways and Waste as a Director of West Midlands Rail Ltd on behalf of West Northamptonshire Council.
Decision Taken:	To approve the appointment of the Cabinet Member for Environment, Transport, Highways and Waste as a Director of West Midlands Rail Ltd on behalf of West Northamptonshire Council.
Reasons For Decision:	As a member authority of West Midlands Rail Ltd., the Council is required to appoint a director to the company.
Alternative Options Considered (Including Reasons For Rejection)	The Council could elect not to appoint a director, but this would the Council would have to withdraw from West Midlands Rail Ltd.
Declarations of interest	None.

Authorised By Relevant Cabinet Member

Name:

Date: