



**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](mailto: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](mailto: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:
- (a) **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.
  - (b) **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.
  - (c) **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.
  - (d) **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.
  - (e) **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:

- (a) Setting the Council's budget;
- (b) Agreeing the overarching policy of the Council – called the Policy Framework;
- (c) Electing the Executive Leader;
- (d) 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 law<sup>1</sup> 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 law<sup>2</sup> 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:

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	Executive	The relevant member of the Executive Leadership Team and where this is	-

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

<sup>2</sup> 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
or referred to in regulation 2 or Schedule 1.		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	-
11. The inspection of the authority's area to detect any statutory nuisance	Executive	Executive Director Place and Economy	-



LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
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 law<sup>3</sup> 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 3.4 above. Once the Budget and Policy Framework is in place, it will be the Cabinet's responsibility 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:

- (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.

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<sup>3 3</sup> Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- (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:
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) 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](mailto: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 A member nominated by 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.

## **Seconders' 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 Amendments to the Budget and Policy Framework at Budget council meetings must be received by the Executive Director Finance at least five clear working days before the meeting. A councillor who wishes to propose an amendment to any other 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 before the start of the meeting.

### **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 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.

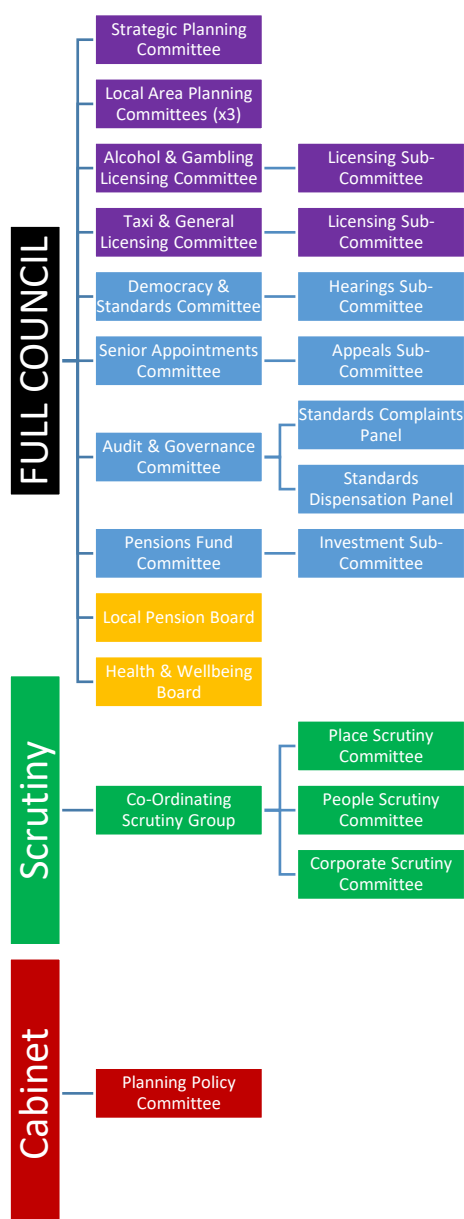
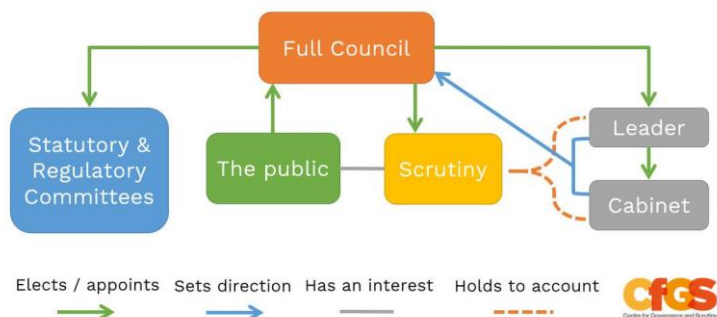
## **9. Submission of Notices by Members – Electronic Means**

- 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



## **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 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 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 Pensions Fund 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 Pensions Fund 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 Pensions Fund 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**

<b>Representing</b>	<b>Number of Representatives</b>	<b>Term of Office</b>	<b>Method of Appointment</b>
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.
<b>Total</b>	<b>7</b>		

## **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 s.102 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**

<b>Representatives</b>	<b>Number of seats</b>	<b>Term of appointment</b>	<b>Method of appointment</b>
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 three 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 key 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) Three Executive Members
  - (b) Seven Non-Executive Members (4 Conservative, 2 Labour, 1 Liberal Democrat)
- 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 oversee the preparation of the Local Development Scheme and Statement of Community Involvement and approve those documents.
- (c) 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).
- (d) To oversee the preparation of Supplementary Planning Documents (SPDs) and other planning documents for public consultation and, where applicable, approve those documents for final adoption.
- (e) To approve the preparation 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.
- (f) Approve the work programme required for the committee to undertake its functions effectively and in a timely manner.
- (g) 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.
- (h) 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.
- (i) To carry out the Executive functions of the Council in relation to Neighbourhood Planning in particular to proceed to referendum, and if successful, make neighbourhood plans within the time limits that apply.

### **Meeting Times**

5.2.18. The Committee will meet at 6pm on a working day and up to 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**

### **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:
  - (iii) administration of the Committee shall be exercised through officers of Rugby Borough Council;
  - (iv) creation of the crematorium shall be exercised through officers of Daventry District Council;
  - (v) 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](http://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.

<b>Nature of Decision</b>	<b>Council</b>	<b>Executive</b>	<b>Conditions</b>
<p>In relation to the Northamptonshire Children’s Trust, to approve:</p> <ul style="list-style-type: none"> <li>a. The appointment and removal of the Chair and Chief Executive, or alterations to their terms of appointment;</li> <li>b. The appointment and removal of a Council Director to the Board of the Trust;</li> <li>c. Any changes to the membership of the Trust;</li> <li>d. Any changes to the Articles of Association;</li> <li>e. The voluntary winding up of the company (of the Trust) or its dissolution;</li> </ul>		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	a) In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement. b) Where the value exceeds £500,000.
In relation to the company of the Children's Trust, to approve the entering into by the company (the Trust):  a. any borrowing, credit facility, or investment arrangements with third parties; b. any other contractual arrangement with the Council for the provision of other services to the Council; c. any proposal to form any legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction or acquiring shares in any other company; d. participating by the Company in any partnership or joint venture, amalgamation with another company or business undertaking;		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 (a) other than trade credit in the ordinary course of business.  In relation to (b), and (d) only to the extent that any such arrangement falls outside the



<ul style="list-style-type: none"> <li>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);</li> <li>f. the selling or disposing of any part of the business (including assets) of the Company;</li> <li>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;</li> <li>h. the Company acquiring, or agreeing to acquire, any freehold or leasehold interest in or licence over land;</li> <li>i. the Company creating any encumbrance over the whole or a significant part of its undertaking or assets;</li> <li>j. any changes to the company name, trading name or registered office of the Company or physically relocating the headquarters of the Company;</li> <li>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</li> <li>l. acquiring assets outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan.</li> </ul>			<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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## 6.6 Northamptonshire Safeguarding Adults Board

The Northamptonshire Safeguarding Adults Board (SAB) is a multi-agency partnership, which provides strategic leadership for adult safeguarding across West and North Northamptonshire. It has an independent Chair and its remit is to agree objectives, set priorities and co-ordinate the strategic development of adult safeguarding.

The overarching purpose of SAB is to help and safeguard adults with care and support needs. It does this by:

- (a) Assuring itself that local safeguarding arrangements are in place as defined by the Care Act 2014 and supporting statutory guidance

- (b) Assuring itself that safeguarding practice is person-centred and outcome-focused
- (c) Working collaboratively to prevent abuse and neglect where possible
- (d) Ensuring agencies and individuals give timely and proportionate responses when abuse or neglect have occurred
- (e) Assuring itself that safeguarding practice is continuously improving and enhancing the quality of life of adults in its area

Safeguarding leads from agencies across the Health Economy, Local Authorities, Northamptonshire Police, Northamptonshire Fire & Rescue Service, Community Safety Partnerships, the Probation Service, and the Voluntary and Community support the activities of the Board. Without the hard work of its members, we would not learn, develop and grow.

SAB governance arrangements are undertaken by statutory partners and a number of other key officers:

- (a) Kettering General Hospital
- (b) NHS Northamptonshire Clinical Commissioning Groups
- (c) North Northamptonshire Council - Adult Social Care
- (d) North Northamptonshire Council - Cabinet member responsible for Adult Social Care
- (e) North Northamptonshire Council - Opposition member
- (f) Northampton General Hospital
- (g) Northamptonshire Healthcare Foundation Trust
- (h) Northamptonshire Police
- (i) Principal Social Workers
- (j) West Northamptonshire Council – Adult Social Care
- (k) West Northamptonshire Council - Cabinet member responsible for Adult Social Care
- (l) West Northamptonshire Council - Opposition Member

A separate multi-agency Delivery Group supports the strategic direction of the Board.

The SAB has three core duties:

- (a) To develop and publish a strategic plan setting out how it will meet its objectives, what each member will do to implement the strategy and, in developing the plan, consult the local Healthwatch organisation and the community.
- (b) To commission safeguarding adults reviews (SARs) for any cases that meet the criteria for these and implement the findings.
- (c) To publish an annual report detailing how effective its work has been, as well as report the findings of any SARs and reference any ongoing reviews.

Full details of the LSAB can be found on its website: [Northamptonshire Safeguarding Adults Board \(northamptonshiresab.org.uk\)](http://Northamptonshire Safeguarding Adults Board (northamptonshiresab.org.uk))

## **6.7 Channel Panel**

The Channel Panel is established under section 36 of the Counter-Terrorism and Security Act 2015, which sets out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. It is a key part of work to prevent extremism through supporting those who may be vulnerable to radicalisation by assessing the nature and extent of the potential risk and, where necessary, providing an appropriate support package tailored to an individual's needs.

Channel provides a multi-agency approach to protect people at risk of being drawn into extremism. It uses existing collaboration between the adults and children's services, youth offending service, community safety partnership, police, health sectors (NHS and Clinical Commissioning Group) and probation services to:

- Identify individuals at risk of being drawn into terrorism;
- Assess the nature and extent of that risk; and
- Develop the most appropriate support plan for the individuals concerned.

As Northamptonshire is a low risk area, there is no regular standing Channel Panel. Once a referral has been made the panel meets every six weeks to provide early intervention to protect and divert the individual(s) away from extremism.

Through its Chair, the panel regularly reports to the Chief Executive of West Northamptonshire Council and to the relevant Commander in Northamptonshire Police on Channel referrals.

## **6.8 Northamptonshire Safeguarding Children Partnership**

The Northamptonshire Safeguarding Children Partnership (SCP) is a statutory multi-agency partnership established in accordance with the Children and Social Work Act 2017 and Working Together to Safeguard Children statutory guidance. It provides arrangements under which the safeguarding partners and relevant agencies work together to coordinate their services, identify and respond to the needs of children, commission and publish local safeguarding practice reviews and provide scrutiny to ensure the effectiveness of the arrangements.

The three safeguarding partners in relation to the local authority's area are defined under the Children Act 2004 (as amended by the Children and Social Work Act 2017) as:

- (a) the Local Authority (West and North Northamptonshire Councils)
- (b) a Clinical Commissioning Group for an area any part of which falls within the local authority area (Nene and Corby Clinical Commissioning Groups)
- (c) the Chief Officer of Police for an area any part of which falls within the local authority area (Northamptonshire Police)

The purpose of the SCP is to safeguard and promote the welfare of children in Northamptonshire. This is done by coordinating the work of those people and all organisations working in the county ensuring that what they do is effective. It is also to support and enable local agencies to work together in a system where:

- (a) Excellent practice is the norm
- (b) Partner agencies hold one another to account effectively
- (c) There is early identification of “new” safeguarding issues
- (d) Learning is promoted and embedded
- (e) Information is shared effectively
- (f) The public can feel confident that children are protected from harm

In addition, the SCP’s values are:

- (a) A child-centred approach to safeguarding ensuring their voice is heard and understood;
- (b) Effective ways to identify and support children and families who would benefit from early help;
- (c) A culture of continuous review and learning; and
- (d) Constructive and mutual challenge between partners to keep children safe.

The SCP is not an operational body. Its role is to ensure the coordination and effectiveness of the services provided to children, young people and their families by member organisations.

Full details of the SCP can be found on its website: [Home - Northamptonshire Safeguarding Children Board \(northamptonshirescb.org.uk\)](https://www.northamptonshirescb.org.uk).

## **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 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 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:

- (i) the Council
- (ii) the Cabinet
- (iii) any of the Council's or the Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees
- (iv) any of the Council's advisory groups and executive boards, working parties and panels.

## **2. Scope**

2.1 This Code applies to you whenever you are acting in the capacity as a Member of the Council: not only when attending meetings. For example, it will also include 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:

- (a) spreading malicious rumours, or insulting someone by word or behaviour.
- (b) copying communications that are critical about someone to others who do not need to know.
- (c) ridiculing or demeaning someone – picking on them or setting them up to fail.
- (d) exclusion or victimization.
- (e) unfair treatment.

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

- (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Council.
- 3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 3.12 You must not use or attempt to use your position as a councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.
- 3.13 You must, when using, or authorising the use by others of, the resources of the Council:
  - (a) act in accordance with the Council's reasonable requirements
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.14 You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.15 You must comply with any formal standards investigation into your conduct or the conduct of another councillor.
- 3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:
  - (a) the Council's Chief Finance Officer; or
  - (b) the Council's Monitoring Officer
- 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:
- (a) have and are aware that you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in that role, you must not take any action, or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means);
  - (b) have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B ('Other Registerable Interest'), you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);

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

## **APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS**

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

<b>INTEREST</b>	<b>DESCRIPTION</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	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.
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	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.
<b>Securities</b>	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-
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) 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](mailto: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?

(a) Is the person you are complaining about a councillor?

(b) Did the conduct occur within the last six months?

(c) 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?
- (a) Is there evidence which supports the complaint?
  - (b) Is the conduct something which it is possible to investigate?
  - (c) 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.

#### **Councillors**

- 2.2 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.

### **Members of the Cabinet and Committee Chairs**

- 2.6 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.

### **Officers**

- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 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:
- (a) 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.
  - (b) 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'.

- (c) 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.
- (d) A written note of the proceedings should be kept - to include a record of officer attendance and follow up.
- (e) Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- (f) 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:
- (a) 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;
  - (b) It is a finely balanced case; or
  - (c) 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](mailto: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 21 days from the beginning of the consultation period, or within 7 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:

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

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

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

15.4 When exercising this right, they should:

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

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

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

16.2 Ward Members who are not members of a Planning committee can make representations on planning applications in their Ward and may attend meetings of 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:
  - (a) Use their position to gain access to officers to pursue their interest; or
  - (b) 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**

- (a) The applicant or their agent.
- (b) 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.
- (c) 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).
- (d) Members of Parliament with the whole or part of their constituency within West Northamptonshire Council's boundaries.
- (e) 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:

<b>Planning Committee</b>	<b>Contact details for registration</b>		
	<b>E-mail address</b>	<b>Tel. no.</b>	<b>Postal Address</b>

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	<a href="mailto:democraticservices@westnorthants.gov.uk">democraticservices@westnorthants.gov.uk</a>	01327 322043	Democratic Services, The Forum, Moat Lane, Towcester, NN12 6AD
Strategic Planning Committee	<a href="mailto:democraticservices@westnorthants.gov.uk">democraticservices@westnorthants.gov.uk</a>	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:

- (a) The Chair of the Committee will announce the application
- (b) the [*Head of Planning tbc*] or their representative may present the item and will add any further information relevant to the application and report
- (c) Members of the public can then speak in the following order:
  - (i) Objector
  - (ii) Parish or Town Council(s)
  - (iii) MP
  - (iv) Ward Councillor(s)
  - (v) Supporter
  - (vi) Applicant/agent
- (d) 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**

- (a) 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.
- (b) Consideration of an application will not be delayed simply because someone who has registered to speak is unable to attend the meeting.
- (c) 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.
- (d) Fresh material may not be circulated to the councillors, which has not first been seen by Planning officers.
- (e) 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:

- (i) the environmental impact of the development
- (ii) the impact of the development on the highway network
- (iii) any policy in the Council's Local Development Framework, or the relevant Local Plan for your area.
- (iv) central and regional Government planning policy guidance, circulars, orders and statutory instruments

(f) Issues that may be taken into account by the Committee include:

- (i) planning laws and previous decisions
- (ii) noise, disturbance, smells
- (iii) residential amenity
- (iv) design, appearance and layout
- (v) impact on trees, listed buildings and conservation areas
- (vi) public open space

(g) Issues that will not be taken into account by the Committee include:

- (i) boundary disputes
- (ii) private rights of way, private covenants or agreements
- (iii) the applicant's conduct, private affairs or how a business is run
- (iv) the applicant's motives (including profit)
- (v) the impact on property values
- (vi) suspected further development
- (vii) loss of views over other people's land
- (viii) land ownership

(h) 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
<b>Basic Allowance</b> (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
<b>Party Group Leaders:</b>	
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
<b>Co-Optees and Independent Persons:</b>	

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](http://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**

(a) Train fares for approved duties to be paid at standard fare. Officers of the Council to book train fares for the Member.

(b) Bus fares for approved duties to be paid on production of a receipt/ticket.



(c) Approved taxi fares to be paid on production of a receipt. Officers of the Council to book a taxi for the Member where possible.

(d) Parking fees to be paid upon production of a receipt/ticket.

## **4.2 Subsistence**

<b>Subsistence Allowance</b>	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
<b>Overnight expenses</b>	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:

(a) Where professional care is provided, an hourly rate of £20 per hour will be paid.

(b) 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:

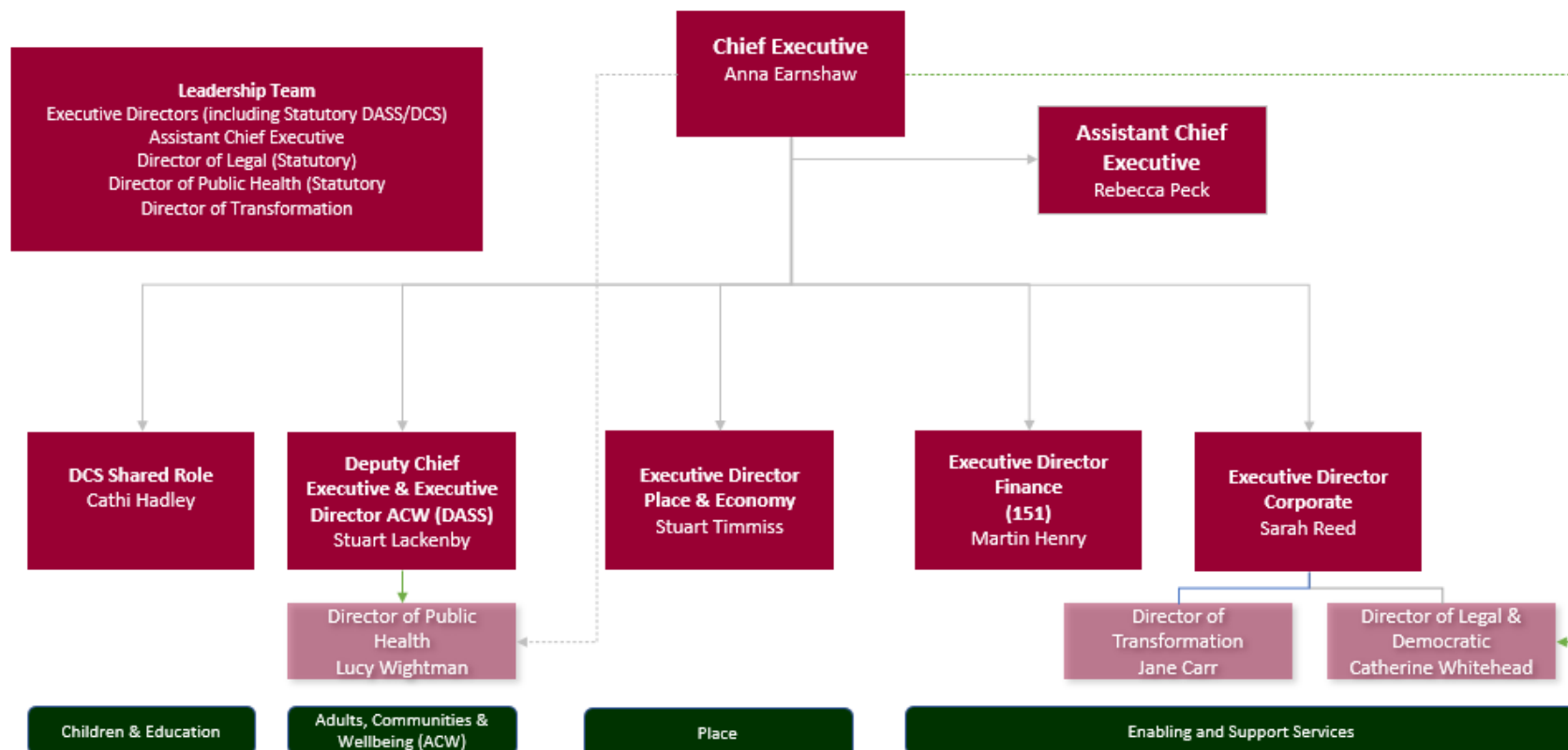
- (a) the attendance at a meeting of the authority or of any committee or subcommittee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or subcommittee of such a body;
- (b) the attendance at any other meeting, the holding of which is 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:
  - (i) Members' surgeries
  - (ii) Political activities
  - (iii) School Governor meetings (Section 58 of the Education (No. 2) Act 1986)

## 9.0 OFFICERS

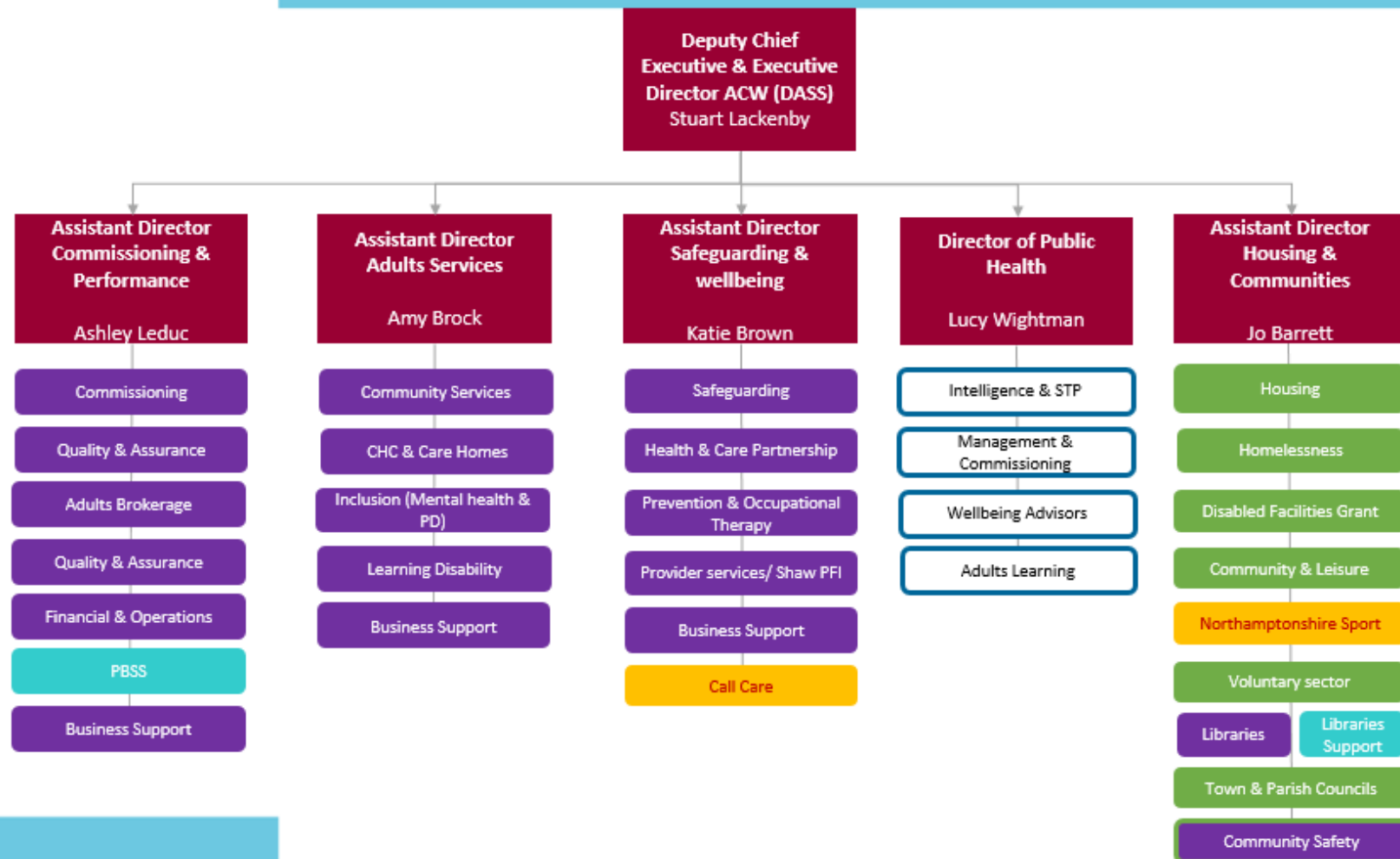
### 9.1 Management Structure



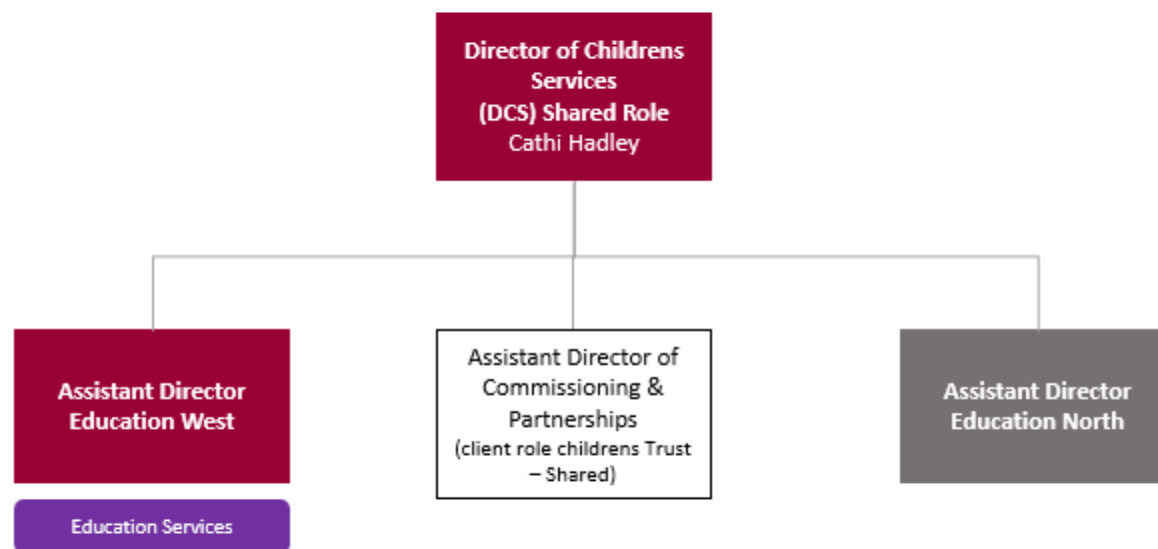
#### Executive Leadership team



## Adults, Communities & Wellbeing Directorate



## Childrens Services Directorate



## Place, Economy & Environment Directorate

**Executive Director Place  
Economy & Environment**  
Stuart Timmiss

**Assistant Director  
Regeneration &  
Growth**  
Jim Newton

**Assistant Director  
Assets**  
Simon Bowers

**Assistant Director  
Highways & Waste**  
Fiona Unnett

**Assistant Director  
Regulatory Services**  
Ruth Austen

Climate  
Economic Dev.  
Growth & Investment  
Digital Infrastructure  
Capital Projects (Property)  
Street Lights PFI  
Schools PFI

Development Management  
Planning Policy  
Planning Enforcement  
Street Naming & Numbering  
Tourism/ Visitor Economy  
Culture

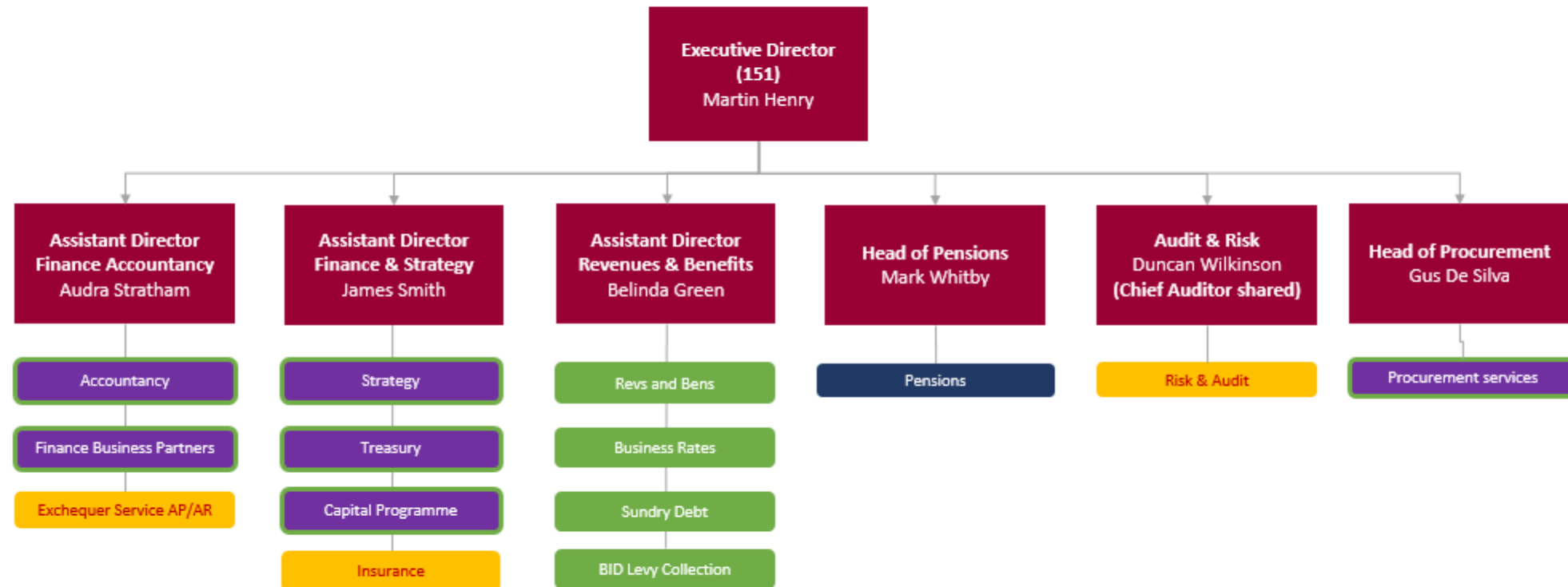
Facilities Management  
Property Estates Management  
Energy Management  
On street Parking  
Car Parks  
Grounds Maintenance  
Fleet Vehicles  
Flood Risk Management

Country Parks  
Outdoor Learning \*  
Parks & Open Spaces  
Public Realm  
Archives  
Chester Farm  
Bereavement Services

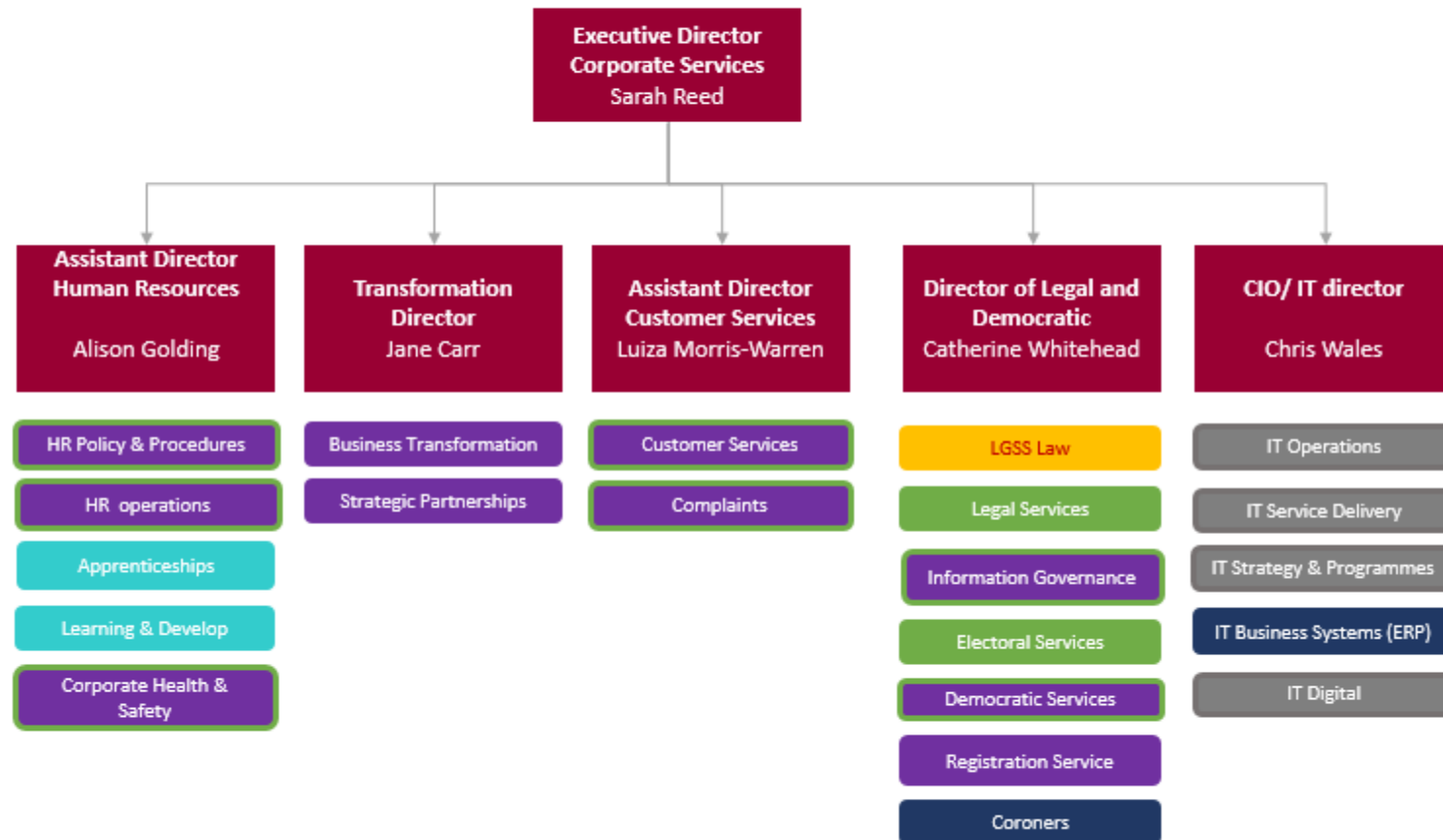
Transport (Home to School)  
Highways Contract Management  
Strategic Transport Planning (Highways)  
Development Management Highways  
Refuse and Recycling Collection  
Street Cleansing  
Waste Disposal & Closed Landfills  
Waste HWRC  
M&W Planning

Trading Standards  
Environmental Health  
Licensing  
Travellers Unit  
Building Control  
Emergency Planning

## Finances & Resources Directorate



## Corporate Services Directorate





## **9.2 Scheme of Delegation to Officers**

### **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 (s.151 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.

14. The Section 151 Officer has delegated authority to:

- (a) Manage the Council's responsibilities in its capacity as Lead Authority (in conjunction with North Northamptonshire Council) in providing the following services to other councils in accordance with a Shared Services Agreement dated 16 April 2016 made between Cambridgeshire County Council, Northamptonshire County Council, and Milton Keynes Council ('the "Agreement"):

  - (i) Business Systems
  - (ii) Performance and Governance
  - (iii) HR transactions and payroll
  - (iv) Pensions

- (b) Negotiate the Shared Services Plan required by the Agreement and make recommendations to the Councils party to that Agreement as to the provision of financial and other resources.
- (c) Authorise and manage delegations to other Councils made in accordance with the Agreement, including:
  - (i) Internal Audit and Risk Management
  - (ii) Insurance Services
  - (iii) Accounts Payable and Finance Helpdesk

(iv) Debt and Income

**Assistant Chief Executive and Executive Directors and Director**

15. 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**

16. 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.
17. 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**

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

**Types of officer decisions**

19. 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.
20. 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.
21. 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.
22. 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.

23. Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

24. **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.

25. **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

26. **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

27. **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

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

Type of Officer Decision	Exception	Publication
<p>Key Decisions</p> <p>Executive decisions that are likely to result in spending or savings that are 'significant':</p> <ul style="list-style-type: none"> <li>• in relation to the budget for the service or function in question or</li> <li>• in terms of the effect on communities living or working in two or more electoral divisions</li> </ul>	<p>Officers are only to take Key Decisions under the urgency provisions.</p>	<p>As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for inspection at County Hall and published on the Council's website, that includes details of:</p> <ul style="list-style-type: none"> <li>• the decision and the date it was made;</li> <li>• the reasons for it;</li> </ul>
<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"> <li>• That are contentious, controversial or politically sensitive; or</li> <li>• Where there is likely to be a strong public interest; or</li> <li>• Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or</li> <li>• That raise new issues of policy.</li> </ul>	<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"> <li>• any alternative options considered and rejected;</li> <li>• 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;</li> <li>• the report considered by the decision-maker;</li> <li>• 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.</li> </ul>
Significant Decisions	Does not apply:	<p>The decision record must be kept for inspection for 6 years and the background papers for 4 years.</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> <ul style="list-style-type: none"> <li>• is to grant a permission or licence</li> <li>• affects the legal rights of an individual</li> <li>• is to award a contract or incur expenditure which 'materially' affects the authority's financial position</li> </ul>	<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 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.

<b>Chief Officer</b>	<b>Main Functions and Areas of Responsibility</b>
<b>Assistant Chief Executive</b>	<ul style="list-style-type: none"> <li>• <b>Communications and Engagement</b></li> <li>• <b>Policy and Performance</b></li> <li>• <b>Business Intelligence</b></li> <li>• <b>Executive Support</b></li> <li>• <b>Lord Lieutenant Support</b></li> </ul>
<b>Executive Director Adults, Communities and Wellbeing (DASS)</b>	<ul style="list-style-type: none"> <li>• <b>Commissioning and Performance</b></li> <li>• <b>Adults Services</b></li> <li>• <b>Safeguarding and Wellbeing</b></li> <li>• <b>Housing and Communities</b></li> <li>• <b>Public Health</b></li> </ul>
<b>Director of Children's Services (DCS)</b>	<ul style="list-style-type: none"> <li>• <b>Children's Social Care</b></li> <li>• <b>Education</b></li> <li>• <b>Commissioning and Partnerships</b></li> </ul>
<b>Executive Director of Corporate</b>	<ul style="list-style-type: none"> <li>• <b>Human Resources</b></li> <li>• <b>Transformation</b></li> <li>• <b>Customer and Corporate Services</b></li> <li>• <b>Information Technology and Data Management</b></li> <li>• <b>Legal and Democratic</b></li> </ul>

<b>Executive Director Finance</b>	<ul style="list-style-type: none"> <li>• Finance and Accountancy</li> <li>• Finance and Strategy</li> <li>• Audit and Risk</li> <li>• Revenues and Benefits</li> <li>• Procurement</li> <li>• Pensions</li> </ul>
<b>Executive Director Place Economy and Environment</b>	<ul style="list-style-type: none"> <li>• Regulatory Services</li> <li>• Highways and Waste</li> <li>• Assets and Environment</li> <li>• Growth, Climate &amp; Regeneration</li> </ul>
<b>Director of Legal and Democratic</b>	<ul style="list-style-type: none"> <li>• Registration of Births, Marriages and Deaths</li> <li>• Coroners</li> <li>• Elections Administration</li> <li>• Legal and Democratic Services</li> <li>• Information Governance</li> </ul>
<b>Director of Public Health</b>	<ul style="list-style-type: none"> <li>• Public Health</li> <li>• Intelligence and Local Sustainability and Transformation Partnerships</li> <li>• Management &amp; Commissioning</li> <li>• Wellbeing Advisors</li> <li>• Adults Learning</li> </ul>
<b>Director of Transformation</b>	<ul style="list-style-type: none"> <li>• Business Transformation</li> <li>• Strategic Partnerships</li> </ul>

#### **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**

<b>Process</b>	<b>Over the Regulations Threshold</b>	<b>£100,000 to Regulations Threshold</b>	<b>£25,000 - £100,000</b>	<b>Over £5,000 - £25,000</b>
<b>Pre-Procurement Authorisation</b>	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.
<b>Advertising</b>	Head of Procurement through the Procurement Team	Head of Procurement through the Procurement Team	None	None

<b>Procurement Process</b>	Head of Procurement through the Procurement Team must be consulted	Head of Procurement through the Procurement Team must be consulted	Officer	Officer
<b>Contract Execution</b>	Written contract signed/sealed. Terms approved by Director of Legal and Democratic.	Written contract signed/sealed. Terms approved by Director of Legal and Democratic.	Written contract signed by one (1) Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Director of Legal and Democratic.	Officer Contract terms issued via purchase order.
<b>Contract Register</b>	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
<b>Framework Agreements or DPSs</b>	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
<b>Waive Contract Procedure Rules</b>	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

<b>Emergencies</b>	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.
<b>Apply an exemption – use of negotiated procedure</b>	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
<b>Notification of Award</b>	Officer on advice of Head of Procurement through the Procurement Team	Officer on advice of Head of Procurement through the Procurement Team	Officer	Officer
<b>Contract Variations (material change)</b>	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
<b>Non recovery of liquidated damages/settlement of formal claims</b>	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
<b>Extension of Fixed Term Contracts with option to extend</b>	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director	In consultation with relevant Cabinet Member and with the agreement of Head of Procurement and Director of	With the agreement of Head of Procurement and Director of Legal and Democratic.

	of Legal and Democratic.	of Legal and Democratic.	Legal and Democratic.	
<b>Termination of Contract</b>	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.
<b>Execution of Contracts</b>		£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.

#### **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**

<b>Process</b>	<b>Over £100,000</b>	<b>£5,000 - £100,000</b>	<b>Under £5,000</b>
<b>IT Hardware</b> Any devices which store or process personal data and their associated peripherals. Including, but not limited to: printers, laptops, mobile phones, monitors, tablets, etc	Chief Information Officer and Head of Procurement through the Procurement Team.  Executive Process if Key Decision	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	Requests authorised by the Chief Information Officer and via the CIO's delegated team and ordering processes
<b>Enterprise Application and Systems</b> 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.			
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### 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
<b>Disposal and Acquisition of Land</b>				
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.)

<b>Exception</b>	<b>Over £500k</b>	<b>Up to £500k</b>	<b>Up to £100k</b>	<b>Up to £25k</b>	<b>Up to £1k</b>
Capital Expenditure outside the Capital Programme	Council	Cabinet	CFO	Cabinet	Cabinet
Unbudgeted Revenue Expenditure	Council	Cabinet	CFO	Budget Manager	Budget Manager
Virements	Cabinet	CFO in consultation with Cabinet Portfolio	CFO	CFO	CFO
Ex gratia payments	N/A	N/A	N/A	N/A	CFO
Write off debts	Cabinet	Cabinet	Cabinet	CFO	CFO
Negotiate and Approve Borrowing Limits	Council	Cabinet	Cabinet	Cabinet	Cabinet
Submit bids for funding to the relevant body	Executive Director in consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO
To agree conditions and approve agreements in relation to grant funding to be received by the Council	CFO	CFO	CFO	CFO	CFO
Write off any surplus or	Cabinet	CFO	CFO	CFO	Budget Manager

deficiencies in respect of items of stock					
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
<b>NB This element of the scheme is dictated by 2 LGHA 1989 and the Standing Orders Regulations</b>				
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	Yes, through the MO	Senior Appointments Committee	Only if required by Council



	and the appointment is internal)			
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 political sensitivity	Assistant Director HR	No	No	No

## 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"> <li>a) The decision would lead to a significant departure from the local plan</li> <li>b) Where called in by at least 1 member</li> <li>c) Major applications to develop the Council's own land</li> <li>d) Applications by relevant officers employed by the Council</li> </ul> Applications deemed by the Executive Director to require a member decision.
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	Executive Director of Finance

action for recovery of Council Tax and Non-Domestic Rates	
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	Director Legal and Democratic

Section 223 of the Local Government Act 1972	
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Director Legal and Democratic
Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate	Director Legal and Democratic
Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation).	Director of Legal and Democratic  In the case of contested matters, or Matters which require oral representation or an inquiry, an Independent Inspector shall be appointed to determine the application.
To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.	Powers to determine whether an asset should be placed on the list – Executive Director of Place and Economy  Powers to determine reviews – Director of Legal and Democratic

## EXCEPTIONS - PENSIONS

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

### **Chief Finance Officer (Section 151 Officer)**

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

### **Management and administration of the Local Government Pension Scheme**

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

### **Membership of the ACCESS Asset Pool Section 151 Officers Group**

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

	<p><b>Part 1 – Governing Principles</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Part 2 - Functions in relation to the Pool</b></p> <ul style="list-style-type: none"> <li>• In response to decisions made by the JC, the Section 151 Officers shall (in addition and without prejudice to their existing statutory responsibilities in relation to the proper administration of the financial affairs of their own Councils) ensure the appropriate resourcing, support, advice and facilitation to the JC including, without limitation, in the following ways:</li> </ul> <p><b>Discharging Section 151 Officer Functions</b></p> <ul style="list-style-type: none"> <li>○ <b>Staffing and Resourcing:</b> in relation to the provision of staff and resources to assist the JC in the exercise of its functions under this Agreement.</li> <li>○ <b>Cost Sharing:</b> 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.</li> <li>○ <b>Pool Aligned Assets:</b> 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.</li> </ul> <p><b>Advising the Joint Committee</b></p> <ul style="list-style-type: none"> <li>○ <b>Budget and Business Planning:</b> 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).</li> <li>○ Reviewing and advising on budget variations throughout each financial year.</li> <li>○ <b>Risk and Performance:</b> advising the JC on the identification of, and mitigation of any risk to the operation or success of the Pool.</li> </ul>
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	<ul style="list-style-type: none"> <li>○ <b>Host Authority and Procurement Lead Authority Roles:</b> making recommendations to the JC regarding the Host Authority and Procurement Lead Authority roles from time to time as necessary.</li> <li>○ <b>Amendments to the Inter-Authority Agreement:</b> 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).</li> </ul>
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## EXCEPTIONS – NORTHAMPTON PARTNERSHIP HOMES LTD

Function	Delegated to Northampton Partnership Homes Ltd	Retained by the Council	Shared	Comments
Repairs and Maintenance	Y			Planned, cyclical and responsive.
Tenancy Management	Y			Housing management (including successions and exchanges), tenancy management, leaseholder management
Lettings			Y	Via choice-based lettings scheme in accordance with Council's lettings policy.
Supporting Tenants	Y			Sheltered accommodation, supported living and related advice.
Ecton Lane Travellers Site	Y			Details included within Schedule 1 of Service Specification
Consultation			Y	Council has statutory duties here and may wish to consult direct; generally expected that NPH would carry out consultations whether for itself or the Council.
Estate Management	Y			Details included within Schedule 1 of the service specification
Right to buys			Y	NPH to deal with applications, Council (via

				Pathfinder) to process legal work.
Management of non-housing assets on estates			Y	Council or deal with the commercial elements; shared where buildings contain both housing and commercial elements.
Housing advice and homelessness		Y		Council retains statutory functions – NPH to provide advice to tenants and homelessness prevention
Private sector initiatives		Y		Including private sector empty homes
Community initiatives			Y	Council to retain community safety and rough sleepers functions; parties to co-operate on community initiatives generally
Regeneration			Y	Parties to work together on regeneration plans to the housing estates
Policy development			Y	NPH will be required to comply with relevant new policies developed by the Council.
Stock surveys	Y			As per the Housing Asset Management Strategy
Aids and adaptations			Y	For all council homes – DFGs for private sector homes remains with Council
Insurance		Y		Subject to the provisions of clause 30 of the Agreement.
Management of HRA			Y	Council's statutory responsibility.
Empty Homes			Y	Details included within Schedule 1 service specification.
Housing litigation (conduct)		Y		Local Practice Direction dated 18 August 2020 <sup>1</sup> from HHJ Hedley - Permitted rights of audience before District Judges and Deputy District Judges in the County Court at Northampton at rent possession claims and claims for the recovery rent, mesne profits, damages or any other sum claimed in respect of the occupation of a residential property
Housing litigation (representation)	Y			

				<p>belonging to and for claims brought by West Northamptonshire Council provided that they have written authorisation from West Northamptonshire Council to appear before the court.</p>
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### 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

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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 assistance to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance
146(1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance
All appointments 191, 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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

## **LOCAL LAND CHARGES ACT 1975**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

## **RENT ACT 1977**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

**LOCAL GOVERNMENT FINANCE ACT 1988**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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"> <li>The acquisition of way leaves over Council-owned land</li> <li>The felling and lopping of trees, etc</li> </ul>	
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

## **FOOD SAFETY ACT 1990**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	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**

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

## **CRIME AND DISORDER ACT 1998**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

**LOCAL GOVERNMENT ACT 2000**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
-	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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

## **LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

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

## **LOCAL GOVERNMENT ACT 2003**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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)**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
73A	Appointment as Director of Public Health	Director of Public Health

## **HEALTH ACT 2006**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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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**

	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Retention and public inspection of documents after an election	Returning Officer

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

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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)**

	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
-	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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	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**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	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:

- (a) always conduct themselves in a proper manner
- (b) not allow personal or private interests to influence their conduct
- (c) not do anything as an employee which they could not justify to the Council
- (d) tell management of any breach of standards or procedure without fear of recrimination. If appropriate employees should use the Whistleblowing policy
- (e) 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:

- (a) doing, or hoping to do, business with the Council; or
- (b) 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 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:

- (a) who normally supplies the Council and,
- (b) 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:

- (a) relate to their duties as an employee
- (b) 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
- (c) impact on their duties and effectiveness
- (d) 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)
- (e) 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:

- (a) recruitment or appointment
- (b) disciplinary situations
- (c) promotional opportunities
- (d) 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:

- (a) 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:
- (b) 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:

- (a) making sure that your staff are aware of the Code of Conduct
- (b) abide by the Code and thereby set your staff an example
- ~~(c)~~ taking appropriate action if any member of staff fails to follow this Code
- (d) seeking the advice of your HR Advisor if you have any doubt about how to proceed
- (e) keeping a record of gifts or hospitality received by your staff
- (f) reviewing any Declaration of conflict of interest form (whether at recruitment stage or following employment), escalating to your Executive Director
- (g) advising the employee of the outcome and retaining the information

It is also the line manager's responsibility to review the information and ensure:

- (a) 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
- (b) 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
- (c) 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;

- (a) New recruits – as part of the recruitment process and,
- (b) Where a conflict or potential conflict has been identified by an existing employee

**Declarations** will normally be made in circumstances of;

- (a) Financial/personal interests in other organisations which deal with the Council
- (b) Undertaking other jobs or engaging in other jobs or business
- (c) Political impartiality
- (d) 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**

<b>Subject</b>	<b>Make a Declaration</b>	<b>Responsibility</b>
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:

- (a) Chief Executive (Head of Paid Service)
- (b) Executive Director Finance (Chief Finance Officer)
- (c) Director of Legal and Democratic (Monitoring Officer)
- (d) Executive Director Adults, Communities and Wellbeing and Deputy Chief Executive (Director of Adult Services)
- (e) Director of Children’s Services

(f) 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**

### **Part 1 – Introduction, Scope and Responsibilities**

#### **1. Introduction**

- 1.1. These Rules are part of the Council's Constitution and apply to all procurement activities (the purchase of goods, services and works) undertaken by the Council. They must be read in conjunction with any other relevant laws, regulations, policies and/or procedures.
- 1.2. Anyone making procurement decisions on behalf of the Council must be familiar with these Rules.
- 1.3. These Rules are required by law and failure to comply with them could lead to disciplinary action. Officers have a duty to report breaches of these Rules to their line manager and/or the Monitoring Officer.
- 1.4. If there is any conflict between these Rules and relevant 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:
  - (a) Achieve Value for Money for public money spent;
  - (b) Are consistent with the highest standards of integrity;
  - (c) Ensure fairness and transparency;
  - (d) Ensure that the Council complies with all legal requirements and established government and commercial codes of conduct;
  - (e) Comply with the Council's associated policies;
  - (f) Manage the Council's risk effectively;
  - (g) Are proportionate in regard to value and risk; and
  - (h) Ensure that Non-Commercial Considerations e.g. prior knowledge of contractors do not influence any contracting decision.

### **3. Advice and Guidance**

- 3.1. 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 Legal Services, 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:
  - (i) Staff within their Directorates are adequately trained and that their procurements are in compliance with these Rules;
  - (ii) 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;
  - (iii) There is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the procurement process;
  - (iv) Value for Money is achieved in all procurements within their Directorates;
  - (v) 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
  - (vi) 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 relevant legislation (including any treaties incorporated into UK law);

- (b) The officer is responsible for ensuring that agents acting on behalf of the Council must 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 Legal Services 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;
- (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;
- (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, sewerage 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:
  - (i) The nature, extent and value of spot contracts entered into in the previous quarter;
  - (ii) The specific rationale for utilising Rule 7.1; and
  - (iii) Append a summary of the previous instances where this Rule is used in the current financial year.

## **8. Requesting A Waiver from these Rules**

8.1. Subject to the UK Procurement Regulations and any other relevant legislation, an officer may seek a waiver where they are unable to comply with these Rules.

8.2. Officers must follow the procedure for obtaining a waiver detailed in Appendix 3.

- 8.3. A waiver will only be granted in exceptional or unavoidable circumstances. Lack of appropriate planning will not be considered as sufficient justification to be granted a waiver.
- 8.4. In cases of emergency and where there is a significant risk of danger to life, or damage to property or a major impact on the Council or its service users, the Monitoring Officer or their nominee may choose to waive these Rules.
- 8.5. Where a waiver is to be used, the waiver must be formally completed and signed prior to entering into any contract for goods, services and/or works.

## **9. Prevention of Corruption and 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. Officers must have regard to and comply with the Council's Anti-Fraud and Corruption Policy when undertaking a procurement exercise.
- 9.3. 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. Grants**

- 10.1. Where a grant is received or issued please refer to the Council's policy on Grants.

## **11. Recommended Reading**

- 11.1. 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;
  - (d) Contract Register guidance, system instructions and protocol.

## **Part 2 – Pre-Procurement**

### **1. Competition Requirements**

- 1.1. Officers must establish the Total Value of the procurement for the life of the contract, including any potential extension periods which may be awarded.
- 1.2. Officers shall not sub-divide goods, services and/or works that could reasonably be treated as a single contract to avoid these Rules, thresholds, or any legal requirements.
- 1.3. Based on the Total Value, Quotations or Tenders must then be invited in line with the financial thresholds detailed in Appendix 2.

## **2. Steps Prior to Procurement**

- 2.1. Where a procurement is required, the officer must establish:
  - (a) The contract term: this must not exceed four years in total (including any optional extension period(s)) unless otherwise agreed by the PGG.
  - (b) The size, scope, term and specification of the goods, services and/or works required;
  - (c) The duration of the contract that will provide the most economically advantageous outcome for the Council. This decision must be made in advance of the procurement process and done in accordance with these Rules;
  - (d) That they have the appropriate authority to start the procurement activity under the scheme of delegation;
  - (e) That they have the relevant budget approval to cover the Total Value of the contract; and
  - (f) A project plan to allow sufficient time for Bidders to prepare and submit Tenders or Quotations to maximise the opportunity for Value for Money to be achieved.
- 2.2. The officer must consult the PGG where the procurement is of an innovative or specialist 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 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.
- 4.3 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 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, Framework or DPS.
- 5.3. Where the officer is conducting a collaborative procurement, the Council's 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 to use 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 or DPS.

#### **7. Contracts Reserved for Social Enterprises and Mutuals**

- 7.1. Officers must contact the Procurement Team and Legal Services 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 Consultants Policy and Agency Worker Policy published on the Council's intranet when considering the appointment of consultants or external subject matter experts to assist in the preparation of procurement documents and/or providing advice throughout the procurement process. The procurement of consultants and/or external subject matter experts must be conducted in accordance with the appropriate procurement rules, as determined by cost threshold.

## **9. Setting up a Dynamic Purchasing System (DPS)**

- 9.1. Officers must contact the Procurement Team and Legal Services for support and advice if they intend to create a DPS.

## **10. Electronic Auctions**

- 10.1. Officers must contact the Procurement Team and Legal Services 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 Legal Services for advice if they intend to enter into such contracts.

## **Part 3 – Procurement Thresholds**

### **1. General Requirements**

- 1.1. Please see Appendix 2 for the procurement thresholds and the process to be followed.

### **2. Purchases over the Regulation Threshold**

- 2.1. All goods, services and/or works over the Regulation Threshold are covered by the Public Contracts Regulations 2015. These Regulations govern the processes for advertising, timetabling and Supplier selection.
- 2.2. The latest thresholds and regulations can be found at the following site:  
<https://www.ojec.com/Thresholds.aspx>.

- 2.3. Officers must consult with the Procurement Team and Legal Services before commencing the procurement or any soft market testing over the Regulation Threshold.
- 2.4. The officer, in collaboration with the Procurement Team, shall decide the procurement process which is most appropriate (e.g. quotation or another compliant competitive model) where the procurement is identified as falling in the scope of the Light Touch Regime in the Public Contracts Regulations 2015 and is under the Light Touch Regime threshold.

## **Part 4 – Procurement Documents**

### **1. Invitations to Tender and Quotations**

#### **1.1. All Invitations to Tender or Quote must:**

- (a) Clearly specify the goods, services or works that are required. The specification must describe the requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared;
- (b) Include evaluation methodology, such as the selection and award criteria which details the cost and quality split;
- (c) Clearly and unambiguously specify the award procedure on which Tenders or Quotations will be evaluated, such as on the most economically advantageous tender;
- (d) Attach a copy of the contract terms and conditions that will apply;
- (e) Ensure that the same information is issued or made available to Bidders at the same time and on the same terms;
- (f) Any additional information or amendments must be provided to the Bidders on the same basis; and
- (g) Quotations sought over £25,000 must follow the Council's formal Request For Quotation (RFQ) quotation process as per guidance in the Procurement Best Practice Guide or the procurement pages of the intranet for quotations.

### **2. Local Providers**

- 2.1. For requirements up to £100,000, the officer must obtain at least one 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 other officer of appropriate seniority, supported and moderated by the Procurement Team.
- 6.3. If, despite all reasonable efforts having been made to obtain the required minimum number of responses, fewer respond to the Council's requirement, then the procurement may progress with the Bidders who have provided a valid response.
- 6.4. The officer must keep a record of the efforts made to obtain the minimum number of responses.
- 6.5. The officer must retain the results of the Tender evaluation.
- 6.6. Officers shall ensure the successful Bidder has any required insurance cover in place before performance of the contract begins and shall further ensure, at appropriate intervals, that such cover is maintained by the Supplier throughout the contract period.

#### **7. Clarification Procedures**

- 7.1. Officers may ask Bidders for clarifications to any of the details submitted as part of their bid. However, such clarifications must not result in a significant change to the bid or related documentation.
- 7.2. Prior to making any request for clarifications from a Bidder, the officer must discuss this with the Procurement Team, where the requirement is over £100,000.
- 7.3. Full written records of all clarification decisions must be made and retained by the officer. These records must be provided to the Procurement Team, where the Procurement Team have led the procurement.

## **8. Notification of Award**

- 8.1. Following contract award the officer must inform successful and unsuccessful Bidders simultaneously in writing whether or not their bid was successful.
- 8.2. Where the value of the contract is over £25,000, the officer must also publish an award notice on Contracts Finder.
- 8.3. Where a Tender is subject to the UK Procurement Regulations, the Procurement Team will adhere to the relevant Standstill Period.
- 8.4. If a Bidder requests in writing a further debrief in relation to the award, the lead officer is responsible for providing the appropriate response.
- 8.5. Any complaints from unsuccessful Bidders must be provided in writing. Officers must submit these to the Procurement Team for review, 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 immediately notify their Chief Officer, the Monitoring Officer and the Head of Procurement.

## **Part 5 – 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;

- (d) The price and terms of payment;
- (e) All other terms that are agreed, e.g. insurance;
- (f) Exit procedures, for when the contract comes to its natural end; and
- (g) Termination procedures for early termination of the contract, including when the Supplier has not fulfilled its contractual obligations.

## **2. Execution of Contracts**

- 2.1. Contracts let under the UK Procurement Regulations may only be signed/sealed after the mandatory standstill period has elapsed without any challenge being received.
- 2.2. Contracts may only be executed by officers with delegated powers, as detailed below:
  - (a) Up to £250,000 shall be in writing signed by the Chief Officer;
  - (b) Over £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s.151 Officer or their nominee;
  - (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 or their nominee.
- 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 contract from the Supplier. This decision shall be made by the relevant Chief Officer in consultation with Legal Services.

## **3. Commencement of Contracts**

- 3.1. No supply of goods, services or works shall commence until all contract documents have been completed.

## **4. Social Impact Bonds**

- 4.1. Details of Social Impact Bonds (SIBs) are available in the Financial Regulations.

## **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 Legal Services.

## **7. Bonds and Parent Company Guarantees**

- 7.1. Performance bonds or parent company guarantees may be required:
- (a) Where the Total Value of the contract exceeds £500,000; and
  - (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
  - (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 appeal the Council's request for a performance bond or parent company guarantee, an exception can be made if agreed in writing with the Chief Officer and s.151 Officer.

## **8. General Requirements**

- 8.1. 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.

## **9. Contract Monitoring, Evaluation and Review**

- 9.1. The Procurement Team will provide a high-level contract governance function that can offer a helicopter view of the Council's 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.
- 9.2. The Procurement Team must have sight of the final contract and everything that has been agreed between the officer and the Supplier, including:
- (a) Service Level Agreements; and
  - (b) Key Performance Indicators (KPIs) and/or Key Milestones.
- 9.3. 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 Legal Services.

- 9.4. 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.

## **10. Variations**

- 10.1. 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.
- 10.2. 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.
- 10.3. Officers must consult with and gain the approval of Legal Services if they intend to make variations to their contracts.
- 10.4. 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.
- 10.5. 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.

## **11. Assignments and Novations**

- 11.1. Officers must contact Legal Services where it is proposed that an assignment or novation should take place.

## **12. Termination of Contract**

- 12.1. Officers must consult with Legal Services if they are considering the early termination of their contracts.

## **Appendix 1 – Definitions, Abbreviations and Glossary**

<b>Term</b>	<b>Definition</b>
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).
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 West Northamptonshire boundary.
Non-Commercial Considerations	Those that are listed in section 17(5) of the Local Government Act 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, comprising the Head of Procurement, the Monitoring Officer and Chief Finance Officer or their duly appointed representatives, that is responsible for reviewing, approving and advising on proposed procurements and procurement issues.
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 <a href="https://www.ojec.com/Thresholds.aspx">https://www.ojec.com/Thresholds.aspx</a>



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	<p>The whole of the value or estimated value (in terms of money or equivalent value) for a single purchase, whether or not the purchase comprises several lots or stages across the Council as a whole and whether or not it is to be paid or received by the Council or a discrete operational unit within the Council.</p> <p>The Total Value shall be calculated as follows:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. Where the contract is for an uncertain duration, by multiplying the monthly payment by forty-eight or the maximum permitted duration in months if less;</li> <li>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;</li> <li>4. Where an in-house service provider is involved, by taking into account redundancy and similar/associated costs; and/or</li> <li>5. In the case of a Framework Agreement, the estimated call off during the period of the contract.</li> </ol>
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006.
Value for Money (VfM)	The most advantageous combination of cost, quality and sustainability to meet customer requirements, in accordance with the principles of the National Audit Office; Economy, Efficiency and Effectiveness.

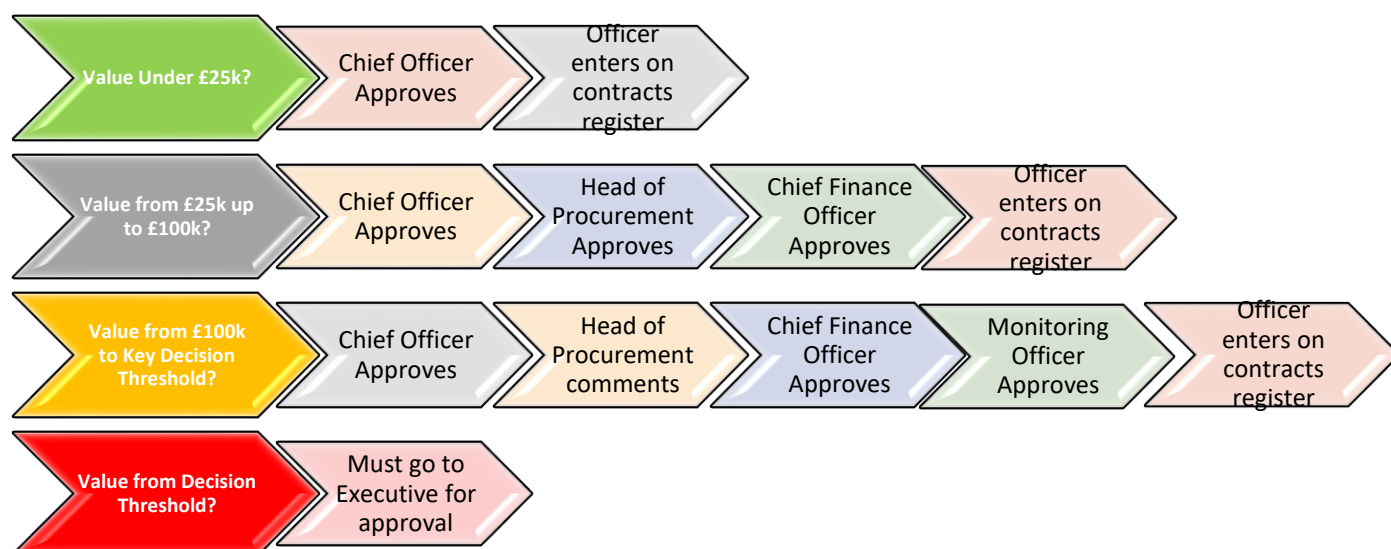
## Appendix 2 – Summary of Procurement Thresholds

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
<b>Under £5,000</b>	Officer. If Key Decision, relevant Officer and Cabinet/Committee approval.	No requirement to advertise.	At least one written quotation required. Officers should ensure they achieve value for money	Contract terms issued via purchase order.

<b>£5,000 to £25,000</b>	Officer. If Key Decision, relevant Officer and Cabinet/Committee approval.	No requirement to advertise.	Seek to obtain at least three written Quotations (at least one from a Local provider).	Contract terms issued via purchase order. Contract must be published on the Contract Register.
<b>£25,000 to £100,000</b>	Officer. If Key Decision, relevant Officer and Cabinet/Committee approval.	No requirement to advertise.	Seek to obtain at least three formal quotations from the Council's RFQ process (at least one from a Local provider).	Written contract signed by one Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Legal Services. Contract must be published on the Contract Register and Contracts Finder
<b>£100,000 to Threshold</b>	Officer and the Procurement Team. If Key Decision, relevant Officer and Cabinet/Committee approval. Requirement to present requirement to PGG.	Advertising on Contracts Finder is mandatory.	Seek to obtain at least three formal quotations from the Council's RFQ process.	Written contract signed/sealed. Standard terms approved and contract prepared by Legal Services.
<b>Above Threshold</b>	Officer and Procurement Team. If Key Decision, relevant Officer and Cabinet/Committee approval. Requirement to present requirement to PGG.		Procurement must be run in accordance with the Regulations.	Written contract signed/sealed.
<b>Framework Agreements</b>	Officer (and Council's	Not applicable	Follow call-off procedure	Written Contract

	Procurement Team if over £100,000). If Key Decision, relevant Officer and Cabinet/Committee approval.		within Framework Agreement. The number of Tenders will be determined by the Framework.	created from Framework Agreement. Sign-off as per above thresholds. Contract must be published on the Contract Register and Contracts Finder.
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### Appendix 3 – Procurement Waiver Process Flowchart



## **9.7 Financial Procedure Rules**

### **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 Council's 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 Mgr 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
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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:
- 42.5.1 the accounting arrangements for partnerships and joint ventures are satisfactory, that the governance and legal issues have been satisfactorily addressed, and that the risks have been fully appraised
  - 42.5.2 the Partnership Agreements contain details of how resources will be pooled and what controls will be operated in respect of partnership spending to avoid waste
  - 42.5.3 that the Council's budgets contain sufficient provision for its match funding obligations and that all external funding due to the Council is received and properly recorded
- 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 Council's 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.

### **Local Provider**

A provider from within the boundaries of West Northamptonshire.

### **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.