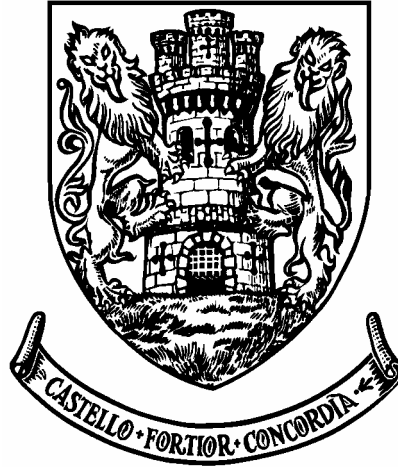


NORTHAMPTON BOROUGH COUNCIL



COUNCIL

Thursday, 28 September 2006

YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON THURSDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER, 2006 AT SIX THIRTY O'CLOCK IN THE EVENING WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED:-

1. MINUTES.

To approve the minutes of the proceedings of the Meeting of the Council held on 24th July 2006.

2. APOLOGIES.

3. MAYOR'S ANNOUNCEMENTS.

4. DEPUTATIONS/PUBLIC ADDRESSES/QUESTIONS.

5. TO ANSWER QUESTIONS ASKED UNDER COUNCIL PROCEDURAL RULE 5.2.

6. NOTICES OF MOTION

(A)The following motion to be moved by Councillor Malpas and seconded by Councillor Duncan;-

“That procedural rule 3.4 be suspended to enable the following motion to be discussed and a vote to be taken

Council welcomes the decision of Cabinet on 11th September to support the preparation of a Joint Core Strategy for West Northamptonshire and commends all involved for their hard work.

Council agrees with the Administration that completion of the Local Development Plans is vital to the future prosperity and improvement of Northampton and that they should be produced as quickly as possible, taking into account the available resources and due process.”

(B)The following motion to be moved by Councillor Hollis and seconded by Councillor Simpson:-

“That procedural rule 3.4 be suspended to enable the following motion to be discussed and a vote taken

While this Council appreciates the need to focus on improvement it also recognises the urgent need to address the causes of climate change

This Council calls for a council-wide environmental audit to be undertaken as soon as possible to identify ways in which we can improve the environmental performance of the Council,reduce our environmental footprint,mitigate the effects on climate change and identify future savings in taxpayers money. We encourage our partners to do the same.”

The following motion to be moved by Councillor Miah and seconded by Councillor Palethorpe:-

“That procedural rule 3.4 be suspended to enable the following motion to be discussed and a vote to be taken

This Council reaffirms its commitment to support tenants wishes for housing to remain under the control of Northampton Borough Council. This Council is committed to working with tenants and the “Tenants Participation Panel” to identify future ways of managing the stock and giving the tenants a greater role in the management of their homes.

This Council recognises the need for more affordable housing in Northampton. Council will continue to ensure through the planning framework as well as working with partners and agencies to develop options to meet the needs of those on the housing waiting list,first time buyers and key workers.

This Council will continue to support tenants right to buy.”

7. OVERVIEW AND SCRUTINY - ANNUAL REPORT

(copy herewith)

8. CONSTITUTION - REPORT OF THE CONSTITUTIONAL WORKING PARTY

(copy herewith)

9. LOCAL JOINT COMMITTEE - REPORT OF SOLICITOR TO THE COUNCIL

(copy herewith)

10. NOMINATIONS TO OUTSIDE BODIES - NORTHAMPTON THEATRES TRUST - REPORT OF SOLICITOR TO THE COUNCIL

(copy herewith)

11. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED.



Overview & Scrutiny

annual report

2005 - 2006



NORTHAMPTON
BOROUGH COUNCIL

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Foreword by the Chair of the Overview and Scrutiny Committee

Overview and Scrutiny has seen many changes over the last year including the reduction of the number of committees from seven to one. The new committee came into action in October 2005. Since then the committee has established itself well and set up Task and Finish Groups to pursue in-depth review work of interest to the Council and public of Northampton.

A number of important reports have been published and they are summarised in this Annual Report. I have no doubt that some of the recommendations have had significant influence on

Council policy, in terms of holding the Cabinet to account and contributing to both policy development and the well-being of the town.

I am pleased that this Annual Report details the progress made by Overview and Scrutiny since October 2005 and work to develop its role even further. Over the next year further progress will be made. The Council has put a lot of energy in to improving the way it makes its decisions and the new Scrutiny processes are no exception.

I am confident we have everything in place for successful Scrutiny and that in future years further improvements and developments of the Scrutiny role will be seen.



A handwritten signature in black ink, appearing to read 'B Glynane', written in a cursive style.

Cllr Brendan Glynane
Chair, Overview and Scrutiny
Committee

Introduction

In accordance with the Local Government Act 2000, councillors are either Cabinet (Executive) councillors or non-Executive councillors. The non-executive councillors were envisaged to take on the role of overview and scrutiny councillors.

The original Government guidance on scrutiny envisaged four key areas of work for these councillors:

- Policy development and review
- Best Value
- External scrutiny including health scrutiny
- Holding the Executive to account

The Centre for Public Scrutiny was established to support the development of Overview and Scrutiny nationally. In their 2004 Good Scrutiny Guide they developed the following roles for effective public scrutineers:

- Provide critical friend challenge to executives and external authorities
- Reflect the voice and concerns of the public
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services

These roles are described in detail in the Centre for Public Scrutiny Good Scrutiny Guide.

The Council has undertaken a critical review of its Overview and scrutiny function. Section 1 of this report describes the Improvements that have been made as a result of the review over the last Municipal Year.

Overview and Scrutiny has gathered momentum during this period and further developments are planned for the next year. These are detailed in Section 2.



The Overview and Scrutiny Process

Northampton's Scrutiny Structure

Following the Council's Political Structures Review in 2005, the Cabinet was reduced to a Leader with five Portfolio Holders. The seven Overview and Scrutiny Committees were replaced by one Overview and Scrutiny Committee. The new structures came into operation in September 2005.

The Overview and Scrutiny Committee comprises fourteen Councillors representing each Political Group. The Committee sets up time limited Task and Finish Groups to carry out strategic and operational reviews.

All non-Executive Councillors are given the opportunity to be involved in the reviews by putting themselves forward to join the Task and Finish Groups throughout the year to review issues of interest and importance and inform critical policy development.

The Overview and Scrutiny Committee and its Task and Finish Groups have no decision-making powers but make recommendations for consideration by Cabinet or Full Council. Their work means that they:-

- Contribute to policy development and help develop major plans and strategies for Northampton
- Hold the Cabinet to account for its decisions
- Examine matters of wider public interest
- Conduct reviews of public bodies that are external to the Council
- Review services of the Council
- Ensure the efficiency and effectiveness of the Council
- Carry out joint work with partners during the same review process

Determining the Overview and Scrutiny Work Programme

In previous years there has been no Structured Annual Work Programme for Overview and Scrutiny. In trying to plan ahead, and deliver timely reviews, the Overview and Scrutiny Committee identified key topics in October 2005 for a Work Programme until the end of March 2006, that would either support the speedy recovery of the Council, enhance political efficiency of the Council or address Improvement & Performance Agenda Priorities.

In determining the Overview and Scrutiny Work Programme for 2006/2007 many issues were

considered. The resulting Work Programme contains issues critical to the Council's recovery, topics suggested for review by the Improvement Board, matters referred from Full Council and topics put forward by Overview and Scrutiny Councillors learning from 2005/6.

Previously there had been no structured monitoring process. The Committee has implemented a Monitoring Work Programme to ensure that the impact of the reviews are monitored

The Overview and Scrutiny Work Programme 2006/2007 has been widely circulated and is published

on the Council's and the Centre for Public Scrutiny (CfPS) websites

The review areas that have been agreed for 2006/2007 are:-

- Tree Policy
- Allotments (Water Charges)
- Housing Repairs
- Leisure Services
- Street Scene
- Homelessness (with an emphasis on rough sleepers)
- Community Safety (evaluation of dispersal orders)

Involving the Public

Overview and Scrutiny at Northampton involves the public as far as possible in its in-depth reviews that are undertaken by its Task and Finish Groups. The public can be involved by becoming a co-opted member to one of the Task and Finish Groups for the life of that review. Individuals with a particular knowledge of the subject being reviewed can be invited to give evidence at a Task and Finish Group meeting. This enables Councillors to make well-informed recommendations but also gives individuals and organisations from outside the Council a way of having their voice heard and influencing the delivery of Council services.

Two future Task and Finish Groups envisage having co-

opted members, who are experts in the topic being reviewed.

During the last year, Task and Finish Groups have involved the public by a variety of methods such as: -

- Hosting Focus Group sessions to find out the public's perception of how well Northampton Borough Council consults.
- Issuing consultation questionnaires to the Focus Group attendees, individuals who requested a copy and a wide distribution list.
- Interviewing expert witnesses.
- Youth Forum meeting
- Visits to users of services

Another method that the Overview and Scrutiny Committee uses to involve the public is by the use of an information sheet that is attached to the E-Bulletin newsletter. This section of the E-bulletin newsletter informs the public how it can find out about the work of Overview and Scrutiny and become involved by: -

- Attending a meeting of the Overview and Scrutiny Committee
- Writing to the Task and Finish Groups
- Expressing an interest to become a co-opted member
- Becoming a witness
- Suggesting issues that they would like the Overview and Scrutiny Committee to review

Use of the Web

It is proposed to develop a dedicated Overview and Scrutiny section on the Council's website which will include: -

- The role of Overview and Scrutiny and the scrutiny structure at Northampton
- Overview and Scrutiny meeting dates and times
- Link to Overview and Scrutiny Committee agendas and minutes
- Overview and Scrutiny Protocols and Guidance Information
- Co-Optee Guidance Handbook
- Copies of Overview and Scrutiny completed reviews
- E-Bulletin Overview and Scrutiny Newsletter
- Details of training and development sessions for key members of staff who may be called as witnesses by the Overview and Scrutiny Committee

- Contact details for Overview and Scrutiny

E-Bulletin Newsletter

An Overview and Scrutiny E-Bulletin newsletter has been produced and will be published three times per year. The first edition was published in Spring 2006 and the Summer edition is due to be published in August 2006. The E-Bulletin newsletter is designed to keep employees and the public up to date with the Overview and Scrutiny Committee and Task and Finish Groups news, training events, additions to the website, forthcoming meetings and new developments.

Training and Development

During 2005/6 an external expert was commissioned to provide overview and scrutiny development and coaching to Councillors. A programme of coaching sessions was devised which included:-

- Scoping reviews
- designing a work programme
- Conducting reviews
- Interviewing witnesses
- Developing and writing the review report
- Planning visits to other Councils
- Developing Protocols

All Task and Finish Groups were given support for the duration of their work.

Training and development Sessions have commenced for members of staff who may be called as witnesses by the Overview and Scrutiny Committee. A half-day seminar for the Senior Corporate Management Team took place recently and whole day seminars for Managers and Team Leaders are scheduled. As this training is not commonly executed in councils, this could be viewed as

good practice. Details will be published on the Overview and Scrutiny page of Council's Intranet.

The Overview and Scrutiny Committee Chair and the Scrutiny Officer now attend the East Midlands Regional Local Government Association (EMRLGA) Scrutiny Network meetings which bring together Scrutiny Chairs and Scrutiny Officers from the East Midlands to discuss issues of mutual benefit.

Scrutiny Support

Overview and Scrutiny is supported by the Corporate Director for Citizens, Governance and Finance. Each Task and Finish review has one Corporate Manager and senior employee dedicated to it for the life of the review.

The Overview and Scrutiny Committee has a Scrutiny Officer who carries out research, assists in compiling the Task and Finish Groups' final and update reports, produces the E-Bulletin newsletter, drafts the Annual Report, assists in the production of the Annual Work Programme, produces the agendas and minutes of the Overview and Scrutiny Committee and its Task and Finish Groups and sets up relevant meetings, such as Task and Finish Groups, meetings with the Portfolio Holders and meetings of the Chair and Deputy Chairs. The Scrutiny Officer will produce the proposed Overview and Scrutiny web page,

ensuring it is kept up to date. The Scrutiny Support Officer attends professional development events.

The contact details for Overview and Scrutiny can be found at the end of this report.



Improvements and Long Term Objectives

Changes In 2005/06

During 2005/2006 important changes were made to the Overview and Scrutiny process. The Overview and Scrutiny Committees were reduced from seven to one. The Overview and Scrutiny Committee sets up time limited Task and Finish Groups to carry out its reviews. The Overview and Scrutiny Committee comprises fourteen Councillors drawn from each Political Group. All Task and Finish Groups must consist of at least one member of the Overview and Scrutiny Committee but all non-Executive Councillors are encouraged to be involved in the Task and Finish Group reviews by putting themselves forward for inclusion.

Improvements

Many improvements have occurred during the past year.

- The development of the Annual Work Programme has been a major development a formally published and widely distributed document. The Work Programme contained issues critical to the Council's recovery, topics suggested for review by the Improvement Board, and matters referred from Full Council.
- Good practice Overview and Scrutiny Protocols and guidance notes have been produced and published to ensure the effective functioning and continuity of Scrutiny
- Joint working with Northamptonshire County Council.

Long-term Objectives

The aim of Scrutiny at Northampton is to develop an effective Overview and Scrutiny function that assists the Cabinet to improve the Council's services. In order to achieve this, it is necessary to: -

- Introduce a monitoring system which has been designed to log progress and a corporate template to monitor and log progress of the implementation of the recommendations that arose in the Task and Finish Groups' review reports to Cabinet.
- Continue to develop training for members of staff who may be called as witnesses by the Overview and Scrutiny Committee. The training will also ensure that key employees understand the Scrutiny process.
- Actively involve the public in the work of Scrutiny. To ensure this happens the Committee intends to involve residents in the work of the Task and Finish Groups.
- Allocate a lead Overview and Scrutiny Councillor to each Portfolio Holder to ensure Overview and Scrutiny connects directly with the Portfolio Holders' areas of responsibility. Regular meetings between the lead Overview and Scrutiny Councillors and the Portfolio Holders have been scheduled in order that working information can be shared.
- Introduce regular progress meetings with the Chair and two Deputy Chairs of Overview and Scrutiny with the three Corporate Directors.
- Develop the Annual Work Programme earlier during the next Municipal Year.
- Develop a dedicated Overview and Scrutiny page on the Council's website. All Overview and Scrutiny guidance notes, reports, newsletters and other Scrutiny information will be posted on this page.
- Involve external experts to inform Task and Finish Group Reviews.
- Work more closely with the media and public relations.
- Work closely with Northampton County Council for successful delivery of the Local Area Agreement (LAA).

The Overview and Scrutiny Programme 2005/2006

The Overview and Scrutiny Committee

The Overview and Scrutiny Committee met five times from October 2005 to April 2006. It looked at issues such as the Council's draft service review programme, the Council's CPA direction of travel report, the Council's draft Corporate Plan, the Annual Work Programme 2006/2007, the Annual Report 2005/2006 and received updates and the final reports from the Planning, Homelessness and Public Engagement and Communications Task and Finish Groups. The Committee also set up a Working Group to produce good practice Overview and Scrutiny protocols and guidance notes.

Call-In of Cabinet Decisions

The check and balance arm of Scrutiny had its first test of the new Scrutiny arrangements when the Sixfields Area Action Plan decision of Cabinet of 5 December 2005 was called in on the grounds that it would put the Council at significant risk.

Meetings were held to scope the call-in. The Call-In Hearing took place on 11 January 2006. Witnesses from Northampton Football Club, West Northamptonshire Development Corporation and members of staff from Northampton Borough Council were called to give oral evidence and be questioned. Written evidence and background documents were also considered by the Call In Hearing. The meeting lasted six hours. Following the Call In, the Chair's report was submitted to Cabinet, which accepted the findings in full and in addition added its own recommendations for the future conduct of Cabinet.

The Overview and Scrutiny Committee



Cllr. Glynane (Chair)



Cllr. Roy (Deputy Chair)



Cllr. Malpas (Deputy Chair)



Cllr. Allen



Cllr. Church



Cllr. Eldred



Cllr. Hill



Cllr. B Hoare



Cllr. M Hoare



Cllr. Lane



Cllr. Mason



Cllr. Pritchard



Cllr. Simpson



Cllr. Tavener

Task and Finish Groups

Planning Task and Finish Group

Task and Finish Group membership



Cllr. Lane (Chair) Cllr. Church

Work Undertaken

Following a referral from Full Council, the Task and Finish Group carried out a short focussed Overview and Scrutiny Review on the effectiveness and

efficiency of Planning Committee meetings at Northampton Borough Council. It met five times during November 2005 and February 2006, observed Northampton Borough Council and Colchester City Council's Planning Committee meetings, 'cold called' other Local Authorities and carried out desktop research using the internet.

Outcome of the Review

The Task and Finish Group made a number of recommendations to Full Council which were aimed at

increasing public satisfaction with both the Planning Committee and the Council's website. Many of the key recommendations of the review have been implemented and have helped to build upon the success of the Planning Committee meetings at Northampton.

Recommendations included:-

- Staff to keep a general watch for anyone who looks unsure or bewildered at the Planning Committee and offer advice.

- The Chair announcing any items withdrawn at short notice at the start of the meeting.
- The Planning Committee agendas being bound in a professional manner with the meeting dates advertised on the inside of the front cover. The aim being to minimise the changes needed from one agenda printing to the next.
- The Protocol for the meeting being printed on the inside front page of the agenda outlining who can speak, for how long and how business is conducted.
- Those registered to speak being informed verbally of the Protocol prior to the meeting so that they are

aware of what to expect. The Protocol is now published on the website.

- The Council's website indexing planning applications in alphabetical order, by street name and by postcode so that finding an application is easier.
- Northampton Borough Council's website being updated so that public speaking is no longer reported as a six month trial.
- Letter that is issued to consultees includes information on planning applications being available on Northampton Borough Council's website.
- The change of telephone contact numbers on the Council's website so that

the numbers are for departments rather than individuals to ensure a quick response and good customer service.

Most of the recommendations have been implemented with a small minority outstanding. The Corporate Manager (Planning) is working steadily with both the Chair of the Planning Committee and the Portfolio Holder regarding the actioning of these remaining recommendations and progress is ongoing.



Homelessness Task and Finish Group

Task and Finish Group Membership

Work Undertaken

Having regard to the Council's Recover Programme and following a referral from Full Council the Overview and Scrutiny Committee decided to review the homeless service both in Northampton and the county as a whole. This Overview and Scrutiny Task and Finish Group was the first one to be conducted jointly with Northamptonshire County Council and is an excellent example of working in partnership with our neighbours. County Councillors Mark Bullock



Cllr. Mason (Chair)



Cllr. Allen



County Cllr. Bullock



Cllr. Pritchard

and Maureen Hill were invited to join the Task and Finish Group. The Task and Finish Group was charged with reviewing homelessness as a whole system, including the interactions between and the processes on both councils to improve the quality of life and advice for people vulnerable to being homeless and to reduce all levels of homelessness.

The Task and Finish Group met seven times during November 2005 and March 2006 and heard evidence from a wide range of

representatives, including the Office of Deputy Prime Minister (ODPM). It also observed operations at the Housing and Money Advice Centre.

Outcome of the Review

Significant progress has been made in terms of homelessness services since the Task and Finish Group was set up and delivered its recommendations.

The Task and Finish Group made a number of recommendations

about homelessness prevention, partnership unity, internal processes, vulnerable people, rough sleepers and temporary accommodation.

The Homelessness review has been well received by the Cabinet and external scrutiny peers. For example, the report has been commended by another Local Authority, whose Scrutiny Commission is due to embark upon a review of homelessness in its borough. The Local Authority's Lead Scrutiny Councillors and Scrutiny Support Officer are to meet Homelessness Task and Finish Group, and relevant Northampton Borough Council employees to

look at areas of good practice that will inform their review.

Since this Review was undertaken, there have been significant improvements in the service. For example:-

- A Rent Deposit Scheme and Housing Options Toolkit has been devised and implemented
- A robust partnership between Northampton Borough Council and Northamptonshire County Council has been introduced
- The Homeless Forum to be relaunched in May 2006
- A project to introduce a Corporate Debt Policy will

be distributed to stakeholders in July 2006

- The supplier to introduce a new housing IT system was agreed
- A draft Temporary Accommodation Strategy has been developed
- Sign-off procedures for evictions and temporary accommodation were introduced in May 2006
- The Rough Sleepers Group has been relaunched and will develop a Rough Sleeping Strategy and responsive service.



Public Engagement and Communications Task and Finish Group

Task and Finish Group Membership



Cllr. Malpas (Chair)

Cllr. Eldred

Cllr. Hill

Cllr. Roy

Cllr. Simpson

Work Undertaken

Following a referral from Northampton Borough Council's Improvement Board, the Overview and Scrutiny

Committee was asked to review the way the Council consults with and engages its citizens. "Communications and public engagement" is a key priority in Northampton Borough Council's Recovery Plan. As the subject is vast, this Task and Finish Group concentrated on two focussed areas by examining:

- 1 the level of residents who feel that the Council consults and involves them and
- 2 The increase in the level of residents who are satisfied/very satisfied with the Council.

The Task and Finish Group met eleven times and gathered its evidence by a variety of methods including: -

- Interviews with internal witnesses
- Focus group sessions with local citizens
- Consultation Questionnaires
- Desktop research, looking at models of best practice
- Statistical information and data
- Visit to a Local Authority of best practice

Outcome of the Review

The Task and Finish Group made a number of recommendations including management and resources, information and co-ordination, systems and protocols, engagement with diverse communities and future

work and review. The report and its recommendations were received by the Cabinet at its meeting in July 2006. It is scheduled in the Overview and Scrutiny Monitoring Work Programme 2006/2007, to check the implementation of the recommendations in January 2007.



Working Group

Protocol Working Group



Cllr. Roy (Chair)



Cllr. B Hoare



Cllr. Tavener

Work Undertaken

The Overview and Scrutiny Committee felt that it was essential for good practice Overview and Scrutiny Protocols and guidance notes to be produced to ensure the effective

functioning and continuity of Scrutiny. A Working Group was set up which met to produce the good practice protocols and guidance notes.

Outcome

The following Protocols and guidance notes were produced: -

- Call-In Protocol
- Public Speaking at Overview and Scrutiny Committees Protocol
- Witness Protocol and Guidance Notes
- Co-Opted Guidance Booklet
- Overview and Scrutiny Work Programme Protocol

- Inclusion of non-Executive Councillors in the Scrutiny Process Protocol

The Overview and Scrutiny Protocols have been published and have been well received by Scrutiny peers, for example, a Local Authority requested a copy of the glossary contained in the Co-Opted Guidance handbook, so that it could be used as an example at an Overview and Scrutiny Toolkit workshop, which it was facilitating.

It is anticipated that the Overview and Scrutiny Protocols will be appended to the Council's constitution early in the autumn 2006.

Co-Opted Scrutiny Councillors to Northamptonshire County Council's (NCC) Scrutiny Committee

NCC's Health Scrutiny Partnership Committee



Councillor Brandon Eldred represented Northampton Borough Council on NCC's Health Scrutiny Partnership Committee during the last Municipal Year.

Councillor Eldred chaired a sub committee of the Health Scrutiny Partnership – Safety for Children aged 8 to 14. and led a project that informed young people (8 to 14 year olds) in the county about health and safety issues. Sports cards (top trump style) were printed with pictures of prominent sports personalities on the front, on the back, health and safety messages were detailed. It had been a multi agency project

The initiative had been allocated £20,000 of funding from NCC. 650,000 sports cards and 27,500 wall charts have been given out.

Talks were given to Youth Groups across the county. Young people are encouraged to collect and swap the cards, which are promoted by local libraries, leisure centres and the borough's Sports Development Team. Prizes are offered to individuals who collect all 25 cards such as signed sets of cards, signed shirts and free tickets donated from local sports clubs.

The project was launched in September 2005 at the Cedar Primary School and has been considered one of the most successful for NCC's Health Scrutiny Partnership Committee during last year. The initiative has been very well received by the local media and the Local Government Association, who referred to the project at one of its forums. The event will be further promoted at the county cricket ground on 23 September 2006.

Previous Overview and Scrutiny Reviews

The following Overview and Scrutiny Reviews have been carried out since October 2005.

Overview and Scrutiny Reviews 2005 - 2006

Planning Task and Finish Group- Planning Committee meetings at Northampton Borough Council

Homelessness Task and Finish Group -Homelessness as a whole system

Public Engagement & Communications Task and Finish Group – How the Council consults and Involves residents

Working Group

Protocol - Overview and Scrutiny Protocols and Guidance notes

Call-In of Cabinet Decision

Overview and Scrutiny Committee - Sixfields Area Action Plan



Contact Overview and Scrutiny Services at Northampton Borough Council

- Telephone 01604 837408
- Email: ttiff@Northampton.gov.uk
 - Fax 01604 837395

- Post:-
Overview and Scrutiny
Northampton Borough Council
St Giles Square
Northampton
NN1 1DE

Feedback

Did you find this Annual Report useful and informative.

Yes

No

<input type="checkbox"/>	<input type="checkbox"/>
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If no, please state why

There are a number of ways in which you can find out about the work of Overview and Scrutiny. Details of all of the current reviews are given on the Council's website and in the Overview and Scrutiny E-bulletin newsletter, but if you want to know more you can attend a meeting of the Overview and Scrutiny Committee, write to the Task and Finish Groups, become a witness or suggest issues that you would like the Committee to consider reviewing.

Would you like to become involved in the future work of Overview and Scrutiny

Yes

No

<input type="checkbox"/>	<input type="checkbox"/>
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If yes, please complete the details below.

Name

Organisation (if applicable)

Address.....

.....

Telephone number 24Email address

If English is not your first language and you need help in translating this document please contact Tracy Tiff on 01604 837408

Jesli angielski nie jest Twoim jezykiem ojczystym a potrzebujesz pomocy w przetlumaczeniu tego dokumentu, prosze skontaktuj sie z Tracy Tiff pod numerem 01604 837408

Если английский не Ваш родной язык и Вам нужна помощь с переводом этого документа, то свяжитесь с Трайсу Тиф.Тел. 01604 837408

Haddii afka Ingriisigu aanu ahayn luuqad-daada kowaad oo aad u baahan-tahay in lagaa caawiyo turjumidda warqaddan fadlan kala xidhidh Tracy Tiff tilifoonka 01604 837408

如果英語不是你的主要說用語言而需要幫助將這份文件翻譯，請致電 01604 837408 向 Tracy Tiff 提出要求。

যদি ইংরেজী আপনার মাতৃভাষা না হয় এবং এই দলিলটি অনুবাদে আপনার সাহায্যের দরকার হয় তবে অনুগ্রহ করে ট্রেইসি টিফ-এর সাথে 01604 837408 এই টেলিফোন নম্বরে যোগাযোগ করুন।

LARGE PRINT AND TAPE

If you would like this document as large print or as a tape recording please call 01604 837408



NORTHAMPTON
BOROUGH COUNCIL

Council

Date: 28 September 2006

Item No:

Directorate: Finance, Governance and
Citizens

Mario Abela

**Report of the Constitutional Review
Working Group**

Title of the Report:

CONSTITUTIONAL CHANGES

Purpose of the Report

To seek Council's approval to various changes to the Constitution.

Recommendations

1. To agree the setting up of a Business management group (BMG).
2. Agrees the changes to the constitution outlined in this report.

Background

Council will be aware that a cross party Constitutional Review Working Group (CRWG) was tasked with reviewing the Council's Constitution, in order to make it modern and fit for purpose. The CRWG has met on four occasions. The first

meeting was on 8th March. The second meeting was on 1st June 2006 and was a full day meeting to discuss the priority areas for changes to the Constitution. The third meeting on 15th June refined the thinking on the matter further. The fourth meeting on 21 August 2006 considered the whole issue again, following a reference by Full Council. This report contains the CRWG's recommendations to Council

The meeting on 21 August 2006 was, in addition to the normal group membership, attended by Cllr Tony Woods (all leaders were invited) and two group coaches.

There was clear agreement on the way forward and this report represents the group's recommendations on the changes required to the way Council operates and the changes to the Constitution.

It was also agreed that a new constitution would be brought to the November Council meeting for adoption. The new constitution will contain all changes agreed in this report and others already agreed by Council.

Recommendations from CRWG

(i) Business Management Group

The CRWG very carefully considered the operation of Council meetings. It was agreed that processes needed to be in place to ensure that the business before Council was efficiently, effectively and proactively managed prior to the meeting itself. The CRWG discussed the establishment of a "Business Management Group" (BMG). This group would not formally be constituted as a committee. It would be an internal meeting, with cross party and Officer membership outlined below.

Membership:

Group Whips (or representatives)

Mayor

Chief Executive

Monitoring Officer

(ii) Business of the Business Management Group

The Business Management Group would comment or set the agenda for Council meetings; agree the order of motions; consider petitions and decide how these would be dealt with. For example petitions with extensive public interest could be referred to a sub-committee of Council and the Business Management Group could, if appropriate, refer a petition to another decision-making body, for example Cabinet.

The issue of the legality of motions was discussed and it was agreed that it was imperative for all motions to be lawful in terms of what the motion was asking Council to do. It was agreed that the Monitoring Officer would be required to consider the legality of a motion and the constitutional power to rule a motion as unlawful. Such motions would not be accepted on to the Council agenda.

Further, it was agreed that to facilitate a better understanding of the issue of legality of motions generally the Monitoring Officer would provide guidance to Councillors, through a Monitoring Officer briefing note on the legality of motions.

(iii) Council Meetings – Changes to the Constitution

The operation and conduct of Council meetings were considered by the CRWG.

It was agreed that there needed to be clear timeslots for various aspects of the Council meeting.

Timeslots would be agreed by the BMG for motions and amendments. The allotted time period would be flexible, depending on how many motions were to be considered by the Council meeting, the business to be considered by Council and the actual content of the motion.

Question Time

The CRWG have developed a major innovation in the way Council deals with questions from Councillors and members of the public. This innovation is supported by research which shows that many councils, including many highly rated councils have a “question time” slot.

It is proposed that a public question time slot will be provided for questions from members of the public and Councillors. The questions will be to the Leader, Portfolio Holders and Chairs (or if unavailable the deputy chairs) of the Council’s committees, for example, Overview & Scrutiny, Cabinet etc. The questions will have to be related to the work of the individual (in the case of the leader) and Portfolio Holders and the Committees concerned.

In relation to questions to Portfolio Holders, this slot will absorb the current question facility contained in procedure rule 5.

Given the quasi-judicial nature of decisions by the regulatory committees i.e. Planning and Licensing committees questions on the work of these committees will **not** be allowed.

Questions will have to be submitted, to Meeting Services, in writing, at least five clear days before the Council meeting. The questions will be responded to in the following order. Questions from Councillors will be considered first and in the order they are received and questions from members of the public will be considered next and in the order they are received.

The Mayor will have the discretion to rearrange the order of questions to ensure that there is a proper balance between Councillor and member of the public questions.

Individual Members of the public will be allowed to submit no more than two questions per meeting.

Written answers to all questions will be prepared in advance of the meeting and circulated to Councillors and others at the meeting as soon as they are available.

A maximum thirty-minute timeslot will be allotted for this question time.

In relation to public questions, protections will be drafted into the Constitution that will give the Monitoring Officer powers, which will be used in consultation with the Chief Executive and Group Leaders, to decide whether public questions should be excluded because they are either not relevant to the Council's functions, are vexatious, libellous or otherwise repetitious.

Questions will be read out and once responded to, only one supplementary question, based on the response will be allowed, at the discretion of the Mayor.

Once the timeslot for the question time has been reached the guillotine will automatically fall and questions not considered at the meeting will be responded to in writing.

Motions - Public Speakers

Members of the public will be given an opportunity to speak on motions and on any item of relevance on the agenda. However, a maximum of two will be allowed to speak on any motion. Further, no member of the public will be allowed to speak more than once at the same meeting unless there are exceptional circumstances that the Mayor deems relevant. The Mayor will have the discretion to allow particular speakers such as experts to speak on a motion if appropriate. Proposed speakers will need to give notification to meeting services by 12 noon, on the working day before the Council meeting of their intention to speak. The right to speak will be based on the order the requests are received by meeting services. Each speaker will be allowed a maximum speaking time of three minutes.

It is important to note that apart from speaking on motions and utilising the facility under question time, members of the public will not, as of right, have an opportunity to speak at Council meetings.

Motions- Amendments

It was agreed that any amendments to motions would be circulated at least half an hour before the Council meeting and that the amender of the motion would be responsible for their own copying and circulating of the amendments. It is proposed that the Mayor be given the clear discretion to disallow an amendment not complying with this rule.

Portfolio Holder Presentations

Portfolio Holders' presentations will, if appropriate, be made to each Council meeting, outlining areas and activities of interest to the relevant Portfolios. Thirty minutes maximum will be allotted for the presentations and questions. Three minutes maximum will be allowed for each portfolio, with the residue of the time being used for questions from Councillors. It is anticipated that Portfolio Holder presentations will be submitted prior to the meeting and will be in bullet point format. Portfolio presentations can be taken as "read", should the Portfolio Holder wish.

The CRWG were of the view that verbal presentations by Portfolio Holders should be the exception and not the rule. The group were clear that there needed to be a proper balance between the time allotted between oral presentations and questions. The group concluded that the Mayor should have the discretion to extend the time slot or cut down the oral presentation, so as to enable proper and effective questioning by Council.

Protocols

It was agreed by the CRWG that the following protocols, which have been agreed by Overview and Scrutiny committee, would form part of the Constitution:

- Call-in Protocol

- Co-Optees Guidance Booklet
- Inclusion of Non-Executive Councillors in the Scrutiny process
- Public Address at Overview and Scrutiny Committee
- Witness Protocol and Guidance Notes
- Work Programme Protocol

Councillors should already have seen or received copies of these documents and in order to save unnecessary duplication the documents have not been appended to this report. However, copies will be provided to any councillors who require them.

Particular Amendments to Standing Orders

The CRWG discussed Standing Order 3.4. This Standing Order automatically refers a matter to Cabinet. In practice, this Standing Order has required an almost automatic request for suspension of the Standing Order concerned. Therefore, the CRWG were of a view that this Standing Order had no useful purpose and should be deleted.

Standing Orders will be amended to require motions to be submitted properly structured and paragraphed. The point of the exercise is to ensure that the motion communicates each idea within it, clearly and effectively, so as to enable proper and effective debate on the various facets of the motion. It is proposed that an additional Standing Order item be inserted into the constitution.

Standing Order 3.6.8 is to be amended to require amendments to motions to be provided in writing and available to all members, at or prior to the Council meeting itself. However, minor amendments can be allowed at the discretion of the Mayor. Any amendments would need to be circulated at least half an hour before the Council meeting and the amender of the motion would be responsible for copying and circulating the amended notes.

The Right of Councillors to Speak at Cabinet Meeting

The CRWG also considered whether Councillors should speak, as of right, at Cabinet meetings. It was agreed that Councillors should be given the right to speak at Cabinet meetings, although they would not sit at the table. It was agreed that the Chair of Cabinet would have the discretion to control the number, length and engagement with the Cabinet at any such meeting.

There are many advantages and disadvantages allowing all Councillors to speak at Cabinet meetings. For example, where Cabinet type decisions are being made the legislation has set up a system whereby Cabinet would be clearly identified to and therefore accountable for decisions made by Cabinet. By allowing other Councillors to participate in the debate, there is a danger that the accountability lines may become blurred. The CRWG therefore agreed to trial this for six months following which a decision will need to be made as to whether this should be a permanent arrangement.

Length of Council Meeting

It was agreed by the CRWG that the guillotine would automatically fall at 10:30 pm unless Council agreed by vote, prior to the guillotine falling, to extend the Council meeting. This would mean that the Council meeting would automatically end at 10:30 pm. All business not transacted when the guillotine falls would then be decided by a vote (without discussion) on the following terms. The report would be accepted, rejected, referred, deferred or withdrawn.

Key Decisions

The term “key decision” has a specific technical definition in law. Key decisions are in essence the large, more important decisions made by the Cabinet. A number of implications flow from the categorisation of the decision as a key decision. A key decision needs to appear on the Council’s Forward Plan before it can be made (unless the emergency provision in the Constitution applies). The reason being that members of the public and other Councillors should have clear, prior warning of the larger more important decisions. There is a definition of key decision in the Local Authorities’

(Executive Arrangements) (Etc) (England) Regulations 2000. However, the definition is not extensive and it is permissible for the Council to define further what it means by key decisions in its Constitution. It would be of benefit to have a definition that is a bit more extensive and substantive than the statutory definition. It is therefore proposed that the following definition be adopted at Council's definition of key decision.

- *Any decision in relation to an Executive function which results 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. For these purposes the minimum financial threshold will be £50,000.*
- *Where decisions are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions.*
- *For the purposes of interpretation a decision which is ancillary or incidental to a Key decision which has been previously taken by or on behalf of the Council shall not of itself be further deemed to be significant for the purposes of the definition.*

Call-In Times

Members of the CRWG were concerned about the requirement for call-in hearings to be completed within seven working days, failing which a decision could be implemented. There are sound reasons why very tight timescales apply. A balance needs to be struck between the rights given to a Scrutiny Committee to scrutinise an Executive decision and the ability of the Executive to go about its business. An effective call-in, in effect, suspends the decision. Therefore, too long a call-in hearing period could slow down implementation of Executive decisions and thereby slow down the decision-making processes of the council.

It was agreed by the CRWG that amendments to the Constitution should be made to enable call-in hearings to take place between seven and twenty one days. Seven days would be the norm, but there would be a facility, in exceptional cases for this to be extended to twenty-one days at the Chief Executive and the Monitoring Officer's discretion.

It is proposed that Changes to the Constitution be allowed to enable this to happen.

Background Papers

Constitution File FJF

Various Government Circulars



NORTHAMPTON
BOROUGH COUNCIL

Council

Date: 28 September 2006

Item No:

Directorate: Finance, Governance and
Citizens

Mario Abela

Report of the Solicitor to the Council

Title of the Report:

Local Joint Committee

Purpose of the Report

To seek Council's approval to changes to the constitution.

Recommendations

- (1) Council agrees to disestablish the Local Joint Committee
- (2) Council agrees to the route for the adoption and consultation on human resources policy outlined in this report and consequently agrees to changes to the Constitution.
- (3) Council agrees to changes to the Officers Scheme of Delegations outlined in the report.

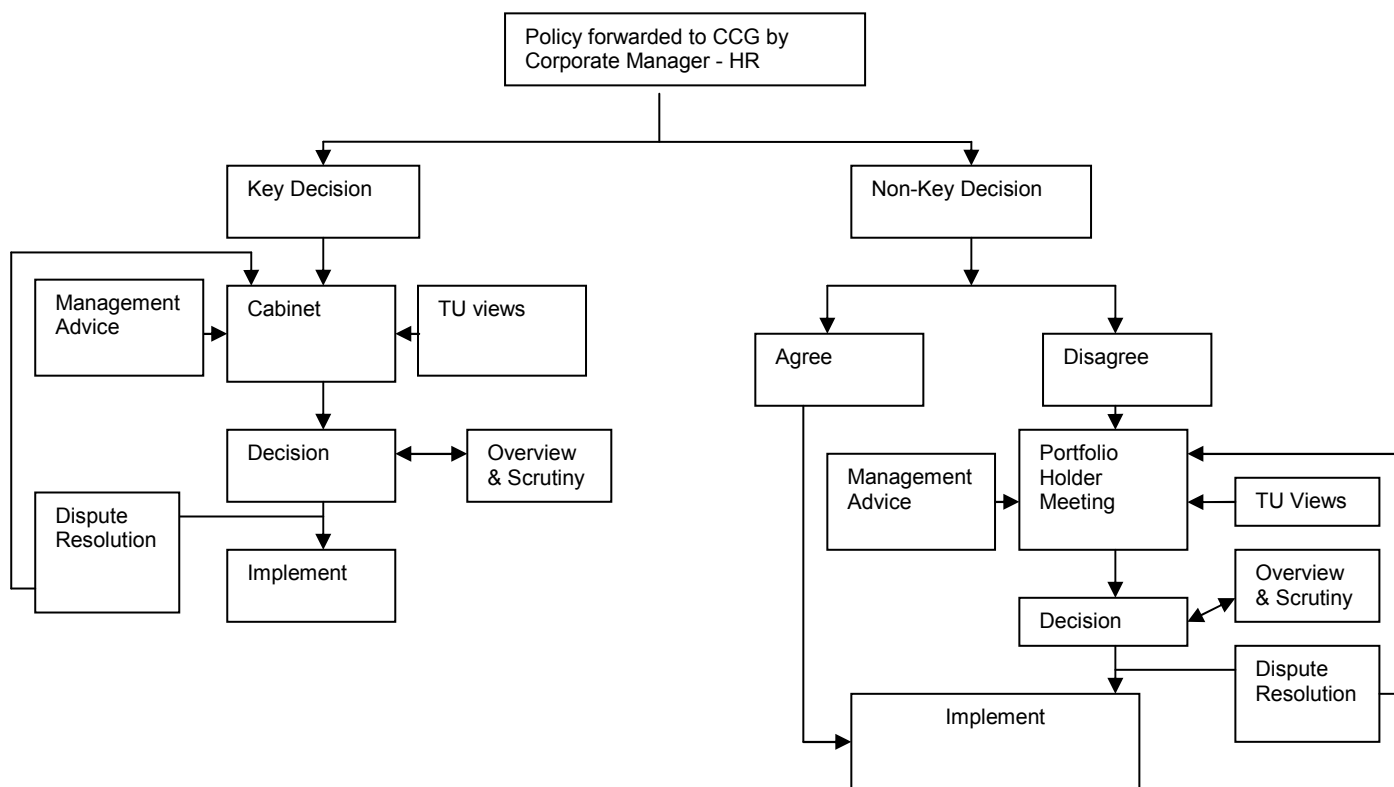
Background

Local Joint Committee

(1) Trade Unions and Management have recently revised the Corporate Consultative Group (CCG) which has become the forum for the exchange of information, views, communication and formal consultation and negotiation. Specifically discussion at the CCG will take place on major strategic plans and priorities, HR policies and their application, and structural changes. It acts as a link for other joint forums, e.g. Pay and Grading Review Project Team, HR Policy Review Group and local consultative bodies. The CCG meets monthly to a jointly agreed agenda.

(2) Local Joint Committee (LJC) meets quarterly and involves nominated Councillors in addition to the Trade Union and Management sides. It is a further consultative body but does not have formal decision-making powers. Agendas usually derive directly from CCG and often duplicate the same items.

(3) In order to rationalise and increase the efficiency and effectiveness of decision-making in this area it is proposed that the LJC be disestablished and the route for the adoption and consultation on human resource policy follows the route outlined diagrammatically below.



(4) By way of explanation, it is proposed that Human Resources policy ratification for the employee handbook be referred to Cabinet (for Key decisions) and to the Portfolio Holder under delegated powers for non-key decisions. In accordance with good industrial relations practice there will be the facility for Trade Union and management views to be fed into the decision-making process with a dispute resolution procedure, which could include mediation through ACAS, or any such similar body. Where the dispute resolution procedure changes the Cabinet or Portfolio Holder decision, there will be a need for the decision-making to be taken back through the cycle and to Cabinet and Portfolio Holder for decision.

(5) Certain employment type decisions cannot be made by Cabinet or the Portfolio Holder, because they are excluded from so doing by the Local Auths (Functions & Responsibilities)(England) Order 2000. For example the determination of terms and conditions on which employees hold office. Where such decisions are required then it is proposed that the Officers Scheme of Delegations be amended to allow these decisions to be made by a Corporate Director or the Head of Paid Service.

(6) This report seeks Council's authority to amend the Constitution to implement the changes outlined in this report.

Background Papers

FJF-File and Local Joint Committee



NORTHAMPTON
BOROUGH COUNCIL

Council

28 September 2006

Item No. 10

Report of Francis Fernandes
Solicitor to the Council

Directorate: **Finance Governance &
Citizens**

Author/Contact Officer:
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Nominations to Outside Bodies

Northampton Theatres Trust

Recommendations

1. To appoint one Councillor from each of the 3 political groups as the Council's representatives on the Northampton Theatres Trust in place of the present five representatives.

Background

At the annual Council meeting on 25 May 2006 the Council made nominations to a number of outside bodies. This included five representatives on the Northampton Theatres Trust (namely Councillors Beardsworth, Boss, Flavell, Hadland and Marriott) which followed the number of representatives there had been previously.

It is considered that three Councillors on the Trust, one from each policy, would give a more appropriate level of representation for the Council on the Trust; and would avoid the difficulties of political balance involved in dividing five places between three parties.

Background Papers

Report to Council 25 May 2006.