

NORTHAMPTON BOROUGH COUNCIL



COUNCIL

Monday, 27 November 2006

YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON MONDAY, THE TWENTY SEVENTH DAY OF NOVEMBER, 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 28th September 2006.

2. APOLOGIES.

3. MAYOR'S ANNOUNCEMENTS.

4. DEPUTATIONS/PUBLIC ADDRESSES/QUESTIONS.

5. APPOINTMENT OF INTERIM SECTION 151 OFFICER (COPY HEREWITH)

6. THE CONSTITUTION - REPORT OF SOLICITOR TO THE COUNCIL (COPY TO FOLLOW)

7. GAMBLING ACT 2005 - LICENSING POLICY STATEMENT (COPY HEREWITH)

8. IMPROVEMENT- UPDATE

It is anticipated that the political business of the Council as set out below will commence at 8pm.

9. PROGRESS ON RECENT NOTICES OF MOTION (COPY TO FOLLOW)

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

11. NOTICES OF MOTION

(A) The following motion to be moved by Councillor J.Lill and seconded by Councillor Wire:-

“This Council requests Cabinet to consider that the Mayorhold Car Park be kept open until 1.00am each night with immediate effect in order to meet the needs of the public visiting and utilising town centre night time facilities.”

(B)The following motion to be moved by Councillor Barron and seconded by Councillor Marriott.-

This Council welcomes the recent Government white paper as a chance to debate the future structure of Local Government and how it can better serve local communities. We note that there is an opportunity to apply for unitary status and that the towns/cities which are smaller than Northampton in population are considering doing so.

This Council believes success of local democracy partly depends on elected Councillors and the decision making process being brought as close as possible to citizens in their community. We believe taking decision making away from people is incompatible with improving Northampton.

Therefore this Council will oppose any move by Northamptonshire County Council to consolidate decision making with a single Northamptonshire wide unitary authority.

In the light of that, and given the size of Northampton, this council agrees to consult the citizens of Northampton with a view to submitting a proposal to Government to introduce a new Northampton Unitary Authority to provide services to the people of Northampton.

(C) The following motion to be moved by Councillor Church and seconded by Councillor Simpson

This Council notes that:

1. The new Northamptonshire Primary Care Trust has a deficit of £37 million, which the government expects to be cleared this financial year, forcing cuts in mental health and learning disability services, the temporary closure of wards and the loss of access of treatment for infertility, allergies and other specialist care.
2. The Conservative run County Council is making cuts to care services for the elderly and disabled people that compound the effect of the NHS cuts.

This Council requests the Chief Executive to write to Patricia Hewitt, the Secretary of State for Health, and our local MP's calling on her to;

1. End excessive interference in the NHS from Whitehall, exemplified by the ten reorganisations of the NHS since Labour came to power.
2. End the demand for Northampton health services to repay their deficits for 2005-6.
3. Ensure that adequate funding is available for healthcare in Northamptonshire without cuts

in services to patients.

4.Ensure that adequate facilities are planned for the future increase in Northampton's population.

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

The Guildhall
Northampton
16th November 2006

M.McLean Chief Executive



NORTHAMPTON
BOROUGH COUNCIL

Ward/s

Name of Group:	Council
Meeting Date:	27 November
Directorate:	People, Planning & Regeneration
Corporate Manager:	Howard Crabtree
Cabinet Meeting Date	
Agenda Status:	

Report Title	Appointment of Temporary Section 151 Officer
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1. Recommendations

1.	That Council affirms the appointment of Bill Lewis in a temporary capacity as the Council's Section 151 Officer until such time as a permanent appointment is made. The appointment to be effective from the Council meeting.
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2. Summary

To put in place arrangements for the role of Section 151 Officer as legally required by the Local Government Act 1972.
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3. Report Background

The Section 151 Officer – This section (Section 151) of the Local Government Act 1972 requires Councils to “make arrangements for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs”
Council approved in May 2006 the appointment of Alison Betts as Section 151 Officer following her appointment as Corporate Manager, Finance. Alison Betts left the Council on 5 November 2006, thereby creating a vacancy in this role.

Bill Lewis is currently the most senior/experienced employee in relation to the role required and has the necessary qualifications required by section 113 of the Local Government Finance Act 1988 i.e. he is a member of a relevant accountancy body and can act with appropriate authority. Interim staff are generally not “employees” in the legal sense and therefore cannot be appointed to this role.

4. Options and Evaluation of Options

- Not Appoint – this is not an option because the law requires Councils to make a relevant appointment
- Appoint somebody else- Bill Lewis is the most senior and experienced Officer for what is a very important role for the Council. Consequently the appointment of another officer is not recommended.
- Appoint Bill Lewis- Recommended for the reasons outlined in the report.

5. Resource Implications (including Financial Implications)

Remuneration, in accordance with past practice a salary honorarium of £10k pa is associated with undertaking this role on a temporary basis.

6. Risk and Opportunity Issues

The Authority will be open to significant legal challenge if this post is unfilled.

7. Consultees (Internal and External)

Internal	Legal Services
External	

8. Compliance Issues

A: How Proposals Deliver Priority Outcomes

Recovery Plan
Failure to maintain an appointment would lead the Authority to be in breach of the Local Government Act 1972.
Corporate Plan
Corporate Plan would assume a Section 151 Officer is in place

B: Other Implications

Other Strategies
NO

Finance Comments
NO

Legal Comments
Have reviewed and agreed the report.

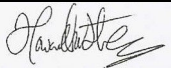
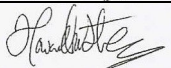

Crime and Disorder Issues
NO

Equality Impact Assessments
NO

9. Background Papers

Title	Description	Source

[Report Author, title and extension]

Name	Signature	Date	Ext.
Author		10/11/06	7377
Corporate Manager		10/11/06	7377
Director		10.11.06	7287
Monitoring Officer or Deputy (Key decision only)			
Section 151 Officer or Deputy (Key decision only)			

Agenda Item 6

Appendices

1 and 2



NORTHAMPTON
BOROUGH COUNCIL

Item No.

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Ward All

Name of Meeting:	COUNCIL
Meeting Date:	27 November 2006
Directorate:	Governance Resources and Improvement
Corporate Manager:	Director John Whiteoak
Agenda Status:	

Report Title	Adoption of Council Constitution
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Purpose of the Report

To seek adoption of the Council's new Constitution.

Recommendations

1. To adopt the Constitution set out in Appendix 2 to this Report, for immediate implementation.
2. To authorise the Solicitor to the Council to make any typographical amendments to the Constitution as approved and to issue copies to all Councillors and relevant members of staff.
3. To note that the planning protocol (Part 5) and the Members Allowance Scheme (Part 6) will be subject to revision at a later date once the Standards Committee has considered the former and the Remuneration Panel has considered the latter parts of the Constitution.

Background

At its meeting on 28 September 2006, Council considered a report by the Constitutional Review Working Group which recommended a number of amendments to the Council's current Constitution. A copy of the Constitutional

Review Working Group's paper is, for ease of reference, attached as Appendix 1 to this report.

The various changes agreed by Council have now been incorporated in the Constitution presented for adoption. This is attached as Appendix 2 to this report.

Key points to note are as follows

Part 3

Council delegated authority to the Leader of the Council to prepare a Scheme of Delegations. This Scheme has now been incorporated into this part of the Constitution, with its related protocol incorporated in the Protocol section of the Constitution (Part 5).

Part 4

Changes have been made to the rules of procedure to enable the introduction of the various changes put forward by the Constitutional Review Working Group, as agreed by Council at its September meeting. Briefly the changes introduce a new public and Councillor Question Time and various changes to motions. Changes to allow portfolio holder presentations and questions have also been introduced together with a Guillotine to enable the Council meeting to end at 10.30 pm. Certain restrictions have been introduced in relation to members of the public's ability to address full Council on motions.

The contract procedure rules have been amended to reflect best practice and to add clarity to the procurement process to enable Council's interests to be protected.

Part 5

The Constitution now contains various new protocols. These include protocols introduced by Overview and Scrutiny Committee and the Leader to accompany the Leader's Scheme of Delegations, previously approved by Council.

Overview and Scrutiny Committee has suggested changes to the Constitution to enable members of Parliament to address the Planning Committee on relevant items without having to compete with members of the public for a slot. The planning protocol in this part of the Constitution has been slightly amended to enable the above.

There is a need for the whole planning protocol to be revisited to reflect best practice and to reflect various legislative changes since the Constitution was initially drafted. The Standards Committee is, as part of its work plan, scheduled to consider and advise on the planning protocol and as soon as this has happened a new planning protocol will be brought to Council for adoption.

Part 6

This part, which contains the members allowance scheme has not been amended because the Remuneration Panel is still scheduled to consider aspects of the scheme . It is anticipated that this will be concluded very shortly and a revised Part 6 will be brought to Council for adoption.

Part 8

Various organisational changes have resulted in new structures and hence new officer titles. Changes to the delegations have been made to reflect the changes and to rationalise the Officer's Scheme of Delegations.

Background Papers

Constitutional file FJF, various government circulars

**DRAFT REVISIONS TO
NBC CONSTITUTION
NOVEMBER 2006**

Part 1

Summary and Explanation

THE CONSTITUTION OF THE COUNCIL

Northampton Borough Council operates in accordance with a new Constitution which sets out how the Council functions, 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 decide.

The Constitution is divided into 17 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate Rules and Protocols annexed to this Constitution.

CONTENTS OF THE CONSTITUTION

Article 1 of the Constitution commits the Council to use its best endeavours to provide economic efficient and effective local governance to its citizens in the best interests of Northampton as a whole. Articles 2-17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8).
- Audit Committee (Article 9)
- The Standards Committee (Article 10).
- Area Partnerships, Forums and Consultative committees (Article 11).
- Joint Arrangements (Article 12).
- Officers (Article 13).
- Decision making (Article 14).
- Finance, Contracts and Legal matters (Article 15).
- Review and revision of the Constitution (Article 16).
- Interpretation, Publication and Suspension of the Constitution (Article 17).

HOW THE COUNCIL OPERATES

The Council is composed of 47 Councillors (otherwise called Member) elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the Budget each year.

The Council is responsible for appointing the Leader, and other members of the Cabinet, and the committees of the Council, and for setting its Budget and Policy framework on the recommendation of the Cabinet. It provides opportunities for public participation within its Guidelines for Open Government and for debate on such issues as are from time to time relevant to the best interests of the Council Tax and Business Rate payers. Article 4 of the Constitution expands upon and clarifies the detailed functions of the Council.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet comprises the Leader, who is elected by the Council, and 5 other Councillors also appointed by the Council. When major decisions (Key Decisions) are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet this will generally be open for the public to attend except where personal or confidential matters are to be discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and Budget. If it wishes to make a decision which is outside the Budget and/or Policy framework, this must be referred to the Council as a whole to decide.

Individual members of the Cabinet (Portfolio Holders) have the power to make a decision. The type of decisions they can make are outlined in Part 3 of the Constitution.

OVERVIEW AND SCRUTINY

There is an Overview and Scrutiny Committee which supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, Budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. It can "call-in" certain decisions which have been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. The Overview and Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

AREA PARTNERSHIPS & FORUMS

In order to give local citizens a greater say in Council affairs, a number of Area Partnerships and Forums exist. These are listed in Article 11 which also indicates their objectives.

They involve representative Councillors, are held in public, and the Constitutions of the Forums vary with the intent of providing a broad spectrum of democratic opinion within the ambit of their terms of reference.

THE COUNCIL'S EMPLOYEES

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Code of Practice governs the relationship between officers and members of the Council.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- ❑ vote at local elections if they are registered;
- ❑ contact their local Councillor about any matters of concern to them;
- ❑ obtain a copy of the Constitution;
- ❑ attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- ❑ petition to request a referendum on a mayoral form of executive;
- ❑ participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee to the extent referred to in the Council's Guidelines for Open Government which are annexed to this Constitution;
- ❑ Find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- ❑ attend meetings of the Cabinet where Key Decisions are being discussed or decided;

- Subject to the rules as to Confidential and Exempt Information see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its functions or its operation in accordance with its Complaints Procedure annexed to the Access to Information Procedure Rules comprised within Part 4 of this Constitution;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. They should however only do this after using the Council's own Complaints Procedure;
- complain to the Standards Board for England if they have evidence which they think demonstrates that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work and this Constitution includes the rights of citizens to inspect agendas and reports and to attend meetings.

Part 2

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its appendices comprises the Constitution of the Northampton Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with its citizens, businesses and other organisations to provide a framework within which to pursue the effective best interests and local governance of the citizens of Northampton;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of local authority services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest and most relevant to the purpose stated above.

The Council will monitor and evaluate the operation of the Constitution as provided by Article 16.

Article 2 - Members of the Council

2.1 Composition and eligibility

2.1.1 **Composition.** The Council will comprise 47 Councillors, (otherwise called Members). One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2.1.2 **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

2.2.1 **Election and terms.** The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

2.3.1 **Key roles.** All Councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within their ward or electoral division and represent their ward or electoral division as a whole;
- be involved in decision-making;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

2.3.2 Rights and duties

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law, but a Councillor shall not issue any order respecting any works to be carried out by the Council or claim by virtue of their membership of the Council unless specifically authorised to do

so by the Council, the Cabinet or a committee or having specifically delegated power in that regard, any other right to inspect or enter upon any such land and/or buildings.

- Councillors will not make public information which is Confidential or Exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- For these purposes, "Confidential" and "Exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 **Conduct**

Councillors will at all times observe the Members' Codes of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and The Council

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate in the democratic process are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

3.1.1 **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.

3.1.2 **Information.** Citizens have the right to:

- attend meetings of the Council and its committees in accordance with the Council's Guidelines for Open Government except where Confidential or Exempt information is likely to be disclosed, and the meeting is therefore held in private;
- attend meetings of the Cabinet in accordance with the Cabinet Procedure Rules and the Council's Guidelines for Open Government when Key Decisions are being considered;
- find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
- see reports and background papers, (except where Confidential or Exempt Information is involved,) and any records of decisions made by the Council and the Cabinet ;
- inspect the Council's accounts and make their views known to the external auditor; and
- address the Council and its committees in accordance with the Council's Guidelines for Open Government.

3.1.3 **Participation.** Citizens have the rights referred to in the Council's Guidelines for Open Government to participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee:-

3.1.4 **Complaints.** Citizens have the right to complain to:

- the Council itself under its Complaints Scheme;
- the Ombudsman after using the Council's own Complaints Scheme;

- the Standards Board for England about a breach of the Councillors' Code of Conduct.

3.1.5 **Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

Article 4 - The Full Council

4.1 Meanings

4.1.1 **Policy Framework.** The Policy Framework means the following plans and strategies:-

- Best Value Performance Plan;
- Community Care Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- The Council's Corporate Plan (if any);
- The plan and strategy which comprise the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Any Quality Projects Management Action Plan;
- The Council's Improvement Plan.

4.1.2 **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.1.3 **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Council

Only the Council will exercise the following functions:

4.2.1 adopting and changing the Constitution;

- 4.2.2 approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- 4.2.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- 4.2.4 appointing the Leader and members of the Cabinet;
- 4.2.5 agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them, (including the appointment of a consultative Local Joint committee with such membership as may be from time to time agreed by the Council -see Article 11);
- 4.2.6 appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- 4.2.7 adopting an Allowances Scheme under Part 6 of this Constitution;
- 4.2.8 changing the name of the area and status, conferring the title of honorary alderman or freedom of the Borough;
- 4.2.9 confirming the appointment of the Head of Paid Service, Directors and certain other officers;
- 4.2.10 making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- 4.2.11 making Council Procedure Rules and Contract Procedure Rules;
- 4.2.12 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken directly by the Council itself rather than the Cabinet; and
- 4.2.13 all other matters, which, by law, must be reserved to the Council.

4.3 **Council meetings**

There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the Tables in Part 3 of this Constitution setting out the responsibilities for the functions of the Council which are not the responsibility of the Cabinet.

Article 5 - Chairing The Council

- 5.1 The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

The Mayor as chairman of the Council will be elected by the Council annually. The Mayor will have the following responsibilities:

- 5.1.1 to uphold and promote the purposes of this Constitution, and to interpret this Constitution when necessary;
- 5.1.2 to 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;
- 5.1.3 to 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 who are not on the Cabinet or hold committee Chairs are able to hold the Cabinet and committee Chairs to account;
- 5.1.4 to promote public involvement in the Council's activities;
- 5.1.5 to be the conscience of the Council; and
- 5.1.6 to attend such civic and ceremonial functions as the Council may determine appropriate.

Article 6–The Overview and Scrutiny Committee

6.1 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee which will have the powers and perform the functions (and only those functions) that are conferred by Section 21 of the Local Government Act 2000.

6.2 General role

The Overview and Scrutiny Committee will:

- 6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.2.2 make reports and/or recommendations to the full Council and/or the Cabinet as the case may be in connection with the discharge of any functions;
- 6.2.3 consider any matter affecting the area or its inhabitants; and
- 6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

6.3 Specific functions

6.3.1 **Policy development and review.** The Overview and Scrutiny Committee may:

- assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet, Committees and Directors about their views on issues and proposals affecting their functions; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.3.2 **Scrutiny.** The Overview and Scrutiny Committee may:

- review and scrutinise the decisions made by and performance of the Cabinet, committees and Council officers save that where the Overview and Scrutiny Committee is reviewing the decisions of another committee of the Council it will not scrutinize individual decisions particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider policy review, and shall not act as an appeal forum in respect of such individual decisions;
- review and scrutinise the performance of the Council in relation to its Policy objectives, performance targets and/or particular service areas;
- question members of the Cabinet and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Cabinet and/or appropriate committees and/or Council arising from the outcome of the overview and scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

6.3.3 **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

6.3.4 **Annual report.** Overview and Scrutiny Committee may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.3.5 **Officers.** The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support their work.

6.4 **Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 - The Cabinet

7.1 Role

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. They are the Council's executive for the purposes of the Local Government Act 2000.

7.2 Form and composition

The Cabinet will consist of the Leader together with 5 other Councillors appointed to the Cabinet by the Council.

7.3 Leader

The Leader will be a Councillor elected annually to the position of Leader by the Council. The Leader will hold office until:

7.3.1 he/she resigns from office; or

7.3.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

7.3.3 he/she is no longer a Councillor; or

7.3.4 the following annual Council meeting; or

7.3.5 he/she is removed from office by resolution of the Council.

7.4 Other Cabinet members

Other Cabinet members shall hold office until:

7.4.1 they resign from office; or

7.4.2 they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

7.4.3 they are no longer Councillors; or

7.4.4 the following annual Council meeting; or

7.4.5 they are removed from office by resolution of the Council.

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.6 Responsibility for functions

A list will be maintained in Parts 3 and 8 respectively of this Constitution setting out which individual members of the Cabinet, committees of the Executive (if any), officers or Joint Arrangements are responsible for the exercise of particular executive functions.

Article 8 - Regulatory and other Committees

8.1 Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the Table "Responsibility for Council Functions" in Part 3 of this Constitution to discharge the functions described in column 3 of that Table.

Article 9 – The Audit Committee

9. The Council will establish an Audit Committee:

9.1 Membership: The Audit Committee will be composed of:

6 Councillors, 2 from each political group excluding members of the Cabinet.

The Committee shall have delegated powers to appoint co-opted members, without voting rights but with expertise in relevant areas.

9.2 Role and terms of reference

- 9.2.1 generally consider all relevant processes for risk, control and governance.
- 9.2.2 approve (but not direct) internal audit's strategy, plan and performance.
- 9.2.3 review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- 9.2.4 consider the reports of external audit and inspection agencies.
- 9.2.5 consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements and seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- 9.2.6 be satisfied that the Council's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- 9.2.7 ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- 9.2.8 review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- 9.2.9 monitor the implementation of Key recommendations and actions arising from the Councils Recovery Plan and/or improvement agenda.
- 9.2.10 consider key performance management reports and monitor the effectiveness of performance against the Best Value Performance Plan and key targets in the Councils recovery plan.

9.2.11 promote relevant value for money studies following particular themes or service areas as appropriate.

9.3 Rules of Procedure

(a) The Council Procedure Rules contained in part 4 of this Constitution shall apply insofar as they do not conflict with the rules herein.

Article 10 – The Standards Committee

10.1 Standards committee

The Council Meeting will establish a Standards Committee.

10.2 Composition

10.2.1 **Membership.** The Standards committee will be composed of at least:

- 5 Councillors other than the Leader;
- 3 persons who are not Councillors or officers of the Council or any other body having a Standards committee (independent members);
- 2 members of a Parish Council wholly or mainly in the Council's area (a Parish Member).

10.3 Role and Function

The Standards Committee will have the following roles and functions:-

- promoting and maintaining high standards of conduct by Councillors and co-opted members;
- assisting Councillors and co-opted members to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- the exercise of the foregoing roles and functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils; and

- considering and monitoring compliance with the Members Code of Conduct and the Contract in Part 5 of this Constitution and taking any action within the Committee's powers in relation to any breaches thereof

Article 11 - Area Partnerships, Forums and Consultative Committees

11.1 Area Partnerships and Forums

The Council may appoint Area Partnerships as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

It may also appoint from time to time Forums and Consultative committees to promote and sustain effective communication between the Council and the groups and individuals represented thereby.

The Council will consult with relevant Parish Councils when considering whether and how to establish Area Partnerships.

11.2 Form, composition and function of Area Partnerships.

11.2.1 **Table of Area Partnerships.** The Council will appoint the Area Partnerships as set out in the first column of the Table below, composed as set out in the second column of that Table and with the terms of reference set out in the third column.

Scope of Committee	Composition	Terms of Reference
1. Abington, Castle & St Crispin	Ex officio the elected ward Councillors for the respective wards plus such other interested parties as they may consider appropriate from time to time to co-opt, such as the electoral division County Councillor or Parish Council representatives. Non local Authority co-optees shall be non-voting members.	To reflect their consultative role the partnerships have a deliberative and advisory capacity on such functions of the Council (whether the responsibility of the Cabinet or Council committees) as affect and are directly relevant to their area. They may from time to time submit reports on matters within their area of operation to the Cabinet, Overview and Scrutiny Committee or the Council and may incur such expenditure within their area as may be from time to time allocated within the Council's Budget for these purposes, subject to the prior ratification of any such decision by the Cabinet or the committee to which the relevant function relates.
2. Billing, Ecton Brook, Lumbertubs and Thorplands		
3. Boughton Green, Kingsthorpe & St Davids		
4. Delapre, St James & Spencer		
5. Eastfield, Headlands and Weston Favell		
6. East Hunsbury, Nene Valley & West Hunsbury		
7. Kingsley & Parklands		
8. New Duston and Old Duston		

11.2.2 **Delegations.** Area Partnerships will have an advisory role in respect of the functions both of the Cabinet and Council committees, and expenditure on their individual Budgets referred to in 11.2.1 will be by way of recommendation to the Cabinet or committee to which any relevant function relates, consequently direct delegation is not involved.

11.3 **Conflicts of interest - membership of Area Partnerships and the Overview and Scrutiny Committee**

11.3.1 **Conflict of interest.** If the Overview and Scrutiny Committee is scrutinising specific recommendations or proposals in relation to the business of the Area Partnership of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.

11.3.2 **General policy reviews.** Where the Overview and Scrutiny Committee is reviewing policy generally the Councillor must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

11.4 **Area Partnerships - Access to Information**

Area Partnerships will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notes for Area Partnership meetings which deal with both functions which fall under the responsibility of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.

11.5 **Cabinet members on Area Partnerships**

A member of the Cabinet may serve on an Area Partnership if otherwise eligible to do so as a Councillor.

11.6 **Forums**

The Council has appointed the Forums hereinafter listed, having the general objectives itemized against such Forum:-

Pensioners Forum

Objectives

1. To promote and sustain effective communication between the Council and pensioners in the Borough, including pensioners organisations and groups.
2. To monitor the effectiveness of the Borough Council's policy and practice in discharging its duties to pensioners under its own Equal Opportunities standard.
3. To facilitate equality of access by pensioners to the services, benefits and any other opportunities provided by the Council by:
 - 3.1 providing information in appropriate, accessible formats about those services and how to obtain them.
 - 3.2 identifying and removing barriers which make services and facilities difficult for pensioners to find out about and use.
 - 3.3 promoting dialogue between pensioners, individually or collectively and the Council, its members and senior officers of the Council about issues of concern to both the Council and pensioners.
 - 3.4 identifying the specific requirements of pensioners.
4. To provide a Forum in which:
 - 4.1 pensioners can express their needs for, and their views on, services provided by the Council;
 - 4.2 the Council can consult pensioners and pensioner groups on policy and service delivery issues affecting pensioners in the Borough;
 - 4.3 the specific requirements of pensioners can be identified; and
 - 4.4 the various pensioner groups and organisations can exchange information about their own activities and plans.
5. To promote dialogue between Council officers and pensioners in the Borough.

Youth Forum

Objectives

To empower the young people of the Borough by giving them a voice and by taking an active part on their behalf in the running of their own community.

1. To identify issues of importance to the young people of the Borough, and to research and discuss those issues and decide where appropriate on outcomes which they wish to achieve and/or courses of action to achieve those outcomes.
2. Such action shall routinely include discussions with decision-makers including officers of both the Borough and County Councils and representatives of other public and private organisations whose operations affect their lives; and by this means:
 - 2.1 affecting operational decisions of the above organisations; and
 - 2.2 affecting their policy-making.
3. The Forum may also take any other legal action in order to promote Forum policies.
4. The Forum may also organise events such as training events, conferences, festivals etc.
5. The Forum shall regularly report back to the electorate on its work, and may collect, share and disseminate information on youth and other affairs both locally and further afield.
6. The Forum will take account of Equal Opportunities issues and combat inequalities of opportunity as these affect young people.
7. The Forum may receive, raise and spend any money granted to them, raised by them in accordance with the above aims and objectives and/or the terms upon which such monies are granted.

Race Equality Forum

Objectives

1. To promote and sustain effective communication between the Council and the ethnic minority communities in the Borough.
2. To equalise access by the ethnic minority communities to the services and benefits provided by the Council by:
 - 2.1 providing information about those services and how to access them;
 - 2.2 identifying barriers to access to services which adversely affect ethnic minority groups or individuals; and
 - 2.3 promoting dialogue between the Council, its members and senior officers of the Council and representatives of the ethnic minority communities.
3. To provide a forum in which:
 - 3.1 the ethnic minority communities can express their needs for, and their views on, services provided by the Council;
 - 3.2 the Council can consult representatives of the ethnic minority communities on policy and service delivery issues affecting the ethnic minority communities; and
 - 3.3 the various groups and agencies can exchange information about their own activities and plans.

Disabled People's Forum

Objectives

1. To promote and sustain effective communication between the Council and disabled people living or working in the Borough.
2. To monitor the effectiveness of the Council's policy and practice in discharging its duties under the Disability Discrimination Act 1995 and its own Equal Opportunities standard.
3. To facilitate equality of access by disabled people to the services, benefits, and employment related opportunities provided by the Council by:
 - 3.1 providing information in appropriately accessible formats about those services and how to access them;
 - 3.2 identifying and removing barriers which make services and facilities difficult for disabled people to find out about or to use; and
 - 3.3 promoting dialogue between disabled people, individually or collectively, the Council, its members and senior officers of the Council about issues of concern to both parties; and
 - 3.4 identifying the specific requirements of disabled people.
4. To provide a Forum in which:
 - 4.1 disabled people can express their needs for, and their views on, services provided by the Council; and
 - 4.2 the Council can consult disabled people on policy and service delivery issues affecting disabled people in the Borough; and
 - 4.3 the specific requirements of disabled people can be identified.
5. To promote dialogue between officers of the Council and disabled people in the Borough.

Lesbian, Gay and Bisexual People's Forum

Objectives

1. To promote and sustain effective communication between the Council, lesbian, gay and bisexual people, and supportive organisations.
2. To monitor the effectiveness of the Council's policy and practice in discharging its duties to lesbian, gay and bisexual people under its own Equal Opportunities standard.
3. To equalise access by lesbian, gay and bisexual people to the services and benefits provided by the Council by:
 - 3.1 providing information about those services and how to access them;
 - 3.2 identifying and removing barriers to ensure access to services which directly affect lesbian, gay and bisexual people;
 - 3.3 promoting dialogue about issues of concern between the Council, its members and senior officers and representatives of lesbian, gay and bisexual people; and
 - 3.4 identifying the specific requirements of lesbian, gay and bisexual people.
4. To provide a Forum in which:
 - 4.1 lesbian, gay and bisexual people can express their needs for, and their views on, services provided by the Council;
 - 4.2 the Borough Council can consult Lesbian, Gay and Bisexual people and supportive organisations on policy and service delivery issues affecting Lesbian, gay and bisexual people in the Borough; and
 - 4.3 the specific requirements of lesbian, gay and bisexual people can be identified.
5. To provide a Forum in which to discuss issues relevant to lesbian, gay and bisexual people within the Borough, but outside of the direct remit of the Council, and enable the Forum to comment on such issues.

Womens Forum

No formal terms of reference or constitution - but the general objectives are to provide a Forum for the exchange and dissemination of views on womens issues relevant to the Borough.

Consultative Committees

10.7 Consultative Committees

The Council shall establish a Local Joint Committee with the following functions:

- 10.7.1 to establish regular methods of consultation between the Council and its employees in order to prevent differences and to adjust them should they arise; always provided that no question of individual discipline, promotion, or efficiency shall be within the scope of the Local Joint Committee;
- 10.7.2 to consider any relevant matter referred to it on behalf of the Council, or by any of the Trade Unions provided that, where the matter falls within the remit of a particular consultative committee, it has previously been considered by that Consultative Committee;
- 10.7.3 to make recommendations to the Council as to the application of the terms and conditions of service and the education and training of employees of the Council;
- 10.7.4 to discharge such other functions specifically assigned to the Local Joint Committee; and
- 10.7.5 the Local Joint Committee may refer any question coming before it for consideration by and the advice of the appropriate Regional Organisation, with such officers, servicing arrangements, representation and rules of procedure as may from time to time be agreed on behalf of the parties, recommending, reporting to and informing the Council through the relevant channels on the foregoing functions.

Article 12 - Joint Arrangements

12.1 Arrangements to promote well-being

The Council or the Cabinet in order to promote the economic, social or environmental well-being of its area, may:

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

12.2 Joint Arrangements

- 12.2.1 The Council may, if it so elects, establish joint arrangements with one or more other local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 12.2.2 The Cabinet may, if it so elects, establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 12.2.3 Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole.
- 12.2.4 The Cabinet may appoint members to a joint committee from outside the Cabinet in the circumstances where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such a case the political balance requirements do not apply to such appointments.
- 12.2.5 Details of any such joint arrangements if applicable, including any delegations to joint committees, will be found in Part 3 of this Constitution.

12.3 Access to Information

- 12.3.1 The Access to Information Rules in Part 4 of this Constitution apply.
- 12.3.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 12.3.3 If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

12.4 Delegation to and from other local authorities

- 13.4.1 The Council may delegate non-executive functions to another local authority or , in certain circumstances, the executive of another local authority.
- 13.4.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- 13.4.3 The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

12.5 Contracting out

The Council for functions which are not executive functions and the Cabinet for executive functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 13 - Officers

13.1 Management Structure

13.1.1 **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.1.2 **Directors/Chief Officers.** The Council will engage persons for the following posts, who with the exception of the Chief Executive will be designated Corporate Directors:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).
Corporate Director – Governance Resources and Improvement	Finance and Asset Management, Governance, Resources and Communications, Performance, IT and Improvement.
Corporate Director – Customer and Service Delivery	Customer Services Housing Services, Community Safety, Leisure and Town Centre Operations, Streetscene and Property Maintenance
Corporate Director – People, Planning and Regeneration	Human Resources; Regeneration Grants and Community Development. Development – Building Control and Environmental Health

13.1.3 **Management Team.** The foregoing shall constitute the Council's Management Team, who are charged with collective responsibility for oversight, supervision and forward planning of the management of the Council and advice to its Councillors.

13.1.4 **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown.

Post	Designation
Chief Executive	Head of Paid Service
Solicitor to the Council	Monitoring Officer
Corporate Manager (Finance and Asset Management)	Chief Finance Officer

Such posts will have the functions described in Article 13.2 - 13.4 below.

- 13.1.4 **Structure.** The Head of Paid Service will determine and publicise a description of the departmental structure of the Council indicating the framework of the management structure and deployment of officers. This is set out at Part 7 of this Constitution, and may be changed from time to time, whether as to structures or names and deployment, without the requirement for any formal amendment of this Constitution.

13.2 Functions of the Head of Paid Service

- 13.2.1 **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- 13.2.2 **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer.

13.3 Functions of the Monitoring Officer

- 13.3.1 **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Councillors, officers and the public.

- 13.3.2 **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until such report has been considered.

- 13.3.3 **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- 13.3.4 **Receiving reports.** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of any case tribunals.
- 13.3.5 **Conducting investigations.** The Monitoring Officer will cause to be conducted investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- 13.3.6 **Proper officer for access to information.** The Monitoring Officer will ensure in conjunction with other relevant officers that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 13.3.7 **Advising whether executive decisions are within the Budget and Policy framework.** The Monitoring Officer in association with the Chief Finance Officer will advise whether decisions which are the responsibility of the Cabinet are in accordance with the Budget and Policy framework.
- 13.3.8 **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity and, in conjunction with the Chief Finance Officer, Budget and Policy framework issues to all Councillors.
- 13.3.9 **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

13.4 Functions of the Chief Finance Officer

- 13.4.1 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Cabinet in relation to an executive function - and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 13.4.2 **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 13.4.3 **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 13.4.4 **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

13.4.5 **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

13.5 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

13.6 **Conduct**

Officers (which shall include all employees) will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

13.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in Part 4 of this Constitution.

Article 14 - Decision Making

14.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3 and 8 of this Constitution respectively.

14.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- *proportionality (ie the action must be proportionate to the desired outcome);*
- *due consultation and the taking of professional advice from officers;*
- *respect for human rights (see below for further details);*
- *a presumption in favour of openness; and*
- *clarity of aims and desired outcomes.*

14.3 Types of decision

14.3.1 Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

14.3.2 Key Decisions.

- For the purposes of this Article 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, is a Key Decision.
- For these purposes the minimum thresholds will be set by the Council from time to time to reflect the appropriate balance of significant impact of such expenditure or savings in relation to the total budget for such functions or service, having regard both to ensuring consistency to other comparable authorities and the further Indicative thresholds which remain to be set by the Secretary of State in accordance with the DETR guidance of 26th February 2001.

- Decisions which 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 shall also constitute Key Decisions.
- A decision-maker may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.
- For the purposes of interpretation of this Article 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 in itself be further deemed to be significant for such purposes.

14.4 Decision making by the full Council

Subject to Article 14.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

14.5 Decision making by the Cabinet

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

14.6 Decision making by the Overview and Scrutiny Committee

Subject to Article 14.8 the Overview and Scrutiny Committee will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

14.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 14.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

14.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 15 - Finance, Contracts and Legal Matters

15.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

15.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution, and the authentication of documents shall be effected as provided therein and in the Council Procedure Rules.

15.3 Standing Orders

The respective Procedure Rules forming part of this Constitution shall, to the extent necessary to comply with the Local Authorities (Standing Orders)(England) Regulations 2001 and any other statutory requirement in relation to the adoption or maintenance of Standing Orders by the Council, be deemed to be Standing Orders for such purposes.

Article 16 - Review and Revision of the Constitution

16.1 Duty to monitor and review the Constitution

The Chief Executive of the Council as Head of the Paid Service will monitor and review the operation of the Constitution in conjunction with the Monitoring Officer to ensure that the aims and principles of the Constitution are given full effect. In undertaking this function he/she may:

- observe meetings of different parts of the Councillor and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
- compare Council practices with those in other comparable authorities, or national examples of Best Practice.

16.2 Changes to the Constitution

Changes to the Constitution other than as specifically provided herein will only be approved by the full Council after consideration of the proposal by the Cabinet.

Article 17 - Suspension, Interpretation and Publication of the Constitution

17.1 Suspension of the Constitution

- 17.1.1 **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- 17.1.2 **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- 17.1.3 **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 17.1:-
- 17.1.3.1 The Rules of Procedure to the extent from time to time permitted thereby.
- 17.1.3.2 Such other Rules and Protocols as may from time to time be approved and make specific provision for their suspension, subject in each case to any detailed requirements and conditions applicable to such suspension.

17.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

17.3 Publication

- 17.3.1 A printed copy of this Constitution will be given to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.
- 17.3.2 The Council will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive Arrangements:

- Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
- Article 7 (The Cabinet) and the Cabinet Procedure Rules;
- Article 11 (Area Partnerships, Forums and Consultative Committees);
- Article 12 (Joint Arrangements);
- Article 14 (Decision making) and the Access to Information Procedure Rules;
- Part 3 (Responsibility for Functions); and
- Part 8 (Delegations).

Part 3

Responsibility for Functions

Responsibility for Functions

(Local Authorities (Functions and Responsibilities) (England) Regulations 2000) (The Functions Regulations)

1. Responsibility for Local Choice Functions

Function	Responsible body	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	Cabinet	
2. The determination of an appeal against any decision made by or on behalf of the Council, (other than licencing and related quasi-judicial matters which are the functions of a committee or delegated by them).	Cabinet save that Personnel appeals shall be delegated to two members from such panel nominated on behalf of the Council as shall have undergone relevant Council training and one Director.	Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein.
3. The appointment of review boards under Regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Council	
4. The conducting of Best Value Reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet	

2. Responsibility for Council Functions

Committee	Membership	Functions	Delegation of functions
Planning	12 members of the Council	<p>Planning and conservation Functions relating to town and country planning and development control specified in Schedule 1 of the Functions Regulations</p> <p>Highways use and regulation The exercise of powers relating to the regulation of the use of highways, footpaths, bridleways, public paths and rights of way set out in Schedule 1 of the Functions Regulations as amended.</p>	Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein
Licensing	15 members of the Council	<p>Sale/Supply of Alcohol and Provision of Entertainment and late night refreshment The Licensing functions of the Council under the Licensing Act 2003</p> <p>Taxi, gaming, entertainment, food and miscellaneous licensing Functions relating to licensing and registration set out in Schedule 1 of the Functions Regulations</p> <p>Health and Safety Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p>	Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein

Committee	Membership	Functions	Delegation of functions
<p>Standards committee</p>	<p>5 members of the Council other than the Leader three independent members and two Parish Council members</p>	<p>The promotion and maintenance of high standards of conduct within the Council</p> <p>To advise the Council on the adoption or revision of its Code of Conduct</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000</p> <p>Assistance to members and co-opted members of the Council</p> <p>To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p> <p>Other functions</p> <p>Functions relating to standards of conduct of members under any relevant provision of or Regulations made under the Local Government Act 2000</p>	<p>Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein</p>

Committee	Membership	Functions	Delegation of functions
Tree Panel	3 members of the Council none of whom sit on the Planning Committee	<p>Tree Preservation Orders Considering objections to tree preservation orders and deciding whether or not to confirm such orders where objection has been made, either with or without modification.</p> <p>Other Tree Issues Considering issues regarding particular trees or groups of trees which are under the Council's control when specifically referred to the Panel by the Council, the Cabinet or a Committee and making recommendations in relation thereto.</p>	Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein
Audit Committee	Six members (two from each political group and excluding members of the Cabinet)	Generally considering all relevant processes for risk, control and governance	Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to officers as provided therein

3. Responsibility for Executive Functions

Responsibilities and Portfolios	Detailed Functions	Delegation of functions
<p>The Cabinet has collective responsibility for all executive functions, individual members having lead responsibility for separate portfolios outlined in the Leaders Scheme of Delegations:-</p> <ol style="list-style-type: none"> 1. Financial Strategy and Performance (Leader of the Council) 2. Business Intelligence and People Support and E Government (Deputy Leader) 3. Residential Operations Portfolio 4. Local Environment Portfolio 5. Residential Operations Portfolio 6. Economy and Infrastructure Portfolio 	<p>Contained in the Leader's Scheme of Delegations (see post)</p>	<p>Those functions referred to in Part 8 of this Constitution (Delegations) are delegated to individual Cabinet members and officers as provided therein.</p>

LEADER'S SCHEME OF DELEGATIONS

A. INTRODUCTION

The Council has delegated powers to the Leader to determine his/her own Scheme of Delegations for Executive functions.

This Scheme of Delegations sets out the powers which are reserved to Cabinet and the Leader and those powers which are delegated to individual Cabinet Members. This Scheme of Delegations can and will be changed in accordance with the wishes of the Leader but prior notification will be given in accordance with the Protocol that accompanies this Scheme of Delegations.

The Leader's Scheme of Delegations does not in any way impact upon delegations to the Improvement Board already in the Constitution.

B. **DELEGATIONS**

1. Powers Reserved to Cabinet

- 1.1 To be responsible for decisions which the Leader or the Deputy Leader (when deputising for the Leader) or Cabinet direct should be referred to Cabinet.
- 1.2 To be responsible for any Executive functions which involve a recommendation to Council including budget and policy proposals.
- 1.3 To be responsible for making Key Decisions.
- 1.4 To receive and respond to:
 - (a) reports to the Executive from the Overview and Scrutiny Committee, Monitoring Officer and Section 151 Officer;
 - (b) recommendations from Council;
 - (c) reports from external and internal auditors.
- 1.5 To be responsible for those Local Choice functions identified as the responsibility of Cabinet, in Part 3 of the Constitution.
- 1.6 To be responsible for any matter within a Cabinet Member's powers that has been referred to Cabinet by the Cabinet Member concerned.

1.7 To be responsible for matters that cross two or more Cabinet Members' portfolios.

2. **General Powers Delegated to all Cabinet Members**

Subject to the limitations in section 3 below, Cabinet Members shall within their respective areas of responsibility have the following powers:-

- 2.1 After consulting the Chief Executive or his/her nominee to approve and set priorities, programmes and service plans.
- 2.2 To monitor budgets and the performance of services.
- 2.3 To receive formal reports.
- 2.4 To agree the submission of bids for funding and resources from the Government or other agencies.
- 2.5 After consulting the Chief Executive or his/her nominee to agree to the appointment of consultants.
- 2.6 To take those Executive decisions which it is within the delegated powers of an Officer to take, and the Officer having such power, nevertheless refers to the Cabinet Member by reason of the decision's importance, sensitivity or precedence value.
- 2.7 To consider reports and agree to recommendations regarding the acceptance of a tender which is not the lowest (where payment is to be made by the Council) or the highest (where payment is to be received by the Council) in accordance with the Council's Contract Procedure Rules.
- 2.8 To make decisions on requests for waiver of the Procurement Code of Practice.
- 2.9 To be responsible for all staffing matters within his/her portfolio area not allocated or delegated to another Officer, individual or body.
- 2.10 To refer any matter within his/her delegated powers to Cabinet for decision.

3. **Limitations on Delegated Powers**

3.1 Nothing in this Scheme of Delegations authorises a Cabinet Member other than the Leader or the Deputy Leader (when deputising for the Leader) to make a decision which is a Key Decision. For the purposes of this Scheme of Delegations Key Decisions are defined as follows:

- 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.

3.2 Nothing in this Scheme of Delegations authorises a Cabinet Member to make a decision which is:

3.2.1 contrary to the Council's policy framework or budget

3.2.2 contrary to the Council's Financial Procedure Rules

3.2.3 contrary to the Council's Contract Procedure Rules

3.2.4 contrary to any decision made by the Council or by Cabinet collectively

3.2.5 by law only to be taken by some other person or body or in some other way

3.2.6 subject to a requirement by either Cabinet or the Leader to be referred to Cabinet

3.2.7 not the responsibility of the Council's Executive

3.2.8 a decision that has been specifically reserved to the Council, other body or (except where 2.6 above applies) delegated to Officers.

4. **Powers Delegated to Particular Cabinet Members**

4.1 Cabinet Members who hold certain portfolios are given the specific powers given below. These powers are in addition to the powers delegated to all Cabinet Members described in section 2 above. For the avoidance of doubt if any specific power described below contains a limitation then a decision or action outside the limitation cannot be taken by the Cabinet Member concerned under his/her general delegated powers under section 2 but must be referred to full Cabinet. The limitations in section 3 above also apply to the specific powers below.

4.2 **Powers Reserved to the Leader of the Council – Financial Strategy and Performance**

4.2.1 To vary this Scheme of Delegations of Executive functions.

4.2.2 To direct that particular decisions or classes of decisions within the powers of Cabinet Members be referred to the Leader or Cabinet for decision.

- 4.2.3 To exercise any Executive powers and duties not reserved to Cabinet or delegated to an Officer, a Cabinet Member, individual or other body.
- 4.2.4 To act on behalf of any other Cabinet Member who is absent or unable to act, or to authorise another Cabinet Member to do so.
- 4.2.5 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated decisions under this Scheme of Delegations.
- 4.2.6 To make Key Decisions in matters of Urgency or Special Urgency.
- 4.2.7 To exercise the Executive powers and duties of the Council for the areas within the following portfolio:

Financial Strategy and Performance

Asset Management
Audit
Community Participation (incl. Forums, Partnerships, Participation Panel, Community Centres and Public Consultation)
Cultural Development
Finance Management
Financial Strategy & Accounting Services
Insurance and Risk Management
Markets
Project Development & Co-ordination

4.3 **Powers of the Deputy Leader – Business Intelligence, People Support and E-Government Portfolio**

- 4.3.1 To deputise for the Leader in his/her absence, or at his/her instruction, in relation to all functions which are the Leaders responsibility.
- 4.3.2 To exercise the Executive powers and duties of the Council for the areas within the following portfolio unless a direction by the Leader under sections 1.1 and 4.2.2 has been issued and communicated in writing to the Cabinet Member:

Business Intelligence, People Support and E-Government

Business Process and Improvement
Community Safety (incl. Health & Safety, CCTV, Call Care, Crime & Disorder, Partnerships)
Customer Services (Corporate)
Grants
Human Resources (People Operations and Development, Employee Welfare, Equalities and Diversity in the Workplace, Local Joint and Health & Safety)
IT Customer Support
IT Systems and Infrastructure
Performance Management (continuous improvement)

4.4 Powers of the Portfolio Holder - Residential Operations Portfolio

To exercise the Executive powers and duties of the Council for the areas within the following portfolio unless a direction by the Leader under sections 1.1 and 4.2.2 has been issued and communicated in writing to the Cabinet Member:

Residential Operations Portfolio

Council Tax Collection
Housing Advice and Homelessness
Housing Allocations
Housing Estates
Housing Services and Management
Rents
Revenue and Benefits
Travellers

Without prejudice to the generality of the powers above to have the following specific powers:

- 4.4.1 Agreeing changes (virement) within the housing capital budget (but which require no overall increase in the budget) where the amount of virement is in excess of £50,000 in the current year, or where it is less but the change affects future years.
- 4.4.2 Agreeing to the disposal of dwellings (subject to the terms of any specific or general consent of the Secretary of State) in circumstances or in a manner not covered by the Right to Buy, and in particular under arrangements to enable tenants to finance the purchase of their homes by methods compliant with Islamic law (Sharia).
- 4.4.3 Agreeing to demand less than the maximum amount of discount recoverable on the further disposal of a sold Council dwelling.
- 4.4.4 Adopting policies, practices or protocols (including arrangements with one or more registered social landlord) to deal with offers of first refusal of sold Council dwellings.
- 4.4.5 Adopting policies, practices and standards (so far as is within the Council's discretion) with regard to the implementation of the following Parts of the Housing Act 2004:
- Part 1 (Housing Conditions).
 - Part 2 (Licensing of Houses in Multiple Occupation).
 - Part 4 (Additional Control Provisions in relation to Residential Accommodation).

4.5 Powers of the Portfolio Holder - Local Environment Portfolio

To exercise the Executive powers and duties of the Council for the areas within the following portfolio unless a direction by the Leader under sections 1.1 and 4.2.2 has been issued and communicated in writing to the Cabinet Member:

Local Environment Portfolio

Development & Building Control
Direct Services Organisations
Environmental Health (incl. Environmental Protection)
Events/Museums
Leisure (incl. Sports Development)
Neighbourhood Wardens
Property Maintenance
Recycling
Waste Management (incl. Waste Operations and Minimisation)

Without prejudice to the generality of the powers above to have the following specific powers:

- 4.5.1 Accepting on behalf of the Council facilities provided under projects such as CASPAR and approving arrangements for the ongoing maintenance of such facilities.
- 4.5.2 Authorising amendments to the rules made by the Council under Section 28 of the Smallholdings and Allotments Act 1908 as amended after the Northampton Allotment Council have been consulted on and agree to any such amendments.

4.6 Powers Reserved to the Portfolio Holder - Economic and Infrastructure Portfolio

To exercise the Executive powers and duties of the Council for the areas within the following portfolio unless a direction by the Leader under sections 1.1 and 4.2.2 has been issued and communicated in writing to the Cabinet Member:

Economic and Infrastructure

Car Parks
Economic Development & Intelligence
Planning Policy & Conservation (incl. Housing Strategy)
Regeneration (incl. WNDP and English Partnerships Link and Funding Opportunities)
Tourism
Town Centre

4.7 Powers Reserved to the Portfolio Holder - Community Engagement & Democratic Services Portfolio

To exercise the Executive powers and duties of the Council for the areas within the following portfolio unless a direction by the Leader under sections 1.1 and 4.2.2 has been issued and communicated in writing to the Cabinet Member:

Communications
Community Development
Community Wellbeing
Councillor & Management Support
Electoral Services
Emergency Planning
Legal Services (incl. Right to Buy, Licensing and Land Charges)
Meetings Services (Cabinet, Scrutiny, Audit, Regulatory etc)
Parks and Open Spaces
Street Cleansing & Street Scene

- 4.7.1 Agreeing to accept donations of land for use as public open space or community purposes pursuant to agreements under Section 106 of the Town and Country Planning Act 1990 or in similar circumstances.
- 4.7.2 Agreeing to the disposal or appropriation of areas of public open space of not more than 5,000 square metres, subject to public advertisement and the consideration of any objection by full Cabinet.

Part 4

Rules of Procedure

COUNCIL PROCEDURE RULES

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1. BUSINESS

1.1 Order of Business

The order of business at every meeting of the Council, except as otherwise provided by paragraph 1.2 of this Rule shall be:-

- 1.1.1 to choose a person to preside if the Mayor and Deputy Mayor be absent;
- 1.1.2 to deal with any business required by statute to be done before any other business;
- 1.1.3 to approve as a correct record and sign the minutes of the last meeting of the Council;
- 1.1.4 to receive apologies for non-attendance;
- 1.1.5 Mayor's announcements;
- 1.1.6 to give directions relating to requests from the public to ask questions of or to address the Council in accordance with the Guidelines for Open Government;
- 1.1.7 to dispose of business (if any) remaining from the last meeting;
- 1.1.8 to hear any Cabinet Member Presentations under Rule 5;
- 1.1.9 other business, if any, specified in the summons; and
- 1.1.10 to deal with any matter requiring urgent attention which the Mayor with leave of the Council specifically wishes to bring to the attention of the Council.

1.2 Variation of Order of Business

Business falling within Rules 1.1.1, 1.1.2 or 1.1.3 shall not be displaced, but, subject thereto, the foregoing order of business may be varied:-

- 1.2.1 at the Mayor's discretion; and
- 1.2.2 by a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion

1.3 Mayor's Announcements

Business falling under Rule 1.1.6 shall not, except with the consent of the Mayor, be the subject of comment debate or question.

1.4 Guillotine

1.4.1 Interruption of the meeting

If the business of a council meeting has not been concluded by 10.30 pm, the Mayor will draw the attention of the meeting to the time and to this rule.

1.4.2 Motions and recommendations not dealt with

In the case of any motions or recommendations on the agenda that have not been dealt with by 10.30pm

- 1) The Chair shall put to the vote without further debate any motion or amendment currently under discussion; and
- 2) Any items remaining to be considered will be put to the meeting without further discussion and a vote taken on whether the item should be accepted; rejected; referred; deferred or withdrawn.

2. MINUTES

- 2.1** The Mayor shall put the question that the minutes of the previous meeting of the Council be approved as a correct record. No discussion shall take place upon the minutes except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of the Mayor shall sign the minutes.
- 2.2** Council minutes which would otherwise require to be signed at an Extraordinary meeting may be signed at the next ordinary meeting.

3. MOTIONS

3.1 Notices of Motion

Notice of every motion (other than a motion which under Rule 3.6 may be moved without notice) shall be given in writing, signed by the member or members of the Council giving the notice, and delivered, faxed or e-mailed not later than 5pm twelve calendar days before the meeting to the office of the Chief Executive. Notices of motion shall be available for inspection at the Chief Executive's Department.

3.2 Motions to be set out in Summons

There shall be set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

3.3 Motion Not Moved

If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member authorised in writing on their behalf it shall unless postponed by consent of the Council be treated as withdrawn, and shall not be moved without fresh notice.

3.4 Amendments to Motions

Amendments to motions will need to be circulated at least thirty minutes before the meeting by the proposer of the amendment. The Mayor will have the discretion to disallow an amendment not complying with this rule.

3.5 Scope of Motions

- 3.5.1 Every motion shall be relevant to some matter in relation to which the Council has powers or duties.
- 3.5.2 The Monitoring Officer will have the power to disallow a motion if it does not comply with the law or is not within the powers of full Council to consider.

3.6 Motions and Amendments which may be moved without notice

The following motions and amendments may be moved without notice:-

- 3.6.1 appointment of a Chair of the meeting at which the motion is made;
- 3.6.2 motions relating to the accuracy of the minutes;
- 3.6.3 that an item of business specified in the summons have precedence;
- 3.6.4 reference or reference back to the Cabinet or to a committee;
- 3.6.5 appointment of a committee or member thereof occasioned by an item mentioned in the summons to the meeting;
- 3.6.6 adoption of minutes and recommendations of the Cabinet, committees and sub-committees and any consequent resolutions;
- 3.6.7 that leave be given to withdraw a motion;
- 3.6.8 amendments to motions;
- 3.6.9 that the question be now put;
- 3.6.10 that the Council do now adjourn;
- 3.6.11 suspending Council Procedure Rules where permissible under Rule 22;
- 3.6.12 motions under Section 100A of the Local Government Act 1972 to exclude the public;
- 3.6.13 that a member named under Rule 8 be not further heard;
- 3.6.14 giving consent of the Council where the consent of the Council is required by these Council Procedure Rules; and
- 3.6.15 excepting any item or minute under Rule 6.13 from formal agreement.

4. MEMBER AND PUBLIC QUESTION TIME

4.1 Restriction on question time

Member and Public question time shall not be taken at the annual Council meeting nor to Council meetings called to deal with specific items of business (including the meeting where the Council tax is set).

4.2 Scope of Questions

The Solicitor to the Council may in consultation with the Chief Executive and Group Leaders reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;

- is repetitious;
- is substantially the same as a question which has been put at a meeting of the council in the past six months;
- requires the disclosure of confidential or exempt information;
- concerns a planning or licensing application;
- raises a grievance for which there are other established processes for resolution; or,
- relates to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the standards committee or the adjudication panel, in so far as those comments relate to the behavior or conduct of an individual member or members.
- Does not relate to the work of the person to whom the question is addressed

4.3 Form and Eligibility to ask Questions

- 4.3.1 A member may ask questions on any matter in relation to which the council have powers.
- 4.3.2 A resident or business ratepayer of the borough may ask a maximum of two written questions at each meeting (limited to 50 words) on any matter in relation to which the council have powers.
- 4.3.3 Each question from the public must provide the name and address of the questioner and name the executive member/committee chair to whom the question should be put.

4.4 Deadlines

- 4.4.1 An application for a question to be considered shall be submitted in writing and delivered, faxed or e-mailed to Meeting Services no later than five clear working days before the council meeting
- 4.4.2 The date and time of receipt of such requests will be recorded in a book kept for that purpose and a copy of the question will immediately be sent to the Mayor and the member to whom it is to be put. Rejected questions will include reasons for rejection.

4.5 Length of public question time

The time during which public questions shall be taken shall not exceed thirty minutes. It shall not be in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies shall be taken as read.

4.6 Asking the question at the meeting

- 4.6.1 Copies of all the questions to be dealt with at the meeting, together with written answers, shall be circulated (in a suitable format) at the meeting and copies shall be available for members of the public and the press.
- 4.6.2 The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.7 Supplemental question

A questioner who has put a question in person may at the discretion of the Mayor also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule 4.2 above.

4.8 Form of Answer

An answer may take the form of:

- a direct oral answer; or
- where the desired information is contained in a publication of the Council a reference to that publication; or
- a written answer circulated; or
- the Leader, Portfolio Holder or appropriate Chair may decline to respond to a public or member question.

4.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

4.10 Reference of question to the executive or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

4.11 Order of Questions answered

- 4.11.1 questions shall be dealt with in the order in which they are received, subject to 4.2 above;
- 4.11.2 questions from Councillors will be considered first, in the order they are received and questions from members of the public will be considered next in the order they are received;
- 4.11.3 the Mayor will have the discretion to allow questions from members of the public to be considered first and will have the discretion to rearrange the order of presentation of questions to ensure that there is a proper balance between member and public questions.

4.12 Question Time Guillotine

- (1) The question time guillotine shall take effect thirty minutes after the commencement of the question time.
- (2) Once the question time guillotine is reached, the mayor will announce that fact to the meeting upon which the member speaking must immediately sit down, or in the case of a member of the public speaking, the person will immediately cease speaking.
- (3) Any outstanding questions will be responded to in writing and sent to the questioner within seven working days of the Council meeting.

5. Cabinet Member Presentations

- 5.1 A period of up to half an hour will be allowed at Council meetings during which members of the Cabinet will be able to put forward presentations relating to their respective portfolios and upon which Councillors will be able to ask them questions.
- 5.2 Such presentations may be presented either in writing or verbally or a combination of the two but in any event the verbal presentation should not exceed three minutes in duration. If a written presentation is made it should be circulated to all Councillors before the start of the meeting, and it should be kept concise.
- 5.3 Upon completion of the presentation members may ask questions relating to it. Subject to Rule 5.4 below there is no limit on the number of questions members may ask and there is no requirement for prior notice for questions.
- 5.4 In order to keep to the half hour limit and/or maintain fairness between members the Mayor may limit the number of questions (or further questions) to be asked, either in total or by any one member, or to any one Cabinet Member.
- 5.5 This Rule 5 shall not apply to the Annual Council meeting, nor to Council meetings called to deal with special items of business (including the meeting when the Council Tax is set).

6. RULES OF DEBATE

6.1 Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with Rule 3) it shall, if required by the Mayor, be put in writing and handed to the Mayor before it is further discussed or put to the Meeting.

6.2 Secunder's Speech

A Councillor when seconding a motion or amendment may, if they then declare an intention to do so, reserve their speech until a later period of the debate provided that such reservation shall not be necessary in connection with the formal adoption of a minute or a recommendation of the Cabinet or a committee.

6.3 Only one Councillor to Stand at a Time

A Councillor when speaking shall stand and address the Mayor. If two or more Councillors rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.

6.4 Content and Length of Speeches

A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point of order. No moving or seconding speech shall exceed ten minutes and no other speech shall exceed five minutes, except by the consent of the Council.

6.5 When a Councillor May Speak Again

A Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-

- 6.5.1 to speak once on an amendment moved by another Councillor;
- 6.5.2 if the motion has been amended since they last spoke, to move or speak on a further amendment;
- 6.5.3 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 previously was carried;
- 6.5.4 in exercise of a right of reply given by Rules 6.9 or 6.11;
- 6.5.5 on a point of order; and
- 6.5.6 by way of a personal explanation.

6.6 Amendments to Motions

An amendment shall be relevant to the motion and shall be either:-

- 6.6.1 to refer a subject of debate to the Cabinet or a committee for further consideration or re-consideration;
- 6.6.2 to leave out words;
- 6.6.3 to leave out words and insert or add others;
- 6.6.4 to insert or add words.

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

Only one amendment may be moved and discussed at a time and no further amendment shall be moved unless the amendment under discussion has been disposed of.

Provided that the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

If an amendment be lost, other amendments may be moved on the original motion. If an amendment be 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.

6.7 Alteration to Motion

A member may with the consent of the Council, which consent, if given, shall be signified without discussion:-

- 6.7.1 alter a motion of which they have given notice; or
- 6.7.2 with the consent of the seconder also alter a motion which they have moved if (in either case) the alteration is one which could be made as an amendment thereto.

6.8 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which consent, if given, shall be signified without discussion, and no other Councillor may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

6.9 Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion immediately before it is put to the vote except where a motion is moved under Rule 6.11 hereof. If an amendment is moved, or the original motion is under Rule 4.4 (which shall be treated as if it were an amendment) the mover of the original motion shall (so long as it

is unamended) separately on each amendment proposed have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on the amendment but if the amendment is carried, shall have the right of reply to any further debate on the original motion as amended in place of the mover of the original motion.

6.10 Motions which may be Moved during Debate

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

- 6.10.1 to amend the motion;
- 6.10.2 to adjourn the meeting;
- 6.10.2 that the question be now put;
- 6.10.4 that the member be not further heard;
- 6.10.5 by the Mayor under Rule 8.2 that the member do leave the meeting;
- 6.10.6 a motion under Section 100A of the Local Government Act 1972 to exclude the public; and
- 6.10.7 to suspend these Rules where permissible under Rule 22.

6.11 Closure Motions

A Councillor who has not spoken on a motion then under discussion may move without comment at the conclusion of a speech of another member, "That the question be now put", or "That the Council do now adjourn", on the seconding of which the Mayor shall proceed as follows:-

- 6.11.1 on a motion that the question be now put: the Mayor shall first put to the vote the motion that the question be now put and if it is passed, then put to the vote the motion.
- 6.11.2 on a motion to adjourn the meeting: the Mayor shall put the adjournment motion to the vote after giving the mover of the original motion the right to speak for not more than five minutes on the adjournment.

6.12 Procedural Points

A member may rise on a procedural point or in personal explanation and shall be entitled to be heard forthwith. A procedural point shall relate only to an alleged breach of one of these Rules or a statutory provision, and the member shall specify the Rule or statutory provision and the way in which the member considers it has been broken. A personal explanation shall be confined to some material part of a former speech by the member in the present debate which may appear to have been misunderstood.

The ruling of the Mayor on a procedural point or the admissibility of a personal explanation shall not be open to discussion.

6.13 Respect for the Mayor

Whenever the Mayor rises during a debate a member then standing shall be seated and the Council shall be silent.

7. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any person employed by the Council such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A) of the Local Government Act 1972 shall be exercised.

8. BEHAVIOUR

8.1 Disorderly Conduct

If at a meeting any member of the Council, in the opinion of the Mayor notified to the Council, commits misconduct by persistently disregarding the ruling of the Mayor or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the member named be required to cease the misconduct immediately", and the motion, if seconded, shall be put and determined without discussion.

8.2 Continuing Misconduct by a Named Councillor

If the Councillor named continues the misconduct after a motion under the foregoing paragraph has been carried the Mayor shall either:-

- move, "That the Councillor named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);
- or adjourn the meeting of the Council for such period as the Mayor shall consider expedient.

8.3 General Disturbance

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor (in addition to any other power vested in the position) may, without the question being put, adjourn the meeting of the Council for such period as the Mayor may consider expedient.

8.4 Disturbance by Member of the Public

If a member of the public interrupts the proceedings at any meeting the Mayor shall warn the person. If they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

8.5 Recording of Council Proceedings

8.5.1 The taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place, is prohibited without the express consent of the Council having first been obtained.

8.5.2 Any person acting in contravention of this Rule may be required to leave the proceedings immediately by the person presiding thereat.

9. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Rule 3 bears the names of at least twelve Councillors of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months. Provided that this Rule shall not apply to motions moved in pursuance of a recommendation of the Cabinet or a committee.

10. VOTING

10.1 The mode of voting at meetings of the Council shall be by show of hands: provided that on the requisition of any member of the Council (made before the vote is taken and supported by four other Councillors who signify their support by rising in their places) the voting on any question shall be by roll-call and shall be recorded so as to show how each Councillor present and voting gave their vote.

The name of any Councillor present and not voting shall also be recorded.

10.2 Where any Councillor so requires immediately after a vote is taken at a meeting of the Council, the minutes shall record whether that Councillor voted for or against the motion or abstained.

11. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

12. CERTAIN MATTERS TO BE CONFIDENTIAL

All reports and documents relating to Exempt or Confidential information shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

13. SEALING OF DOCUMENTS

13.1 The resolution of

- the Council;
- the Cabinet; or
- a committee

authorising either expressly or by implication the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any tax, rate or contract, or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution.

13.2 The seal of the Council shall be attested by the Chief Executive or by the Solicitor to the Council (or other Solicitor of at least team leader level who is so authorised by either the Chief Executive or by the Solicitor to the Council) and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be initialled by the person who has attested the seal.

14. INSPECTION OF DOCUMENTS

14.1 A Councillor may for the purposes of their duty as such but not otherwise inspect any document relating to the Cabinet or any committee of the Council and if copies are available shall on request be supplied for the like purposes with the copies of such a document.

Provided that a Councillor shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested or in which they have directly or indirectly any pecuniary interest within the meaning of Sections 94 to 98 of the Local Government Act 1972 or Section 74 of the Transport Act 1985 and that this Rule shall not preclude the Chief Executive or the Solicitor to the Council from declining to allow inspection of any document which is or in the event of legal proceedings will be protected by a privilege arising from the relationship of solicitor and client.

14.2 Subject as otherwise contained in the Constitution all reports or minutes of the Cabinet or Council committees shall be open for inspection by any Councillor.

15. INSPECTION OF LANDS, PREMISES ETC.

A Councillor shall not issue any order respecting any works which are being carried out by or on behalf of the Council, or claim by virtue of their membership of the Council - unless specifically authorised to do so by the Council or a committee - any right to inspect or to enter upon any lands or premises which the Council occupies or has the power or duty to inspect or enter.

16. COMMITTEES AND SUB-COMMITTEES

Subject to the overriding provisions of the Local Government Act 2000 and any regulations made thereunder the Council may at any time disband a committee alter the membership of a committee including the appointment of Chair or Deputy-Chair, appoint such additional standing or special committees for such purposes as comply with the said Act and as may appear appropriate and allocate and/or delegate to such additional committees such powers and duties as may be necessary or desirable notwithstanding any derogation from the powers and duties of any of the foregoing committees.

17. SUBSTITUTE MEMBERS (OVERVIEW & SCRUTINY)

17.1 Except where the Council determines otherwise, any Overview & Scrutiny Committee member may nominate another Councillor in accordance with Rule 17.2 hereof to attend one or more meetings in his place as a substitute with power to vote.

17.2 The person nominated shall not be a member of the Cabinet nor already be a member of the Overview & Scrutiny Committee, and shall be a member of the same political group as the member whose place he takes. The person nominated shall not be entitled to assume any special position or status with respect to that Committee which the nominating member may possess.

17.3 A nomination under Rule 17.2 shall be delivered, faxed or e-mailed to the Democratic Services Manager , signed by the nominating member, before 12 noon on the day of the meeting(s) or period of time for which the nomination is to have effect.

17.4 A nomination shall apply for the whole of the meeting or for such period of time specified in the notice.

18. POWERS OF CABINET AND COMMITTEES

Subject to the overriding statutory requirements of the Local Government Act 2000 and all regulations made thereunder there shall be delegated to the Cabinet, the respective committees, and officers of the Council the functions of the Council specified in the Scheme of Delegations to the Cabinet and committees and otherwise provided by this Constitution subject to the matters and restrictions set out therein.

19. MEETINGS OF CABINET AND COMMITTEES

- 19.1** The Cabinet and each committee shall meet at such times and on such dates as may be prescribed on behalf of the Council.
- 19.2** The Leader of the Council may call a special meeting of the Cabinet at any time.
- 19.3** The Chair of a committee may call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of at least a quarter of the total number of members of the relevant committee or sub-committees delivered in writing to the Chief Executive but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat.
- 19.4** The Chair shall have the power to cancel any meeting if the Chair is of the opinion there is insufficient business to justify it being held.
- 19.5** The quorum of each committee shall be not less than one quarter of the Council members of such committee.
- 19.6** At every meeting the Chair, if present, shall preside. In the absence of the Chair the Deputy-Chair, if present, shall preside but otherwise the members shall choose someone of their number to preside, or in the event of it not being possible to reach agreement, a member chosen by lot shall preside.
- 19.7** All questions shall be determined by a majority of votes of the members present. The votes shall be taken by a show of hands. Where any member so requires immediately after a vote is taken at any meeting, the minutes shall record whether that Member voted for or against the motion or abstained.
- 20. ATTENDANCE AT THE CABINET OR COMMITTEE OF OTHER MEMBERS OF THE COUNCIL**
- 20.1** A member of the Council who has moved a motion which has been referred to the Cabinet or any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion. The member shall have the right to attend the meeting and if so shall have an opportunity of explaining the motion.
- 20.2** A member of the Council may attend as an observer, without a right to speak or to vote, a meeting of the Cabinet or any Committee of which they are not a member except when a matter in respect of which they would be required to declare a personal and prejudicial interest is to be discussed.
- 20.3** Members of the Council who have instigated a call-in to the Overview and Scrutiny Committee may, for the avoidance of doubt, attend and speak to any such item, and shall not be constrained by the rights as to public participation contained in the Guidelines for Open Government annexed to the Access to Information Rules contained herein, which right shall nevertheless be subject to the normal rules as to the conduct and procedure at meetings herein contained.

21. RULES APPLICABLE TO MEETINGS OF THE CABINET AND COMMITTEES

The Rules numbered 2,7,8,11,12, 22, 23 and 24 respectively shall with any necessary modifications apply to Cabinet and committee meetings.

22. SUSPENSION OF RULES

22.1 Subject to paragraph 22.2 of this Rule, any of these Rules (other than Rules 2.2, 10.2, 11.2-11.4 inclusive and 19.6 and the Employment Procedure Rules hereinafter contained which have been made under the provisions of the Local Authorities (Standing Orders) Regulations 1993) may be suspended so far as regards any business at the meeting where the suspension is moved.

22.2 A motion to suspend these Council Procedure Rules shall not be moved without notice under Rule 3.6 unless there shall be present at least half of the whole number of the members of the Council.

23. INTERPRETATION OF RULES

23.1 The ruling of the Mayor as to the construction or application of the Council's Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of the Constitution contained in Article 1 thereof.

23.2 Any reference in these rules to a committee includes a sub-committee and also, for the avoidance of doubt, the following:-

- the Overview and Scrutiny Committee
- the Audit Committee
- the Standards Committee
- the Tree Panel
- an Area Partnership

24. INTERESTS

Any Councillor who has a personal interest defined by any relevant code of conduct whether national or local in any matter shall forthwith disclose that interest but may remain, speak and vote unless the interest is prejudicial as prescribed by any such code, in which case he/she shall withdraw from the room.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, the Overview and Scrutiny committee, Area Partnerships, the Standards, the Audit and the Regulatory committees of the Council and public meetings of the Cabinet (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these Rules, or as otherwise provided by the law.

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Guildhall Northampton (the designated office).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the move words in brackets to end of paragraph summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:-

- 6.1.1 any agenda and reports which are open to public inspection;
- 6.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 6.1.3 if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 The Council will make available copies of the following for six years after a meeting:

- 7.1.1 the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Cabinet), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose Exempt or Confidential information;
- 7.1.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 7.1.3 the agenda for the meeting; and
- 7.1.4 reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Proper Officer (which for these specific purposes shall be the Director or Chief Officer responsible for the initiation of the report) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 8.1.2 which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose Exempt or Confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of any political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF RIGHTS OF THE PUBLIC

These Rules and the Guidelines for Open Government constitute a summary of the rights of the public to attend meetings and to inspect and copy documents.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that Confidential Information (as defined in paragraph 10.3) would be disclosed.

10.2 Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that Exempt Information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of Exempt Information

Exempt Information means information falling within the following 15 categories (subject to any condition):

Part 1

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 holders under, the authority.
5. Information in respect of which a claim to 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 upon 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.

Part 2

Qualifications to the above exempt information:

- (a) Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.
- (b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Information which – (a) falls within any of paragraphs 1-7 above; and (b) is not prevented from being exempt by virtue of paragraph (a) or (b) above is exempt information if as long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13-24 apply to the Cabinet and any committees of the Cabinet. If the Cabinet or its committees (if any) meet to take a Key Decision then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Article 13.3 of this Constitution.

If the Cabinet meet to discuss a Key Decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- a notice (called here a Forward Plan) has been published in connection with the matter in question;

- at least three clear days have elapsed since the publication of the Forward Plan; and
- where the decision is to be taken at a meeting of the Cabinet notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward Plans will be prepared by and on behalf of the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the following month covered in the preceding Plan.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet, any committee of the Cabinet, individual members of the Cabinet (if appropriate), officers, Area Partnerships or under Joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- 14.2.1 the matter in respect of which a decision is to be made;
- 14.2.2 where the decision taker is an individual (if so delegated by the Council), his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- 14.2.3 the date on which, or the period within which, the decision will be taken;
- 14.2.4 the identity of any principal groups whom the decision taker proposes to consult before taking the decision;
- 14.2.5 the means by which any such consultation is proposed to be undertaken;
- 14.2.6 the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- 14.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter.
- 14.2.8 where in relation to any matter the public may be excluded from the meeting, particulars of that item save that no Confidential or Exempt information shall be disclosed.

14.3 The Forward Plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- 14.3.1 that Key Decisions are to be taken on behalf of the Council;
- 14.3.2 that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- 14.3.3 that the plan will contain details of the Key Decisions to be made for the four month period following its publication;
- 14.3.4 that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- 14.3.5 that each Forward Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Plan;
- 14.3.6 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;
- 14.3.7 that other documents may be submitted to decision takers;
- 14.3.8 the procedure for requesting details of documents (if any) as they become available; and
- 14.3.9 the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt Information need not be included in a Forward Plan and Confidential Information cannot be included.

15. GENERAL EXCEPTION

15.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- 15.1.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- 15.1.2 the Proper Officer has informed the Chair of the Overview and Scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- 15.1.3 the Proper Officer has made copies of that notice available to the public at the offices of the Council; and

- 15.1.4 at least five clear days have elapsed since the Proper Officer complied with Rules 15.1.1 and 15.1.2.

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual possessing delegated authority) or the chair of the body making the decision, obtains the agreement of the chair of the Overview and Scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of an Overview and Scrutiny committee, or if the chair of the Overview and Scrutiny committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

17. REPORT TO COUNCIL

17.1 When the Overview and Scrutiny committee can require a report

If the Overview and Scrutiny committee thinks that a Key Decision has been taken which was not:

- 17.1.1 included in the Forward Plan; or
- 17.1.2 the subject of the general exception procedure; or
- 17.1.3 the subject of an agreement with a relevant Overview and Scrutiny committee chair, or the Mayor/Deputy Mayor of the Council under Rule 16;
- 17.1.4 in accordance with the Council's adopted Budget or Policy Framework

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the committee when so requested by the chairman or any 2 members. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny committee.

17.2 Cabinet's report to Council

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 receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will cause to be submitted quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Cabinet, whether held in public or private, the Proper Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

19.1 Normally Cabinet meetings will be held in public save and except in respect of those matters covered by Rules 10.1 and 10.2 of the Procedure Rules or other exceptional circumstances.

19.2 This rule does not apply to decisions which are delegated to an individual Cabinet Member. Such decisions will not be taken in public unless they are key decisions or request has been made for them to be heard in public under the protocol related to such decisions.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

21.1 Overview and Scrutiny Committee Members

21.1.1 Notice of private meetings of the Cabinet will be served on the chair of the Overview and Scrutiny committee, at the same time as notice is served on members of the Cabinet. Where the Overview and Scrutiny committee does not have a chair, the notice will be served on all the members of that committee.

21.1.2 Any member of the Council may attend a meeting of the Cabinet as an observer without the right to speak or vote, except when a matter in respect of which they would be required to declare a personal and prejudicial interest is to be discussed in the absence of the public.

21.1.3 Any member of the Council who has exercised the right to call-in and up to two nominated members of the Overview & Scrutiny Committee making a recommendation to the Cabinet arising therefrom may, subject to the Council Procedure Rules, address the Cabinet thereon and respond thereto

21.2 Officers

- 21.2.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- 21.2.2 A private Cabinet meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND BY OFFICERS

22.1 Reports intended to be taken into account

In relation to decisions which are delegated to individual members of the Cabinet where such an individual member receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

22.2 Provision of copies of reports to the Overview and Scrutiny committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of the Overview and Scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provision of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of Exempt or Confidential information or advice from a political assistant.

23. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, the Overview and Scrutiny committee (including any sub-committee) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to

23.1.1 any business transacted at a public or private meeting of the Cabinet or any committees; or

23.1.2 any decision taken by an individual member of the Cabinet.

23.2 Limit on rights

The Overview and Scrutiny committee will not be entitled to:

23.2.1 any document that is in draft form;

23.2.2 any 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 intend to scrutinise; or

23.2.3 the advice of a political adviser (if any).

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees (if any) and contains material relating to any business previously transacted at a private meeting unless either Rule 24.1.1 or 24.1.2 below applies.

24.1.1 it contains Exempt Information falling within categories 1, 2, 5 or 7 of the categories of Exempt Information; or

24.1.2 it contains the advice of a political adviser.

Provided that this Article shall not preclude any other rights which a member may have to such document (c.f. Council Procedure Rule 14)

24.2 Material relating to Key Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet (or its committees (if any) which relates to any Key Decision unless Rule 24.1.1 or 24.1.2 above applies.

24.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

GUIDELINES FOR OPEN GOVERNMENT

1. OPEN MEETINGS

The Council, its Cabinet, committees and sub-committees shall be open to the Press and public to the extent provided by the Council's Constitution.

2. CONFIDENTIALITY OF REPORTS

Every effort shall be made to ensure that as many reports as possible are not treated as Exempt and that such reports are made available at the earliest opportunity.

3. ACCESS TO REPORTS

Subject to the detailed provisions of the Constitution:-

3.1.1 The Cabinet, all Council committee/sub-committee agendas and non-confidential reports shall be available to the public upon attendance at any meeting.

3.1.2 All Council committee and sub-committee agendas, non-confidential reports and lists of background papers shall be available for inspection at the Council's principal office .

3.2 The Meeting Services Officer shall mail agendas, reports and minutes as aforesaid to any community group or individual who has notified him/her in writing of a wish to receive them, and (in the case of an individual) has offered to reimburse the postage.

3.3 All reports shall where possible be circulated with the agenda as soon as practical after notice of a meeting has been given.

4. ACCESS TO FULL COUNCIL

4.1 The Council shall at an ordinary meeting:

4.1.1 give an opportunity for members of the public to question Councillors on any matter in relation to which the Council has powers or duties provided that notice of an initial question (in contrast to any supplementaries) shall have been given in accordance with Part 4 of the Council's rules of procedure; and

4.1.2 may by a majority of members then present resolve to receive an individual or a deputation of not more than six people to address it upon a motion before the meeting provided that:

- (i) maximum of two individuals or representatives from a deputation will be allowed to speak on any one motion

- (ii) such address on any one item shall not exceed three minutes in duration; and
- (iii) 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; and
- (iv) proposed speakers have given notification, in writing, e-mail or fax to Meeting Services by 12 noon on the working day before the Council meeting of their intention to speak; and
- (v) the Leader, Portfolio Holder or appropriate Chair shall forthwith be given an opportunity or respond to a public question or they may decline to do so.

4.1.3 The right to speak on a motion will be based on the order the motion is received by Meeting Services.

4.1.4 The Mayor will have the discretion to allow particular speakers, with expertise in relevant areas to speak on a motion if appropriate.

Access to the Cabinet, Council committees and sub-committees:

4.2 The Cabinet, any committee or sub-committee may by a majority of the members then present at any meeting resolve to

4.2.1 receive a deputation; and/or

4.2.2 permit representatives of any such deputation or any other member of the public to address it upon any item on that meeting's published agenda (except where the Executive, committee or sub-committee is required to follow a statutory procedure in relation to that item or the exercise thereof would prejudice the Council's duty to act quasi-judicially). Such addresses on any one item shall not without the specific consent of the Committee or other body exceed three minutes in duration. Immediately after such address the Leader, Chair of the committee or sub-committee shall give each of its members an opportunity to question the person who has addressed them provided that the overall period for such questions and any answers shall be kept within a reasonable limit by the Chair. In respect of Planning Committee the procedures for public speaking in relation to applications are set out in paragraph 3.6 of the Probity in Planning Protocol.

Access to Officers:

4.3 All Council correspondence shall clearly state the name and telephone number of the officer actually dealing with the matter.

4.4 All officers shall be expected to volunteer their names, designations and telephone numbers to all members of the public with whom they are dealing.

4.5 Officers receiving an enquiry from a member of the public which is related to another employee shall either seek to transfer the enquiry immediately, or accept it and arrange

for the correct officer to contact the enquirer direct. Members of the public should not be passed from one Directorate to another or left to negotiate the Council's organisation unaided.

5. ACCESS TO INFORMATION

The Council shall have procedures in place for ensuring that requests for information are dealt with in accordance with the Freedom of Information Act 2000.

6. PUBLIC INVOLVEMENT AND PUBLIC MEETINGS

- 6.1 The Council shall seek to maximise public involvement in decision making, using whatever means seems most appropriate in all the circumstances.
- 6.2 Directors in consultation with the Leader or Chairs as the case may be, shall have the responsibility for clearly identifying matters appropriate for public consultation and shall, where necessary, seek the advice of the Chief Executive.
- 6.3 Where public meetings are used as a means of public consultation the basic conditions set out in the Appendix shall apply.
- 6.4 The Council retains the responsibility to make the final decision having taken into account the views expressed as a result of public consultation.

APPENDIX

PUBLIC MEETINGS

1. All public meetings must be notified to the Chief Executive who shall have been consulted thereon and then be responsible for the arrangements.
2. Every group likely to be interested in the subject matter of a public meeting must be provided with publicity material giving at least the information set out in 3 below sufficiently in advance of the meeting for a proper discussion to take place within the group.
3. The publicity materials for a public meeting should include the following:
 - The issues involved
 - The precise purpose of the meeting
 - Who has been invited
 - A contact point or telephone number to obtain further information
 - What will happen to the views expressed at the meeting.
4. Material provided at the meeting itself must be in a form which is visible and understandable to all members of the audience.

5. Council representatives should make it clear how the Council intends to follow up the meeting and how those attending can establish the position regarding the subject matter following the meeting.

NB: THESE GUIDELINES ARE ADDITIONAL TO ALL EXISTING STATUTORY RIGHTS.

HANDLING OF CUSTOMER COMPLAINTS

The Council shall have in place procedures for handling complaints. Copies of the procedure are available from the customer feedback team (telephone 01604 837441) or email customerfeedback@northampton.gov.uk or on the Council's website.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for Executive decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the Budget and Policy framework

- 2.1 The Cabinet will publicise by including in the Forward Plan, publishing at the Council's offices and by other methods - e.g. on its web site, in the local press, 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 chair of the Overview and Scrutiny committees will also be notified.
- 2.2 At the end of the consultation period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny committee has responsibility for fixing its own work programme, it is open to the Overview and Scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the 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. In considering the matter the Council shall have before it the Cabinet's proposals and any report from the Overview and Scrutiny committee.
- 2.3 Once the Cabinet has approved the firm proposals, the Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 2.4 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- 2.5 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision, which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- 2.6 The decision will be publicised to Members and a copy shall be given to the Leader.
- 2.7 An in-principle decision will automatically become effective five days from the date of the Council's decision, unless the Leader informs the Proper Officer in writing within three days that he/she objects to the decision becoming effective and provides reasons why.

- 2.8 In that case, the Proper Officer will call a Council meeting within a further three days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may
- 2.8.1 approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - 2.8.2 approve a different decision, which does not accord with the recommendation of the Cabinet by a simple majority.
- 2.9 The decision shall then be publicised to Members, and shall be implemented immediately;
- 2.10 In approving the Budget and Policy Framework, the Council may 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 the Council's Financial Procedure Rules. Any other changes to the Policy and Budgetary Framework are reserved to the Council, except for those outlined in paragraph 6.

3. Decisions outside the Budget and Policy Framework

- 3.1 Subject to the provisions of the Council's regulations for in-year changes, the Cabinet, committees of the Cabinet and any officers, Area Partnerships or other arrangements discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the 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 4 below.
- 3.2 If the Cabinet, committees of the Cabinet and any officers, Area Partnerships or other arrangements discharging executive functions want to make such a decision, they shall take advice from the Chief Finance Officer and/or the Monitoring Officer (as appropriate) 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 paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- 4.1 The Cabinet, officers 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:
- 4.1.1 if it is not practical to convene a quorate meeting of the full Council; and
 - 4.1.2 if the chair of the Overview and Scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Overview and Scrutiny committees' 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 Overview and Scrutiny committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- 4.2 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

Provision for, and the scope, of virement is contained in the Financial Procedure Rules forming part of this Constitution.

6. In-year changes to the Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet or officers or any other arrangements discharging executive functions must be compatible with it. No changes to any policy and/or strategy, which make up the Policy Framework, may be made by those bodies or individuals except those changes which the Council may agree can be made by those bodies or individuals of the time the plan or strategy is approved or adopted.

7. Call-in of decisions outside the Budget or Policy Framework

- 7.1 Where the Overview and Scrutiny committee is of the opinion that Cabinet decision is, or, if made, would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Chief Finance Officer and/or the Monitoring Officer.
- 7.2 In respect of functions which are the responsibility of the Cabinet, any report of the Chief Finance Officer and/or the Monitoring Officer 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 Chief Finance Officer Monitoring Officer's report and to prepare a report to Council in the event that the Chief Finance Officer or the Monitoring Officer conclude that the decision was a departure, and

to the Overview and Scrutiny committee if the Chief Finance Officer or the Monitoring Officer conclude that the decision was not a departure.

- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Chief Finance Officer and/or the Monitoring 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, the Overview and Scrutiny committee may 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 as soon as practicable after the request by the Overview and Scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the Chief Finance Officer and/or the Monitoring Officer. The Council may:
- 7.3.1 endorse a decision or proposal of the Cabinet 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
 - 7.3.2 amend the Council's Financial Procedure Rules or policies concerned to encompass the decision or proposal of the body or individual 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
 - 7.3.3 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 Chief Finance Officer or the Monitoring Officer as the case may be.

FINANCIAL PROCEDURE RULES

1. GENERAL

- 1.1 These Regulations shall bind the Chief Executive and all Directors of the Council and their respective Directorates. References to Directors shall be deemed also to include reference to the Chief Executive where appropriate. .
- 1.2 Directors are responsible for the accountability and control of employees and the security, custody and control of all other resources, including plant, buildings, materials, cash and stores under their control or under the control of that Directorate.
- 1.3 Where any area of activity is undertaken in a competitive environment, whether by statute or by decision of the Council, the Regulations relating to financial planning and budgetary control shall be construed on the basis that the primary requirement is to ensure that the financial targets set out in the Revenue Estimates are achieved.
- 1.4 Directors are responsible for ensuring that all employees in their department/directorate are aware of the existence and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their Directorate.
- 1.5 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Councillors, employees and others acting on behalf of the Council are required to follow.
- 1.6 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be over-ridden. The statutory duties arise from:
 - Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 1996
- 1.7 The Chief Finance Officer is responsible for:
 - the proper administration of the Council's financial affairs
 - setting and monitoring compliance with financial management standards
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - providing financial information

- preparing the revenue budget and capital programme
- treasury management

1.8 **Section 114** of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full council, Executive and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
- is about to make an unlawful entry in the Council's accounts.

Section 114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified Officer to deputise should he or she be unable to perform the duties under Section 114 personally
- the Council to provide the Chief Finance Officer with sufficient officers, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

2. FINANCIAL PLANNING AND BUDGET

- 2.1 The Cabinet shall receive formal capital and revenue estimates for such future periods, in such form and by such dates as the Budget and Policy Procedures and Rules shall require.
- 2.2 The detailed form of capital and revenue estimates shall be determined by the Chief Finance Officer within the general framework of the Budget and Policy Procedure Rules and after consultation with the Corporate Management Team.
- 2.3 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He/she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.
- 2.4 With respect to reports to the Cabinet or a Committee, failure to submit a report having financial implications to the Chief Finance Officer (or his/her nominee) for his/her observations prior to inclusion on an agenda will render such report liable to be withdrawn. Under such circumstances the report will stand deferred until the next meeting of the Cabinet or relevant Committee.
- 2.5 It is the responsibility of all Directors of the Council to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report variances within their own areas to the Chief Finance Officer. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

2.6 Where it appears that the amount of any head of estimate of expenditure may be exceeded, or the amount of any head of income may not be reached, it shall be the duty of the Director responsible for such head, immediately to inform the Chief Finance Officer, Cabinet or relevant committee, as the case may be.

3. BUDGETARY CONTROL

3.1 The Cabinet, a Director, a committee or a sub-committee may not incur expenditure which cannot be met from an amount provided in the revenue estimates under a Head of Estimate (including any revenue virement approved in accordance with Rules 3.2 or 3.8) to which that expenditure would be charged, or would result in an overspending in the year on that Head of Estimate, unless a request for a supplementary estimate has been submitted to and approved by the relevant approving body (requests for supplementary estimates must include the source of funding i.e. revenue fund balance, reserves etc). A "Head of Estimate" shall be the subject analysis within an objective head as published in the public Revenue Estimates Book. This regulation shall apply to a reduction in income as to an increase in expenditure.

Breach of this Regulation will be considered a serious breach of duty.

3.2 Subject to the provisions of Rule 3.8, amounts provided "under the several Heads of the annual revenue Estimates" shall not be vired to other purposes by the Director or Director committee or Councillor concerned without :

3.2.1 Where the amount does not exceed £20,000 from a service budget in the current financial year, the approval of the Chief Finance Officer (such approval to be subsequently reported by him/her to the Cabinet)

3.2.2 Where the amount exceeds £20,000 but does not exceed £50,000 from a service budget in the current financial year, the approval of the Chief Finance Officer after consultation with the portfolio holder responsible for Finance and relevant portfolio holder(s) such approval to be subsequently reported by him/her to the Cabinet.

3.2.3 Where the amount is in excess of £50,000 or impacts on future financial years, the approval of the Cabinet.

3.3 No Director not the Cabinet or committee as the case may be shall approve or recommend approval of, a request for virement if it is contrary to the policy of the Council,

3.4 Control of expenditure within the Subjective Analysis shall be with the Director concerned. The Director will keep a record of all such virements so authorised, with the exception that "windfall" income (eg rate refunds) shall not be used for viremental purposes without appropriate authority.

3.5 Budget adjustments between different Subjective Analysis within an objective head shall also be on the authority of the Director concerned, but only to a maximum of £10,000 from a subjective category within a budget in any financial year. The Director concerned shall also keep a record of all such authorisations.

- 3.6 In each case, a copy of the virements and budget adjustments so approved shall be forwarded directly to the Chief Finance Officer, or such other accounting agent who may be so designated, for entry into the Council's Financial Information System.
- 3.7 All other requests for virement shall be subject to Rule 3.2 and all requests for virement (including those referred to above) shall be subject to Rule 3.3.
- 3.8 Nothing in these regulations shall prevent the incurring of expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to its action being reported to the Cabinet forthwith.
- 3.9 Items within the Capital Programme shall not be varied, by the addition, deletion or material modification of any project until the same has been submitted to, and approved, by the Cabinet with such committees being made fully aware of the revenue consequences to the Council in the current and future financial years.

4. ACCOUNTANCY

- 4.1 All accountancy procedures and records of the Council and its employees necessary to comply with its statutory operation shall be determined by the Chief Finance Officer. Where such procedures and records are to be maintained other than under the direct control of the Chief Finance Officer, the Chief Finance Officer (or nominee) shall, before making any determination, agree his/her requirements with the Director concerned.
- 4.2 Each Director shall keep such records as required by the Chief Finance Officer, to enable the Chief Finance Officer (or nominee) to compile the accounts of the Council and complete all necessary financial and statistical returns.
- 4.3 Financial records shall not be destroyed or otherwise disposed of other than in accordance with arrangements approved by the Chief Finance Officer.
- 4.4 In so far as any "in-house" trading or partnership/consortium operation is concerned, Directors responsible for operations shall discuss with the Chief Finance Officer (or nominee) their proposals for the proper accounting treatment and recording of transactions and shall agree with the Chief Finance Officer (or nominee) the method of financial reporting, both for committee and for wider consumption. In all matters relevant to accounting treatment and financial requirements, the Chief Finance Officer shall be the final arbiter in accordance with his statutory powers.
- 4.5 The following principles shall be observed in the allocation of financial duties:-
 - 4.5.1 The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
 - 4.5.2 Employees charged with the duty of examining and checking the accounts of cash transactions shall not themselves be employed in any of these transactions.

5. AUDIT

- 5.1 A continuous internal audit, under the direction of the Chief Finance Officer, shall be arranged to provide an examination of accountancy, financial and other systems and procedures of the Council.
- 5.2 The Chief Finance Officer, or the appointed internal auditors, shall have authority to:-
 - 5.2.1 Enter at all reasonable times on any Council premises or land;
 - 5.2.2 Have access to all systems, records, documents and correspondence relating to all financial and other transactions of the Council;
 - 5.2.3 Require and receive such explanations as are necessary concerning any matter under examination; and,
 - 5.2.4 Require any officer of the Council to produce cash, stores or any other Council property under their control.
- 5.3 Wherever any matter arises which involves, or is thought to involve, criminal irregularities concerning cash, stores or other property of the Council, or any suspected irregularity in the exercise of the functions of the Council, the Director concerned shall forthwith notify the Chief Finance Officer and the Chief Executive, who shall take such steps as they jointly consider necessary by way of investigation and report.

6. CONTRACTS FOR BUILDING, CONSTRUCTIONAL OR ENGINEERING WORK

- 6.1 Where contracts provide for payment to be made by instalments, the keeping of a contract register or registers is required to show how much has been paid on each contract between the Council and the contractor, together with any other payments and the related professional fees.
- 6.2 Payments to contractors on account of contracts shall be made only on a certificate issued by the appropriate employee or consultant (where engaged by the Council), as appropriate, or by other employees nominated in writing for the purpose.
- 6.3 Subject to the provisions of the contract in each case, every extra or variation, shall, unless otherwise evidenced to his/her satisfaction, be authorised in writing by the relevant Director (or his authorised nominee) and itemise the cost implications where possible.
- 6.4 The Chief Finance Officer (or nominee) shall, to the extent he/she considers necessary, arrange for the examination of final accounts for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as may be required in order to satisfy himself/herself as to the accuracy of the accounts and any issue of a final certificate shall be subject to this.
- 6.5 Claims from contractors which are the subject of dispute within the terms of any existing contract, shall be referred to the Solicitor to the Council (or nominee) for consideration of

the Authority's legal liability and, where necessary, to the Chief Finance Officer (or nominee) for financial consideration, before a settlement is reached.

- 6.6 Where completion of a contract is delayed, it shall be the duty of the relevant Director, (nominee) or the technical officer, or the contracting agent concerned, to take appropriate action in respect of any claim for liquidated damages.

7. INCOME

- 7.1 The procedure for the collection of all money due to the Council shall be determined by the Chief Finance Officer.
- 7.2 Each Director shall furnish the Chief Finance Officer (or nominee) with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by the Chief Finance Officer (or nominee) to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
- 7.3 The Chief Finance Officer (or nominee) shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council and the Chief Finance Officer (or nominee) shall have the right to inspect any documents or other evidence in this connection as the Chief Finance Officer may decide or determine.
- 7.4 All pre-printed receipt forms, books, tickets and other controlled items shall be ordered to the satisfaction of the Chief Finance Officer, who shall also be satisfied, either directly or through his/her nominee, as to the arrangements for their control.
- 7.5 All money received by an employee on behalf of the Council shall, without delay, be paid to the Chief Finance Officer (or nominee), or as may be directed, to the Council's banking or National Giro account or transmitted directly to any other body or person entitled thereto.

No deduction may be made from such money save to the extent that the Chief Finance Officer may specifically authorise.

- 7.6 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 7.7 Every transfer of official money from one employee to another shall be evidenced in the records of the Directorate(s) concerned by the signature of the receiving employee.

8. RISK MANAGEMENT

- 8.1 The Cabinet is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- 8.2 The Chief Finance Officer is responsible for preparing the Council's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.
- 8.3 The Chief Finance Officer (or nominee), shall effect all insurance cover.
- 8.4 Directors shall give prompt notification to the Chief Finance Officer (or nominee), of all new risks, properties, or vehicles which are required to be insured and of any alterations affecting existing insurances.
- 8.5 Directors shall forthwith notify the Chief Finance Officer (or nominee) in writing of any loss, liability or damage or any event likely to lead to an insurance claim.
- 8.6 The Chief Finance Officer, either directly or through his/her nominee shall annually, or at such other period as may be considered necessary, review all insurances in consultation with other Directors as appropriate.
- 8.7 Directors shall consult the Chief Finance Officer (or nominee) in respect of the terms of any indemnity which the Council is requested to give.

9. ORDERS FOR WORK, GOODS AND SERVICES

- 9.1 Subject to the overarching requirements of the Contract Procedure Rules and any documentation in compliance therewith, official Orders shall be issued for all work, goods or services to be supplied to the Council, except for supplies of public utility services, periodical payments such as rent or rates, petty cash purchases, or such other exceptions as the Chief Finance Officer may approve.
- 9.2 Authorisation to commit the Council to expenditure shall be through the proper authorisation of a requisition describing the goods and services to be acquired duly authorised in accordance with the Requisition describing the goods and services to be acquired duly authorised in accordance with the Requisition Authorisation Schedule.
- 9.3 Leasing (including operational leasing) shall be subject to the approval of the Chief Finance Officer.
- 9.4 Details of each Order shall, if so required, be available to the Chief Finance Officer (or nominee).

10. PAYMENT OF ACCOUNTS

- 10.1 Apart from petty cash, payment or purchasing card, the normal method of payment of money due from the Council shall be by Bankers Automated Clearing Systems (BACS), cheque or other instrument drawn on the Council's banking accounts or other properly authorised electronic transfer.
- 10.2 In respect of Orders raised via systems other than the Core Business Systems (CBS) the Director issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources within his/her Directorate. Such certification shall be in manuscript by, or on behalf of, the Director. The names of employees authorised to sign such records shall be sent to the Chief Finance Officer (or nominee) by each Director, together with specimen signatures and shall be amended on the occasion of any change thereto.
- 10.2.1 In respect of orders raised using CBS the invoice will be matched against the order and goods received note details for quantity and price. Where these match within tolerances agreed by the Chief Finance Officer or the invoice value is below £100 (excluding VAT) the invoice may be passed for payment on the due date without further authorisation being required.
- 10.2.2 For invoices not matched supplementary authorisation will still be required. This authorisation will be electronic by entry on CBS rather than by manual signature on the invoice document.
- 10.3 Before certifying an account, the certifying employee shall, save to the extent that the Chief Finance Officer may otherwise agree or determine, have satisfied himself/herself that:-
- 10.3.1 The work, goods or services to which the account relates have been received, carried out, examined and approved;
- 10.3.2 The prices, extensions, calculations trade discounts, other allowances, credits and tax are correct;
- 10.3.3 The relevant expenditure has been properly incurred and is within the relevant estimate provision;
- 10.3.4 Appropriate entries have been made in inventories, stores records or stock books as required; and,
- 10.3.5 The account has not been previously passed for payment and is a proper liability of the Council.
- 10.4 Duly certified accounts shall be passed without delay to the Chief Finance Officer's nominee who shall examine them to the extent that the Chief Finance Officer deems necessary, for which purpose the nominee shall be entitled to make such enquiries and to receive such information and explanations as may be required.

- 10.5 Any amendment to an account shall be made in ink and initialled by the employee making it, explaining briefly the reasons where they are not self-evident.
- 10.6 Any claim for payment relating to goods and services (as described at 9.1) will only be processed where it quotes the Council's Official Order Number. Any invoices not quoting this number shall be returned to the supplier.
- 10.6.1 All payments shall be processed as described in 10.6 unless there is an exemption agreed by the Chief Finance Officer. Exemptions have been granted in respect of precepts, Council Tax refunds, Business Rates refunds, Rent refunds, grants, non-payroll payments to employees, ex-gratia payments, court orders, payment of monies held on account, payroll disbursements, housing association grants, petty cash reimbursements, housing improvement grants, treasury management, car loans, housing benefit, insurance claims, utilities, cheque with order.

11. IMPREST ACCOUNTS

- 11.1 The Chief Finance Officer shall authorise and provide such imprest accounts as considered appropriate to such officers of the Council as may need them for purposes of defraying petty cash and other expenses.
- 11.2 No income received on behalf of the Council may be paid into an imprest account, but must be banked or paid to the Council as provided elsewhere within these regulations.
- 11.3 Payments from imprests shall be limited to minor items of expenditure and to such other items as the Chief Finance Officer (or nominee) may approve and shall be supported by a receipted voucher to the extent that the Chief Finance Officer may require.
- 11.4 Officers responsible for imprest accounts shall, if so requested, provide to the Chief Finance Officer (or nominee) a certificate as to the state of that imprest account.
- 11.5 When an officer ceases to be responsible for the holding of an imprest, the appropriate Director shall ensure that the imprest account is balanced, the cash holding agreed and paid to the Chief Finance Officer (or nominee) or transferred to the employee, who is to take over the account and the Chief Finance Officer informed of the change.

12. BANKING ARRANGEMENTS AND CHEQUES

- 12.1 All arrangements with the Council's bankers shall be made by, or under arrangements approved by, the Chief Finance Officer, who shall be authorised to operate such banking accounts, including National Giro accounts, as may be considered necessary.
- 12.2 All bank accounts of the Council including National Giro accounts shall include the full or abbreviated name of the Council in the account title.
- 12.3 Cheques to be drawn on the Council's main banking accounts, including National Giro accounts, shall be ordered only on the authority of the Chief Finance Officer, who shall ensure proper arrangements for their safe custody. Such cheques shall bear the facsimile

signature of the Chief Finance Officer or be countersigned by the Chief Finance Officer or by such other officer as he/she authorises so to do.

12.4 Where the value of any authorised payment exceeds £25,000 then the payment documents will be independently checked and countersigned by an authorised signatory.

13. SECURITY

13.1 Directors are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control.

13.2 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer and shall not be exceeded without express permission.

13.3 Keys to safes and similar receptacles are to be kept in the possession of the person responsible at all times; the loss of any such keys must be reported to the Chief Finance Officer forthwith.

13.4 The principles of data protection legislation shall be strictly observed at all times.

14. STOCKS AND STORES

14.1 Each Director shall be responsible for the care and custody of the stocks and stores within his/her Directorate.

14.2 Stocks shall not be in excess of normal or specific operational requirements unless it is in the financial interests of the Council.

14.3 Directors shall arrange for periodical test examination of stocks by persons other than storekeepers as required by the Chief Finance Officer (or nominee).

14.4 The Chief Finance Officer (or nominee) shall be entitled to receive from each Director such information as may be determined in relation to stores, for the accounting, costing and financial recording thereof. Surplus materials, stores or equipment shall be disposed of as appropriate to ensure the best return to the Council.

14.5 An inventory shall be maintained and updated in each Directorate and Divisional Managers shall notify the addition and movement of inventory items under their control.

15. TREASURY MANAGEMENT

15.1 The Council adopts the key recommendations of CIPFA's *Treasury Management on the Public Services: Code of Practice* (the Code), as described in Section 4 of that Code.

15.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:

- a treasury management policy statement, stating the policies and objectives of its treasury management activities

- suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

15.3 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs.

15.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer who will act in accordance with the Council's policy statement and TMPs and, CIPFA's *Standard of Professional Practice on Treasury Management*."

15.5 All investments of money under its control shall be made in the name of the Council unless otherwise approved on behalf of the Council.

15.6 All securities, being the property of, or in the name, of the Council, or its nominees, and the title deeds of all property in its ownership, shall be held in the custody of the Solicitor to the Council or under arrangements agreed by him/her.

15.7 All borrowings shall be effected in the name of the Council.

16. SALARIES, WAGES AND PENSIONS

16.1 The payment of all salaries, wages, pensions, compensation, travel and subsistence and other emoluments to all employees, or former employees, of the Council, shall be made by the Chief Finance Officer (or nominee) or under arrangements approved by him/her.

16.2 The Chief Finance Officer (or nominee) shall be notified by the appropriate Director as soon as possible, and in a form prescribed, of all matters affecting the payment of such emoluments, and in particular:-

16.2.1 appointments, resignations, dismissals, suspensions, secondments and transfers;

16.2.2 absences from duty for sickness or other reasons, apart from approved leave;

16.2.3 changes in remuneration, other than normal increments and pay awards and agreements of general application; and

16.2.4 information necessary to maintain records of service for pension, income tax, national insurance and the like.

16.3 Appointments of all employees shall be made in accordance with the policies of the Council and the approved establishments, grades and rates of pay.

16.4 All time records or other pay documents of employees shall be in a form prescribed or approved by the Chief Finance Officer (or nominee) and shall be certified in manuscript by or on behalf of the Director concerned. The names of officers authorised to sign such records shall be sent to the Chief Finance Officer (or nominee) by each Director, together with specimen signatures, and shall be amended on the occasion of any change.

17. EX GRATIA AND OTHER SPECIAL PAYMENTS

17.1 The Chief Executive may, on the recommendation of a Director, or at either of their discretions, make payments by way of compensation, or in settlement of claims by employees, in respect of loss or damage to clothing or personal belongings, which has occurred at work or in the course of the performance of an employee's duties and which was not caused by the employee's fault or negligence.

17.2 The Chief Finance Officer shall have authority to make special payments, without the prior approval of the Council, the Cabinet or a committee of the Council, whether or not provision has been made in the approved estimates, in the following cases:-

17.2.1 payments specifically required by statute;

17.2.2 payments under a court order;

17.2.3 payments under agreement entered into by and on behalf of the Council;

17.2.4 payments made on the advice of the Solicitor to the Council and/or appropriate Director, in the settlement of any action or claim against the Council.

18. VOLUNTARY FUNDS

18.1 A voluntary fund is any fund other than an official fund of the Council, which is controlled, wholly or in part, by an employee by reason of his or her employment with the Council.

18.2 Each Director shall make himself/herself aware of all voluntary funds involving employees under his/her control and shall make arrangements for the proper management of such funds.

19. EXTERNAL FUNDING

19.1 The Chief Finance Officer, or his/her nominee must be advised of all external funding opportunities available to the Council and of the lead officer in each circumstance.

19.2 The Chief Finance Officer, or his/her nominee is required to authorise either generally or specifically all external funding applications prior to their submission by the Council.

19.3 The Chief Finance Officer or his/her nominee must be notified of the outcome of external funding applications at the earliest opportunity.

Schedule of Authorisation Limits

Ref	Description	Applicable to	Value
3.2	Approval of virement relating to current year budget only	Cabinet	>£50,000
3.2	Approval of virement relating to future years	Cabinet	>£0
3.2	Approval of virement relating to current year	Chief Finance Officer in consultation with Portfolio Holder for Finance and relevant Portfolio Holder(s)	>£20,000 to £50,000
3.2	Approval of virement relating to current year budget only	Chief Finance Officer	</=£20,000
3.5	Budget adjustments	Director	</=£10,000
10.2.1	De minimis limit for automatic matching		£100
12.4	Payment value requiring counter signature		>£25,000

CONTRACT PROCEDURE RULES

1. INTRODUCTION

1.1 These Rules are made in pursuance of the Council's Statement of Procurement Policy and as part of the Constitution of the Council adopted in accordance with the requirements of the Local Government Act 2000, their purpose being to provide a clear regulatory Code for the procurement of: -

- **goods**
- **works**
- **services**

for the Council which will ensure a framework of openness, integrity, and accountability and evidence the probity and transparency of the process.

1.2 They are intended to provide optimum value for money and objectively demonstrate that the Council is fulfilling its fiduciary responsibilities.

2. DEFINITIONS

- "Authorised Officer"

A person with appropriate delegated authority to act on behalf of the Council

- "Best Value for Money"

The optimum combination of whole life costs and benefits to meet the Council's requirements. (Such term equates to the EU procurement reference to the "most economically advantageous offer")

- "PQQ"

A Pre-Qualification Questionnaire

- "Framework Agreement"

An agreement which allows the Council to call off from a supplier supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself would usually constitute a non-binding offer with no obligations on the Council to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being.

- “ITT”

Invitation to Tender

- “Regulations”

The UK regulations implementing the EU Public Procurement Directives

- “RFQ”

Request for Quotations

- “Supplier”

Any person or body of persons providing or seeking to provide suppliers, services or works to the Council

3. COMPLIANCE

3.1 The Council, all of its employees and also external consultants acting on its behalf, shall be under a general duty in all circumstances to: -

- ensure fair competition,
- observe due propriety, and
- obtain Best Value for Money both in monetary terms and in respect of efficiency and suitability

in relation to all Contracts made on behalf of the Council for the supply of goods, services and works, which for such purposes shall include: -

- schemes;
- agreements;
- orders; or
- other written authorisation to third parties

and references to a Contractor shall include any: -

- person or
- company or
- other organisation

who supplies goods, services and works irrespective of whether any or all of the more detailed provisions of these Rules are applicable thereto.

3.2 Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council’s functions and shall comply with:

3.2.1 all relevant statutory provisions;

- 3.2.2 the relevant European procurement rules (i.e. the EC Treaty, the general principles of EU law and the EU public procurement Directives implemented by the UK Regulations);
- 3.2.3 the Constitution, including these Contract Procedure Rules, Financial Procedure Rules and Scheme of Delegations, and
- 3.2.4 the Council's
- Best Value objectives required by the Local Government Act 1999
 - strategic objectives,
 - Statement of Procurement Policy
 - Procurement Strategy,
 - Procurement Code of Practice,
 - Individual policies relevant to the procurement in question
- 3.3 The highest standards of probity are required of all employees and Members involved in the procurement, award and management of Council Contracts and all Council members, employees and third parties engaged on the Council's behalf must also ensure that any conflicts of interest are avoided and that both employees and Members comply with the Members and Officers Codes of Conduct contained in this Constitution.
- 3.4 Members and employees must not accept from contractors or potential contractors or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind:-
- 3.4.1 any gift (other than an inexpensive seasonal gift such as a calendar or diary for use in the office); or
- 3.4.2 any hospitality without the written authorisation of a Director, Monitoring Officer or Chief Finance Officer, and Members and employees should comply with the Council's Code of Conduct in this respect.
- 3.5 Employees of the Council must immediately enter in a register kept for this purpose by the Solicitor of the Council particulars of:
- 3.5.1 any gift (including how it has been returned to the giver or otherwise disposed of eg donated for charitable purposes); and
- 3.5.2 any hospitality
- 3.6 Hospitality includes drink, meals, entertainment, overnight accommodation, travel and holidays, but does not include a lift in a private or company car or a taxi or refreshments in the course of office duty (e.g. working lunch).

4. DELEGATED AUTHORITY

- 4.1 Any Procurement carried out behalf of the Council may only be undertaken by employees with the appropriate delegated authority to carry out such tasks. Such employees shall be

informed by his/her Director of the extent of any delegated authority and any applicable financial thresholds for each Procurement.

- 4.2 Within approved budgets Authorised Officers may authorise other employees to place orders against Framework Agreements which have been entered into by the Council.
- 4.3 Any Contract Award which constitutes a Key Decision as defined in the Council's Constitution or which otherwise falls above the relevant threshold levels or which involves any potential transfer of the Council's employees to a Supplier shall be referred for a decision from the Cabinet, unless forming part of a previous approval by the Council, Cabinet or other relevant Committee.

5. EXCEPTIONS

- 5.1 The following Contract Procedure Rules will apply to all contracts made by the Council which are estimated to exceed £50,000 in value (such value taking into account the value or consideration for the same for the whole contract period) except: -
 - 5.1.1 Contracts of Employment.
 - 5.1.2 Contracts relating to dealings in land (including letting of premises).
 - 5.1.3 Contracts where the Council is to be reimbursed through an insurance policy and the requirements of the insurer are complied with.
 - 5.1.4 Contracts where the Council is acting as an agent authority and the requirements of the principal are complied with.
 - 5.1.5 Contracts where the goods, services or works to be procured are: -
 - 5.1.5.1 obtained through or on behalf of a consortium, association or other similar body of which the Council is a member or from time to time becomes a member
 - 5.1.5.2 proprietary or patented goods, services or works sold only at a fixed price from one contractor or being of a specialist nature where no reasonable satisfactory alternative is available
 - 5.1.5.3 necessary as a result of unforeseen emergencies which the Chief Executive considers would involve immediate risk to persons, property or serious disruption to Council services
 - 5.1.5.4 the subject of a specific policy decision
 - 5.1.6 Subject to compliance with Rule 3, the placing of orders by users for goods or services which are negotiated by the Council's Procurement Advisors in accordance with the authority from time to time vested in them by the Council.

5.1.7 Any other exemption from any of these Rules may be made by direction of the Council, Cabinet, committee, or as authorised by Rule 34. A record of any such exemption from any of the provisions of the Rules together with the specific reasons therefore shall be included within the minutes of the Council, the Cabinet or such committee by which the exemption was made, or, in the event of the proposed exercise of any delegation by any employee, a formal report in like form shall be submitted to the Chief Finance Officer and Monitoring Officer and prior written acquiescence by both in such proposed exception shall be necessary.

6. PRE-PROCUREMENT PROCEDURE

6.1 Before commencing procurement, it is essential that the Authorised Officer leading the procurement has identified the need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy and Procurement Policy as appropriate.

6.2 Before undertaking a procurement the Authorised Officer shall:

- (a) consider all other means of satisfying the need (including recycling and re-use where appropriate);
- (b) consider whether there is an appropriate Framework Agreement which should be used; and
- (c) establish a business case for the procurement.

6.3 Before commencing any proposed procurement process the Authorised Officer shall

- (a) Consult the relevant Portfolio Holder where the procurement impinges significantly and directly on the public or may be considered controversial or is likely to have significant budgetary implications or involve transfer of employees
- (b) Consult the Council's procurement Advisors or Solicitor to the Council where the value of any contract is likely to be in excess of £20,000
- (c) Consult with the Solicitor to the Council in respect of any EU Procurement rules and any other legal or related issues

and have regard to any advice, procedures and requirements arising from such consultation and in particular to the need for any EU Procurement requirements and formalities to be carried out directly by the Solicitor to the Council.

7. ESTIMATING THE CONTRACT VALUE

7.1 For the purposes of these Rules the value of any Contract shall be taken as the value or consideration for the Contract as a whole over the contract period.

7.2 The Council should make the best use of its purchasing power by aggregating purchases wherever possible. Particular supplies, services or works shall not be split in an attempt to avoid the applicability of these Rules or the EU Regulations.

8. LOW VALUE PROCUREMENT (BELOW £50,000)

8.1 The number and nature of the competitive quotations required for contracts or orders with an estimated value of below £50,000 are detailed within the Procurement Code of Practice.

Goods, Services or Works Contract Value		Type of enquiry/tender/contract
From (£)	To (£)	
0	100	No quotation required
101	2,000	Quotation from a minimum of two suppliers. Prices are to be recorded on a quotation sheet.
2,001	20,000	Written quotations from a minimum of three suppliers. A faxed or e-mailed quotation will be acceptable.
20,001	50,000	Written quotations from a minimum of three suppliers. The enquiry should contain a simple form of the Council's Terms and Conditions.

8.2 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.

8.3 Any procurement which may involve a transfer of staff shall be treated as a High Value Procurement.

9. HIGH VALUE PROCUREMENT (GREATER THAN £50,000)

9.1 For procurements valued at above £50,000, a Contract Award Procedure shall be conducted in accordance with these Rules.

9.2 Prior to the commencement of the Contract Award Procedure the Authorised Officer shall develop a procurement approach, which shall set out the information requirements detailed within the Procurement Code of Practice.

9.3 One of three Contract Award Procedures shall be used as appropriate for the particular procurement i.e. Open, Restricted or Negotiated, and the Solicitor to the Council shall be consulted as to the appropriate procedure.

10. CONTRACTS SUBJECT TO THE EU REGULATIONS

- 10.1 Where an estimated value of a Contract exceeds the relevant current EU threshold then the Contract shall be tendered in accordance with the Regulations. Under the Regulations, the Contract may be tendered under the Open, Restricted or, in the exceptional circumstances set out in the Regulations, the Negotiated Procedure. A Contract Notice in the prescribed form shall be published in the OJEU.
- 10.2 The Regulations set out the minimum timescales for the receipt of expressions of interest and tenders. Where the Council has published a Prior Information Notice, then the Council may rely on reduced timescales if appropriate, the Solicitor to the Council being the determinor of this and any other interpretation or application of the EU Regulations.

11. INVITATION TO TENDER

- 11.1 The Council shall only enter into a contract with a Supplier if it is satisfied as to the Supplier's:
- 11.1.1. eligibility;
 - 11.1.2. financial standing; and
 - 11.1.3. technical capacity.
- 11.2 Technical capacity includes the Supplier's quality management systems including human resources, health and safety and environmental management systems where relevant to the performance of the Contract.
- 11.3 Any procurements subject to the Regulations shall comply with the appropriate Regulations.
- 11.4 The ITT shall include details of the Council's requirements for the particular contract including:
- 11.4.1 a description of the services, suppliers or works being procured;
 - 11.4.2 the procurement timetable, including the return date and time, which shall allow a reasonable period for applicants to prepare their tenders;
 - 11.4.3 a specification and instructions on whether any variants are permissible;
 - 11.4.4 the Council's Terms and Conditions of Contract, which must be approved by the Solicitor to the Council;
 - 11.4.5 the evaluation criteria, including any weightings as considered appropriate;
 - 11.4.6 the pricing mechanism and instructions for completion;
 - 11.4.7 if relevant, whether the Council is of the view that TUPE may apply;

- 11.4.8 the form and content of any method statements to be provided;
- 11.4.9 rules for submission of tenders;
- 11.4.10 An assessment whether a Performance Bond and/or Parent Company Guarantee (if applicable) shall be required from the preferred Tenderer;
- 11.4.11 In consultation with the (*Councils Risk Manager*) the appropriate type (employee liability, public liability, professional indemnity etc) and level of insurance required for the Contract;
- 11.4.12 any further information which will inform or assist tenderers in preparing tenders.

12. SUBMISSION AND OPENING OF TENDERS

- 12.1 Tenders shall be submitted in accordance with the requirements set out in the ITT. Any tenders received shall be addressed to the Solicitor to the Council in a sealed envelope endorsed with the word 'Tender' followed by the subject matter to which it relates. Tenders shall be kept in a safe place by the Solicitor to the Council and remain unopened until the time and date specified for their opening. No tenders received after the specified date and time for receipt of tenders shall be accepted or considered by the Council unless the Solicitor to the Council is satisfied that there is sufficient evidence for the tender having been despatched in sufficient time for it to have arrived before the closing date and time.
- 12.2 Tenders shall be opened by the Authorised Officer and at least one other employee nominated by the Solicitor to the Council. An immediate record should be made of the tenders received including names, addresses and the date and time of opening.
- 12.3 Tender documents shall state the nature and purpose of the contract for which tenders are invited, specify the last date and time when tenders will be received and state that the Council reserves the right not to accept any tender or to accept a tender other than the lowest where payment is to be made by the Council or the highest where payment is to be received by the Council.

13. ELECTRONIC TENDERING

- 13.1 RFQ's, PQQ's and ITTs should wherever practical be issued to tenderers by electronic means.
- 13.2 Tenders may be submitted by electronic means provided that:-
 - 13.2.1 evidence that the transmission was successfully completed is obtained and recorded;
 - 13.2.2 each tender submitted electronically is supplemented by an identical signed hard copy original submitted in the manner prescribed in the advertisement or the ITT documents before the tender return date; and

13.2.3 electronic tenders are kept in a separate secure folder under the control of the Solicitor to the Council, which is not opened until the deadline has passed for receipt of tenders.

14. ERRORS IN TENDERS

Where an error is found in a tender before acceptance, details of it shall be given to the tenderer and they shall be given an opportunity of confirming or withdrawing their offer. In the case of genuine arithmetical errors discovered before acceptance, the tenderer may be given the chance to correct the error, but no other adjustment, revision or qualification is permitted in respect of such errors.

15. TENDER EVALUATION

15.1 Where appropriate, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders.

15.2 Tenders shall be evaluated in accordance with the relevant Regulations (if any) and the evaluation criteria set out in the ITT and in all cases shall be awarded on the basis for Best Value for Money to the Council. The evaluation criteria shall be predetermined and listed in the ITT documentation, in order of importance if applicable. In addition, the criteria shall be strictly observed at all times throughout the Contract Award Procedure by any employee involved in tender evaluation.

16. BONDS, GUARANTEES AND INSURANCE

16.1 For High Value Procurements, the Corporate Manager for Financial Asset Management Solicitor to the Council shall consider as part of the pre-qualification assessment and evaluation process whether a Performance Bond and/or a Parent Company Guarantee (if applicable) shall be required from the preferred Tenderer.

16.2 The Authorised Officer shall consider in consultation with the Council's Risk Manager the appropriate type (employee liability, public liability, professional indemnity etc) and level of insurance requirements for each Contract.

17. POST-TENDER NEGOTIATION

17.1 Where a procurement is conducted pursuant to the EU Regulations through either the Open or Restricted procedures no post-tender negotiations are permitted. The Council may however seek clarification from Suppliers where appropriate.

17.2 At all times during the procurement (whether subject to the Regulations or not), employees shall consider and implement the principles of non-discrimination, equal treatment and transparency

18. DEBRIEFING

The Authorised Officer responsible for each procurement shall provide appropriate information to unsuccessful tenderers on written request, consulting the Council's Procurement Advisors on the form and content of such information where necessary.

19. CONTRACT AWARD NOTICE

Where a Contract has been tendered pursuant to the Regulations, the Solicitor to the Council shall publish a Contract Award Notice in OJEU within the relevant time scales appropriate thereto.

20. LETTERS OF INTENT

Letters of Intent shall only be used in exceptional circumstances as follows:

- (a) where a tenderer is required to provide services, supplies or works prior to formal written acceptance by the Council; or
- (b) where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

And may only be issued by the Solicitor to the Council after the Authorised Officer has obtained any necessary Council and financial consents to do so.

21. CONTRACT TERMS AND CONDITIONS

Contracts shall be entered into on the Council's terms and conditions, which shall be included with each ITT. Exceptions to this must be approved by the Solicitor to the Council.

22. ACCEPTANCE OF TENDERS

- 22.1 Low Value Contracts may only be accepted by employees with the requisite delegated authority for these purposes after the Authorised Officer has ensured that the relevant budget holder has sufficient funds in place to sustain the Contract.
- 22.2 In the case of High Value Contracts the Chief Executive or the Solicitor to the Council in conjunction with the Director concerned shall have power to accept the lowest tender if payment is to be made by the Council **provided that** such tender does **not** exceed or fall short of the approved estimate as the case may be.

- 22.3 In all cases where it is proposed to accept other than the lowest tender if payment is to be made by the Council, or the highest tender if payment is to be received by the Council save and except in those cases where an award is made under Rule 15 in accordance with predetermined criteria detailed in the tender documents, no acceptance shall take place until the Council, Cabinet (as Cabinet Members if delegated powers apply), the committees, sub-committee, or Monitoring Officer and Chief Finance Officer in exercise of their powers under Rule 5.1.7 shall have considered a report from the appropriate employee or other relevant person indicating their recommendation and objectively justifying this, regard being taken in such evaluation both to any EU procurement requirements in respect of the most economically advantageous tender in respect of such contract and also the general duty on the Council to procure best value as reflected (if applicable) in any individual conditions of tender.
- 22.4 An acceptance letter for all contracts exceeding £50,000 in value shall only be issued by the Solicitor to the Council).

23. EXECUTION OF CONTRACTS

- 23.1 In the case of contracts for the supply of goods or materials or the execution of works of a value or amount in excess of £250,000 the award of which is specifically a Key Decision requiring an individual validation as such by the Cabinet or the Council it shall be a further requirement for the purposes of Section 135 of the Local Government Act 1972 as applied by the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) England Order 2001 NOT ONLY that such contracts SHALL BE IN WRITING BUT be either under the seal of the Council or shall be signed on behalf of the Council by any two of the following officers, namely the Solicitor to the Council, the Chief Executive, the Chief Finance Officer and the Legal Services Operations Manager. PROVIDED THAT for the avoidance of doubt formal contracts exceeding £50,000 in value shall be signed by one of the foregoing.
- 23.2 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Solicitor to the Council.

24. RECORDS OF TENDERS AND CONTRACTS

- 24.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.
- 24.2 The Authorised Officer must notify the Council's Procurement Advisors with the details of the award of every Contract above £20,000.
- 24.3 A contracts register of all Contracts awarded above £20,000 shall be maintained by the Corporate Manager for Finance and Asset Management. The contracts register may be maintained electronically.
- 24.4 For every individual contract a contracts file shall be maintained.

25. APPROVED LISTS

The Council may maintain or have maintained on its behalf approved lists or equivalent arrangements of Suppliers which meet its pre-qualification requirements. Quotations and tenders for contracts which are not subject to the Regulations may be invited from Suppliers included on such list. Where the Council intends to use such a list for services, supplies or works contracts, the selection of which suppliers should be included on such list should itself be advertised.

26. NOMINATED AND NAMED SUB-CONTRACTORS

- 26.1 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main Supplier quotations or tenders must be invited in accordance with these Rules and the terms of the invitation shall be compatible with the main Contract. The terms of the invitation shall require an undertaking by the tenderer that, if it is selected, it will be willing to enter into a Contract with the main Supplier on terms which indemnify the main Supplier against its own obligations under the main Contract in relation to the work or goods included in the sub-Contract and enter into an agreement to indemnify the Council in such terms as may be prescribed.
- 26.2 The relevant Director, or other authorised person, shall nominate to the main Supplier the person whose tender it is, in his/her opinion, the most satisfactory; provided that, where the tender is other than the lowest received, the circumstances shall be reported and recorded as provided by Rule 26

27. FRAMEWORK AGREEMENTS

Framework Agreements may be used where the Council wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise. However, the Framework Agreement may include within its terms a requirement for a mini-competitive exercise between those Suppliers who are parties to the Framework Agreements. Any Framework Agreement shall be tendered in accordance with these Contract Procedure Rules. Where the Council has entered into such a Framework Agreement or is able to call off from existing Framework Agreements procured through joint procurement arrangements, then it may utilise the same without entering into a separate procurement.

28. JOINT PROCUREMENT

- 28.1 Any joint procurement arrangements with other Local Authorities or public bodies including membership or use of Purchasing Consortia shall require the sanction of the Cabinet (or Cabinet Member if delegated powers apply).
- 28.2 Approval shall only be given where the joint procurement arrangement assures compliance with these Rules.

29. PROCUREMENT BY CONSULTANTS

- 29.1 Any consultants used by the Council shall be appointed in accordance with these Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the relevant Authorised Officer shall ensure that such consultants carry out any procurement in accordance with the same. No consultant shall make any decision on whether to award a Contract or to whom a Contract should be awarded. The Authorised Officer shall ensure that the consultant's performance is monitored.
- 29.2 The Chief Executive must give approval for the appointment of any consultant.

30. STATISTICAL RETURNS

- 30.1 Each year the Council is required to make a statistical return to the Office of the Deputy Prime Minister for onward transmission to the European Commission concerning the contracts awarded during the year under the EU Rules.
- 30.2 The Solicitor to the Council shall be responsible for this statistical return and will make the necessary arrangements for information to be collected annually. Directors shall comply with these arrangements and expeditiously provide any information required.

31. CONTRACT EXTENSION

- 31.1 Any contract may be extended in accordance with its terms. Any other extensions shall require the approval of Cabinet (or Cabinet Member if delegated powers apply), relevant Committee or be otherwise authorised in accordance with these Rules and must also comply with the Regulations if applicable.
- 31.2 The Authorised Officer shall always be satisfied that extension will achieve Best Value for Money and is reasonable in all the relevant circumstances. Such extension must be approved in writing by the Solicitor to the Council.

32. TERMINATION OF CONTRACT

The Solicitor to the Council must be consulted with regard to any termination or proposed termination of any Contract.

33. DISPOSAL OF ASSETS

Where the estimated value of an asset or collection of assets is £30, 000 or more, or where the Council, Cabinet (or Cabinet Member if delegated powers apply), or committee determine, the disposal of land, property, plant and equipment shall be either by the invitation of tenders by public notice or public auction except where a valuer with relevant qualifications certifies that an alternative method of disposal will better achieve the Council's aims and objectives and in any event all such disposals shall comply with the general duties referred to in Rule 3 hereof.

34. WAIVERS OF CONTRACT PROCEDURE RULES

Waivers of any of these Contract Procedure Rules shall only be given in exceptional circumstances and only with the prior formal written approval of the Monitoring Officer and Chief Finance Officer, after submission of a report by the Authorised Officer formally justifying such validation and providing an adequate audit trail in respect thereof.

35. REVIEW AND AMENDMENT OF CONTRACT PROCEDURE RULES

These Contract Procedure Rules shall be reviewed on a periodic basis, and form part of the Council's Constitution which can only be amended by the Council on recommendation from the Cabinet (or Cabinet Member if delegated powers apply).

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of executive functions are set out in the Executive Arrangements adopted by the Council. In either case, the Arrangements may provide for executive functions to be discharged by:

- 1.1.1 the Cabinet as a whole;
- 1.1.2 any committee of the Cabinet (if so expressly delegated by the Council);
- 1.1.3 an individual member of the Cabinet. (The Leaders Scheme of Delegations in Part 8 of the Constitution sets out the arrangements in this regard).
- 1.1.4 an officer;
- 1.1.5 Area Partnerships (within any delegated authority)
- 1.1.6 Joint Arrangements; or
- 1.1.7 another Local Authority.

1.2 Sub-delegation of Executive functions

- 1.2.1 Where the Cabinet, any committee of the Cabinet or an individual member of the Cabinet may be responsible for an executive function, they may delegate further to an Area Partnership, by Joint Arrangements or to an officer.
- 1.2.2 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 Conflicts of Interest

- 1.3.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 1.3.2 If any member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 1.3.3 If the exercise of an executive function has been delegated to any committee of the Cabinet, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by

whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.4 Cabinet meetings - when and where?

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's principal offices or another location to be agreed by the Leader.

1.5 Public or private meetings of the Executive?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.6 Quorum

The quorum for a meeting of the Cabinet, or any committee of the Cabinet shall be one quarter of the total number of members of the Cabinet (including the Leader), or three including the Leader, whichever is the larger.

1.7 How are decisions to be taken by the Executive?

- 1.7.1 Executive decisions which fall to be taken by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- 1.7.2 If executive decisions are to be taken by a committee of the Cabinet the same rules shall apply as those applying to the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- 2.3.1 consideration of the minutes of the last meeting;
- 2.3.2 declarations of interest, if any;
- 2.3.3 matters referred to the Cabinet (whether by the Overview and Scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance

with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

- 2.3.4 consideration of reports from the Overview and Scrutiny committee; and
- 2.3.5 matters set out in the agenda for the meeting, which shall indicate which involve Key Decisions and which not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework should, if appropriate, contain details of the nature and extent of any consultation with stakeholders and the Overview and Scrutiny committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

- 2.5.1 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- 2.5.2 Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 2.5.3 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny committee.
- 2.5.4 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. OVERVIEW & SCRUTINY

In respect of Call-In, Reports, Reviews and Recommendations from the Overview and Scrutiny Committee the Cabinet shall comply or procure compliance with the relevant provisions of the Overview and Scrutiny Procedure Rules relevant thereto

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. **What will be the number and arrangements for Overview and Scrutiny committees?**

The Council will have a single Overview and Scrutiny Committee as set out in Article 6.

2. **Membership of the Overview and Scrutiny Committee?**

The Overview and Scrutiny Committee will be made up of members. No member of Cabinet may sit on the Committee. A member may not be involved in scrutinising a decision in which he/she has been directly involved.

3. **Meetings of Overview and Scrutiny Committees**

The Overview and Scrutiny Committee shall meet normally six times in each year. In addition, other meetings may be called from time to time as and when appropriate. Such a meeting may be called by the chair of the Committee, by any 2 members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

4. **Quorum**

The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. **Who chairs Overview and Scrutiny Committee meetings?**

The appointment of Chairs will comply with the general provisions as to Chairs set out in the Council Procedure Rules.

6. **Protocols**

The Overview and Scrutiny Committee will abide by and apply those Protocols relevant to Committee's work and contained in Part 5 of the Constitution

7. **Work programme**

Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the Committee who are not members of the largest political group on the Council, and the wishes of Cabinet. Requests from Elected Members and/or the public will also be taken into account, if appropriate.

8. **Agenda items and References from Cabinet**

Any member of the Overview and Scrutiny Committee shall be entitled to give formal notice giving the reasons therefor to the Proper Officer that he/she wishes an item

relevant to the functions of the Committee to be included on the agenda for the next available meeting of such Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Cabinet. Any such request shall be directed to the Chair of the Overview and Scrutiny Committee. The Committee shall report their findings and any recommendations back to Cabinet and/or the Council as the case may be. The Council and/or the Cabinet shall consider any report of the Overview and Scrutiny Committee as soon as possible thereafter.

9. Policy review and development

- 9.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 9.2 In relation to the development of other matters not forming part of the Council's Policy and Budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet if they see fit.
- 9.3 Subject to the relevant budgetary constraints the Overview and Scrutiny Committee may hold enquiries and investigate the available budgetary options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may, subject to such budgetary constraints, go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports, Recommendations and Reviews from Overview and Scrutiny Committee

- 10.1 Once they have formed recommendations on proposals for review or development, the Overview and Scrutiny committee will prepare a formal report with any recommendations and it will be submitted through the Chair for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework) as appropriate. They may nominate one or two members to address the Cabinet thereon.
- 10.2 If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or, the Cabinet as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet (as the case may be) with the majority report.
- 10.3 The Council or the Cabinet, as the case may be, shall consider reviews and any recommendations or reports of the Overview and Scrutiny Committee as soon as practicable thereafter and determine whether to accept some or all of them. Having considered them they should determine the effect of their decision(s); where

recommendations are rejected reasons should be provided, and where accepted named officers (where appropriate) should be instructed to implement them. The Cabinet should provide a written response from the Leader or relevant Portfolio Holder (who may instruct an appropriate officer to make the response on their behalf) to the Chair of the Overview and Scrutiny Committee explaining the outcome of the recommendations and any effect on their decisions.

11. Making sure that Scrutiny reports are considered by the Cabinet

- 11.1 The agenda for the Cabinet meetings shall include an item entitled "Issues arising from Scrutiny". Any reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.
- 11.2 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its report for consideration by the Cabinet or the Council depending upon whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the report is referred to Council, a copy will also be served on the Leader with notice that the matter is to be referred to Council. The Cabinet will have 4 weeks in which to respond to such Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on such a matter which would impact on the Budget and Policy framework, it shall also consider the response of the Cabinet to the proposals.

12. Rights of Overview and Scrutiny Committee members to documents

- 12.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 12.2 Nothing in these Rules prevents more detailed liaison between the Cabinet, and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. Councillors and officers giving account

- 13.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions save that, as provided by Article 6, Overview and Scrutiny Committees shall not scrutinize individual decisions of other committees of the Council, particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider policy review and shall not act as an appeal forum in respect of any such individual decisions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain:

13.1.1 any particular decision or series of decisions;

13.1.2 the extent to which the actions taken implement Council policy;

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

- 13.2 Where any Councillor or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

14. Attendance by others

The Overview and Scrutiny Committee may invite people other than those people referred to in Rule 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

15. Call-in

- 15.1 When a decision is made by the Cabinet or individual Cabinet Members or the Chief Executive (key decisions) or a Key Decision is made by an officer with delegated authority from the Cabinet or Council or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three days of being made. The Chair of the Overview and Scrutiny Committee will be sent a copy of the records of all such decisions within the same timescale.
- 15.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Overview and Scrutiny Committee exercise the right to call-in within that period.
- 15.3 During that period, the Proper Officer shall call-in a decision for scrutiny by the Committee if so requested by the Chair or formally by any two members of the Council, and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair or in the absence of the Chair the Deputy-Chair of the Committee, and in any case such meeting shall be held within seven working days of the

decision to call-in although, in the exceptional circumstances the period could be extended to twenty-one days at the discretion of both the Chief Executive and the Monitoring Officer (such decision to extend the time limit and the reason would need to be formally recorded in writing). The member or members requesting such call-in shall have the right to speak at such meeting, as shall the Leader and relevant Portfolio Holder or Holders.

- 15.4 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or, in the case of decisions outside the Council's Budget and Policy Framework, refer the matter to full Council as provided in the Budget and Policy Framework Procedure Rules. If referred to the decision making person or body they shall then reconsider as soon as reasonably practicable amending the decision or not, before adopting a final decision, which shall not then be subject to further call-in (provided that if such decision shall negate the previous decision or propose a significantly or entirely different final alternative course of action to that previously considered by the decision taker and Overview and Scrutiny Committee, such further action shall, notwithstanding the foregoing, be capable also of being called in.) In all cases of reference back, the Cabinet (or other decision making person or body), shall formally advise the Overview and Scrutiny Committee of their consideration of such referral and their final decision.
- 15.5 If following the call in of a decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of the period in which the Overview and Scrutiny Committee should have met, whichever is the earlier.
- 15.6 If the matter was referred to full Council as provided herein and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it will have no power to alter the decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget.

Unless that is the case the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making person or body shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider as soon as possible thereafter. Where a decision was made by an individual, the individual will reconsider within three working days of the Council request.

- 15.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making person or body, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 15.8 In the event that a Cabinet decision has been taken by an Area Partnership (having delegated power so to do) then the right of call-in shall extend to any other Area

Partnership which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny Committee for consideration in accordance with these provisions. An Area Partnership may only request the Proper Officer to call-in the decision of another Area Partnership if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised in accordance with 14.3 above.

15.9 Exceptions

In order to ensure that a call-in is not abused, nor causes unreasonable delay, a formal request from two members of the Council to the Proper Officer in writing giving the reasons for such request is required for a decision to be called in. (except in the case of a call in by the Chair of Overview and Scrutiny Committee or a call in under 14.8 above.

15.10 Call-in and Urgency

The call-in procedure set out above shall **not** apply where the decision being taken is **urgent**. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15.11 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report may be submitted to Council, with any proposals for review if necessary.

16. The Party Whip

When considering any matter in respect of which a member of the Overview and Scrutiny committee is subject to a party whip the member 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.

17. Procedure at Overview and Scrutiny Committee meetings

17.1 The Overview and Scrutiny Committee shall consider the following business:

17.1.1 minutes of the last meeting;

17.1.2 declarations of interest (including whipping declarations);

17.1.3 consideration of any matter referred to the committee by way of call-in;

17.1.4 responses of the Cabinet or Council to reports of the Overview and Scrutiny Committee; and

17.1.5 the business otherwise set out on the agenda for the meeting.

17.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to contribute at Committee meetings, which are to be conducted in accordance with the following principles:

17.2.1 that 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;

17.2.2 that those assisting the Committee by giving evidence or otherwise contributing be treated with respect and courtesy; and

17.2.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

17.3 Following any investigation or review, the Committee shall prepare a report of any recommendations or conclusions in the name of the Chair, for submission to the Cabinet and Council as appropriate and shall make its report and findings public.

18. Panels or “Task and Finish” Groups

18.1 The Overview and Scrutiny Committee may set up panels (which may be referred to as “task and finish” groups) to assist the Committee in carrying out reviews. Such panels will be given a brief for the work they are required to do, and will be wound up once the task is completed and they have reported back to the Committee.

18.2 Councillors who are not members of the Overview and Scrutiny Committee may and normally will be approached to sit on the panels. The Overview and Scrutiny Committee may specify who will chair a panel, or may leave the panel to select their own chair.

18.3 The provisions of 16.2 above shall apply with the necessary modifications to the meetings of such panels.

19. PRIVATE MATTERS

Where reports, documents or advice have been dealt with by the Cabinet or a Committee in private pursuant to Section 100 (1) of the Local Government Act 1972 they shall, in the absence of prior consent from the Cabinet or Committee concerned, be dealt with in like manner by any Overview and Scrutiny Committee considering the same.

EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

1.1 Declarations

1.1.1 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 or niece of an existing Councillor or employee of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

1.2 Seeking support for appointment

1.2.1 Subject to Rule 3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.

1.2.2 Subject to Rule 3, no Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and certain other officers

Where the Council proposes to appoint a Head of Paid Service (to be styled Chief Executive), a Director, Chief Finance Officer or Monitoring Officer or other officer within the definitions referred to in paragraph 3 of Part II of the First Schedule to the Local Authorities (Standing Orders)(England) Regulations 2001 and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

2.1 draw up a statement specifying:

2.1.1 the duties of the officer concerned; and

2.1.2 any qualifications or qualities to be sought in the person to be appointed;

2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

2.3 make arrangements for a copy of the statement mentioned in Rule 1 to be sent to any person on request.

3. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive.

4. Appointment of Chief Officers and certain other officers

4.1 A committee or sub-committee of the Council will appoint the Officers referred to in Rule 2. That committee or sub-committee must include at least one member of the Executive.

4.2 An offer of employment to such officers shall only be made where within a specified period of time no well-founded and maternal objection from any member of the Executive has been received.

5. Other appointments

5.1 Other officers

Appointment and dismissal of other employees (excluding assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

5.2 Assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

6.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than two months.

6.2 **Independent person.** No other disciplinary action may be taken in respect of any of those employees except in accordance with a recommendation in a report made by a designated independent person.

6.3 Councillors will not be involved in disciplinary action against any officer other than the foregoing except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. Appointments and Dismissals

Appointments and Dismissals of officers within Rule 2 must further comply with the formalities and procedures contained in Part II of the First Schedule of the Local Authorities (Standing Orders)(England) Regulations 2001 so far as applicable to such appointment or dismissal.

8. Dismissal

Councillors will not be involved in the dismissal of any officer other than the foregoing except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Councillors in respect of dismissals.

PART 5

Codes and Protocols

NORTHAMPTON BOROUGH COUNCIL

CODE OF CONDUCT FOR COUNCILLORS (AND VOTING CO-OPTTEES)

Part 1

GENERAL PROVISIONS

1. cope

1.1 Member must observe the Council's Code of Conduct whenever he/she:

1.1.1 conducts the business of the Council;

1.1.2 conducts the business of the office to which he/she has been elected or appointed; or

1.1.3 acts as a representative of the Council,

and references to a Member's official capacity shall be construed accordingly.

1.2 This Code of Conduct shall not, apart from paragraph 2.3 and sub-paragraph 2.4.1 below, have effect in relation to the activities of a Member undertaken other than in an official capacity.

1.3 Where a Member acts as a representative of the Council –

1.3.1 on another Relevant Authority, he must, when acting for that authority, comply with that other authority's Code of Conduct; or

1.3.2 on any other body, he must, when acting for that other body, comply with the Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

1.4 In this Code, "Member" includes a co-opted member of the Council.

2. GENERAL OBLIGATIONS

2.1 A Member must –

- 2.1.1 Promote equality by not discriminating unlawfully against any person;
- 2.1.2 treat others with respect; and
- 2.1.3 not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

2.2 A Member must not –

- 2.2.1 disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so; nor
- 2.2.2 prevent another person from gaining access to information to which that person is entitled by law.

2.3 A Member must not in his/her official capacity, or any other circumstance, conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or the Council into disrepute.

2.4 A Member –

- 2.4.1 must not in his/her official capacity, or any other circumstance, use his/her position as a Member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage; and
- 2.4.2 must, when using or authorising the use of the resources of the Council –
 - 2.4.2.1 act in accordance with the Council's requirements; and
 - 2.4.2.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the Member has been elected or appointed.

2.5 A Member must when reaching decisions -

- 2.5.1 have regard to any relevant advice provided to him by –
 - 2.5.1.1 The Council's Chief Finance Officer acting in pursuance of his/her duties under Section 114 of the Local Government Finance Act 1988 and
 - 2.5.1.2 The Council's Monitoring Officer acting in pursuance of his/her duties under Section 5(2) of the Local Government and Housing Act 1989, and

2.5.2 give the reasons for these decisions in accordance with the Council's and any statutory requirements in relation to the taking of an Executive Decision.

2.6 In sub-paragraph 2.5.2 above and in paragraph 4.2 below, "Executive Decision" is to be construed in accordance with any Regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

2.7 A Member must, if he/she becomes aware of any conduct by another Member which he/she reasonably believes involves a failure to comply with the Council's Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so.

PART 2

INTERESTS

3. Personal Interests

3.1 ***A Member must regard himself/herself as having a personal interest*** in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 8.1 and 8.2 below, or if a decision upon it might reasonably be regarded as affecting ***to a greater extent than other Council Tax payers, ratepayers or inhabitants of the Council's area, the well-being or financial position of himself, a relative or friends or –***

3.1.1 any employment or business carried on by such persons;

3.1.2 any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

3.1.3 any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

3.1.4 any body listed in sub-paragraphs 8.2.1 to 8.2.5 of paragraph 8.2 below in which such persons hold a position of general control or management.

3.2 In this paragraph –

3.2.1 "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

3.2.2 "partner" in sub-paragraph 3.2.1 above means a member of a couple who live together.

4. Disclosure of Personal Interests

4.1 A Member with a ***personal interest*** in a matter who attends a meeting of the Council at which the matter is considered ***must disclose*** to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 4.2 Subject to sub-paragraph 7.1.2 below a Member with a personal interest in any matter who has made an Executive Decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

5. Prejudicial Interests

- 5.1 Subject to paragraph 5.2 below, a Member with a personal interest in a matter also has a ***prejudicial interest*** in that matter ***if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.***

- 5.2 A Member may regard himself/herself as ***not*** having a ***prejudicial interest*** in a matter if that matter relates to -

- 5.2.1 another Relevant Authority of which he/she is a member,
- 5.2.2 another public authority in which he/she holds a position of general control or management;
- 5.2.3 a body to which he/she has been appointed or nominated by the Council as its representative;
- 5.2.4 the housing functions of the Council where the Member holds a tenancy or lease with a relevant authority, provided that he/she does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease;
- 5.2.5 Functions of the Council (if any) in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
- 5.2.6 the functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- 5.2.7 any functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

6. Overview and Scrutiny Committees

- 6.1 For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny committee of the Council or a sub-committee of such a committee regard himself or herself as having a personal and prejudicial interest if that consideration relates to a decision made or action taken by another of the Council's -

- 6.1.1 Committees or sub-committees

6.1.2 Joint committees or joint sub-committees, of which he or she may also be a Member.

6.2 But paragraph 6.1 above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

7. Participation in Relation to Disclosed Interests

7.1 Subject to paragraph 7.2 hereof a Member with a ***prejudicial interest*** in any matter must -

7.1.1 withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a prior dispensation from the Council's Standards Committee; and

7.1.2 not exercise executive functions in relation to that matter; and

7.1.3 not seek improperly to influence a decision about that matter.

7.2 A Member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 6 above, participate in a meeting of the Council's –

7.2.1 Overview and Scrutiny Committees; and

7.2.2 Joint Committees and Area Partnerships

to the extent that such committees or partnerships are not exercising functions of the Council or its Executive.

7.3 For the purposes of this Part, "meeting" means any meeting of: -

7.3.1 the Council

7.3.2 the Executive of the Council; or

7.3.3 any of the Council's or its Executives committees, sub-committees, joint committees, joint sub-committees or area partnerships.

PART 3

REGISTER OF MEMBERS' INTERESTS

8. Registration of Financial and Other Interests

8.1 Within 28 days of the provisions of the Code of Conduct being adopted or applied to the Council or within 28 days of his/her election or appointment to office (if that is later) – a Member must register his/her financial interests in the Council's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the Council's Monitoring Officer of –

- 8.1.1 any employment or business carried on by him/her;
 - 8.1.2 the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;
 - 8.1.3 the name of any person other than a relevant authority, who has made a payment to him/her in respect of his/her election or any expenses incurred by him/her to carry out his/her duties;
 - 8.1.4 the name of any corporate body which has a place of business or land in the Council's area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - 8.1.5 a description of any contract for goods, services or works made between the Council and himself/herself or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph 8.1.4 above;
 - 8.1.6 the address or other description (sufficient to identify the location) of any land in which he/she has a beneficial interest and which is in the area of the Council;
 - 8.1.7 the address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph 8.1.4 above; and
 - 8.1.8 the address or other description (sufficient to identify the location) of any land in the Council's area in which he/she has a licence (along or jointly with others) to occupy for 28 days or longer.
- 8.2 Within 28 days of the provisions of the Code of Conduct being adopted or applied or within 28 days of his/her election or appointment to office (if that is later), a Member must register his/her **other interests** in the Council's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the Council's Monitoring Officer of his/her membership of or position of general control or management in any –
- 8.2.1 body to which he/she has been appointed or nominated by the Council as its representative;
 - 8.2.2 public authority or body exercising functions of a public nature;
 - 8.2.3 company, industrial and provident society, charity, or body directed to charitable purposes;
 - 8.2.4 body whose principal purposes include the influence of public opinion or policy; and
 - 8.2.5 trade union or professional association.

8.3 A Member must within 28 days of becoming aware of any change to the interests specified under paragraphs 8.1 and 8.2 above, provide written notification to the Council's Monitoring Officer of that change.

9. Registration of Gifts and Hospitality

9.1 A Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Council's Monitoring Officer of the existence and nature of that gift or hospitality.

OFFICERS' CODE OF CONDUCT

(Pending ratification of a National Code of Conduct
See Employment Handbook for obligations of Employees)

PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

1. INTRODUCTION

- 1.1 As an adjunct to the Northampton Code of Conduct for Members this Protocol seeks to update the limited Protocol previously in the Constitution in respect of Member/Employee Relations to provide greater clarity in the current Local Government Environment.
- 1.2 Given the variety and complexity of Member/employee relations, this updated Protocol, which is intended as hybrid guidance and explanation, does not seek to cover everything or to be prescriptive in its application. General guidance is offered on some of the issues which most commonly arise or cause concern. It is hoped, however, that the approach which this Protocol adopts will serve as a guide to dealing with other related issues which may arise from time to time.
- 1.3 The Protocol seeks to encourage best practice and to promote greater clarity and certainty. If any Member is unsure about any matter they should contact the relevant Chief Whip and/or the Chief Executive for appropriate advice and assistance. If any employee is unsure about any matter, they should initially contact the relevant Director.
- NB A separate specific Code also exists in respect of conduct on planning matters and it is also anticipated that a National Code will shortly be introduced in respect of employee conduct.

2. GENERAL MEMBER/EMPLOYEE ISSUES

Key Issues

- 2.1 In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the **key guiding principle** for Members and employees is one of **“engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect”**;
- 2.2 **Employees must act in the best interests of the Council as a whole**, and must not give politically partisan advice. Anyone breaching this requirement could face disciplinary action.
- 2.3 Political Group meetings, while they perform an important part in the preliminaries to Council decision-making, are **not** formal decision-making bodies of the Council and, as such, are **not empowered, to make decisions** on behalf of the Council. Conclusions reached at such meetings do not, therefore, **rank as Council decisions**.
- 2.4 Employee support to Political Groups must **not** extend beyond providing information and advice in relation to **Council business**
- 2.5 it is good practice for Party political debates and decision-making at Political Group Meetings to take place **in the absence of employees**, in order to avoid any suspicion of impropriety or misunderstanding;

- 2.6 Employees must respect the confidentiality of any discussions on formulation of Policy with Members at which they were present; and
- 2.7 any breach of this part of the Protocol by an employee must be brought to the attention of the Chief Executive for consideration.

Legal and District Audit Considerations

- 2.8 Members of the Council do not, as elected Members, have any special immunity from civil or criminal wrongs involving fellow Members, employees or members of the public. Members must abide by the Code of Conduct for Members and ensure they do not, for example, slander or libel another person.
- 2.9 Members must also not pressurise any employee to change their professional opinion on any Council business matter or do anything that compromises, or which is likely to comprise, the impartiality those who work for, or on behalf of, the Council. It is also essential that Members are clear about their roles and the roles of employees, so as to avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, as the actions of a Member may be held to be the actions of the Council as an “employer”.

Standards Board for England Issues

- 2.10 Any member of the public (including employees) can complain to the Standards Board for England in respect of any alleged breach of the Code of Conduct for Members and/or bring private civil litigation proceedings against an elected Member. The External Auditor can also take legal action against an elected Member and/or the Council as a whole, for any breaches of the law.

Public Relations Issues

- 2.11 The Council’s Public Relations Team are, subject to the direction of the Executive of the Council, responsible for dealing with the Press and other media organisations on behalf of the Council. It is important, therefore, that all official communications relating to the Council (but not party political or private matters) are dealt with by this Team, so as to ensure the proactive, effective and efficient management of the Council’s public image, relations and interface with the community.

3. SPECIFIC POINTS ON MEMBER/EMPLOYEE RELATIONS

- 3.1 The relationship between Members and Employees generally is characterised by **mutual trust, respect and courtesy**. These are **essential** for good local government and serve to enhance local democracy.
- 3.2 Close personal familiarity between individual Members and Employees can damage professional relationships and can prove embarrassing to other Members and Employees. Situations should be avoided, therefore, which could give rise to suspicion and/or appearance of improper conduct or behaviour.

Chief Executive

- 3.3 The Chief Executive is the employee of the Council as a whole with overriding

responsibility to the Council, and not to any party political group.

The Chief Executive is nevertheless expected to work closely with the Administration for the time being and to give them information, assistance, and advice. Subject to maintaining political neutrality he/she may develop a special relationship with the Administration leadership and will not without consent disclose to the other Groups any matters discussed with that leadership.

The political neutrality of the Chief Executive should be respected by everyone. The holder of the post should not be asked to play any role or undertake any task which is likely to prejudice that neutrality, or make it difficult to serve a different majority political party at some future time in the Council.

3.4 All Members of the Council have a right of access to the Chief Executive. Where a Member requires information, it will be provided if it is readily available, for example, in Executive or Committee papers or material published on behalf of the Council. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Member. In doubtful cases, the Chief Executive is entitled to seek the instructions of the Leader or a Chair, Portfolio Holder, the Executive or a Committee before responding to a request from a Member.

3.5 The following principles govern the relationship between the Chief Executive and Groups not comprising all or part of the Administration:

It is proper for the Chief Executive to develop a working relationship with such other Groups on the Council.

The Chief Executive is free to provide information and answer procedural inquiries to Members of any Group, and will not advise as to the policies which any Group should pursue.

Subject to the confidentiality required by paragraph 6.13 the Chief Executive will ensure that the Leadership of the Administration is aware of any factual information provided by him/her to representatives of other Groups, unless it either be of a routine or trivial nature or to do so would be a breach of confidence or other statutory, formal or Guideline requirement.

Because the Chief Executive is the employee of the whole Council, he/she accordingly will draw the attention of the Leader to any case where consideration should be given to affording information, consultation, or representation to the Minority Parties.

In applying these principles to any given situation, the Chief Executive will have regard to the perceived customs of the Authority, to any established traditions, and to any statutory or accepted procedural rules governing the rights of other Groups to information, consultation or representation.

3.6 If the Chief Executive attends a meeting of any Group, the leadership of the other Parties on the Council need not be informed. The Chief Executive will ensure that the part played in the proceedings is consistent with the political neutrality of the Chief Executive's post and will not attend Group meetings at which there are persons present who are neither elected Members nor employees of the Council.

Other Employees

- 3.7 The foregoing principles apply similarly to all Directors (and employees acting under their direction), all of whom shall act under the general direction and after seeking the advice of the Chief Executive as statutory Head of Paid Service.
- 3.8 In pursuance of the requirement that any dealing between Members and employees should be conducted with mutual trust, respect and courtesy, neither party should seek to take an unfair advantage of his/her position. In particular, Members should recognise and pay due regard to their role as an employer in their dealings with employees, as inappropriate behaviour and conduct of Members could have repercussions for employment cases against the Council. In particular, it is quite proper for a Member to make written/oral representations about his/her constituent employee to the relevant Director, but the Member should avoid taking a proactive part to represent or in any other way advocate on behalf of any such employee in any disciplinary procedures.
- 3.9 In seeking advice and support, Members should have due regard to the seniority of the employees with whom they are dealing and recognise that, while those employees owe an overriding a duty to the Council as a whole, such duties are first owed to their respective line managers and to the Chief Executive, and not to any individual Member. For this reason, Members should not give direct instructions to employees unless they are specifically authorised to do so by the Council's Constitution. If so authorised, instructions should, under normal circumstances, still be given to the relevant Director and not to a less senior employee.
- 3.10 Members must guard against putting inappropriate pressure in particular on junior employees, and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, or lead to the breakdown of mutual trust, respect and courtesy in Member/employee relations.

Equality Issues

- 3.11 The Council has statutory duties in respect of equality issues and, in accordance with the Code of Conduct for Members, Members must also promote equality by not discriminating against others. Members and employees should not, therefore, by their behaviour or speech act discriminatorily with regard to a person's gender, race, age, disability, religion, ethnicity, nationality or sexual orientation.

Employee Conduct or Capability Issues

- 3.12 Members should not raise matters relating to the conduct or capability of an employee (or of employees collectively) at meetings held in public or before the Press, as employees have no means of responding publicly. If any Member feels that s/he has not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an employee, s/he should raise the matter privately with the relevant employee and, if necessary, with the Director concerned. Any concerns with regard to a Director should be discussed privately with the Chief Executive and/or the Leader of the relevant Political Group.

Political Groups

- 3.14 Members of the Executive, Scrutiny and Regulatory Committees shall at all times

respect the political impartiality of employees, and must not expect or encourage them to give a political view on any matter.

- 3.15 Employees may properly be called upon to support and contribute to the deliberations of Groups but they must at all times maintain political neutrality. This applies in particular to politically restricted posts, where employees are governed by the Local Government and Housing Act 1989. All employees must, in their dealings with Groups and individual Members, treat them in a fair and even-handed manner.
- 3.16 Any request for advice given to a Group or Member will be treated with the strictest of confidence by the employees concerned, and will not be accessible to any other Group(s). Factual information upon which any advice is based will, if requested, be available to all Groups.
- 3.17 When attendance is requested for Group meetings:
- 3.17.1 the request to attend a Group meeting must normally be made through the Chief Executive, unless previously agreed by him/her;
- 3.17.2 such a request can only be made in relation to **Council business**; and
- 3.17.3 Employees will:-
- (i) provide relevant factual advice and assistance;
 - (ii) normally leave during the deliberations of the Group on the issue;
 - (iii) respect the confidentiality of any Group decision at which they are present; and
 - (iv) not champion, defend, action or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the Group(s), unless and until such decisions have become the formal decisions of the Council.

4. SPECIFIC POINTS ON OVERVIEW AND SCRUTINY ARRANGEMENTS

- 4.1 When considering calling employees to give evidence to any Overview & Scrutiny Committee, the Chair of the relevant Overview and Scrutiny Committee may call the Chief Executive, and/or Senior Officers to give evidence to the Committee as prescribed by the Overview and Scrutiny Procedure Rules (13.1).
- 4.2 When asking employees to give evidence before any Overview and Scrutiny Committee, questions should be confined, so far as possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Employees must respond to questions from Members in an open, constructive and helpful manner, and must not mislead or be economical with the truth.
- 4.3 Where they consider it appropriate, the Chairs of the relevant Overview and Scrutiny Committee may ask Directors to explain any advice given by them to the Executive or its members. For the avoidance of doubt, any private or confidential matter must be dealt with in a private or confidential manner.

Unacceptable or Inappropriate Behaviour:

- 4.4 The relevant Chair of the Overview and Scrutiny Committee shall ensure that Members of the Executive and employees are not questioned (whether through the nature, tone or language used), in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimising, discriminatory or otherwise unacceptable or inappropriate behaviour by a Member. Equally, such Committees have no jurisdiction to deal with matters which are of a disciplinary nature for the relevant Group (in respect of Members) or the relevant Director/Chief Executive (in respect of employees).

NB NOTE ON USE OF LOCAL AUTHORITY RESOURCES

- 4.5 The only basis on which the Council can lawfully provide support services to Members (eg computers, or other IT software, stationery, typing, printing, photocopying, transport etc.) is to assist them in the effective and efficient discharge of their duties and role as Members of the Council. Such support services must, therefore be only used for Council business. The same should not be used for, or in connection with, party political or campaigning activities, or for private purposes.

Probity in Planning Protocol

PROBITY IN PLANNING – PROTOCOL

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PROTOCOL – PROBITY IN PLANNING

1. INTRODUCTION

- 1.1 This Protocol has been prepared to assist Councillors and Officers in the discharge of the Council's planning functions. The highest standards of conduct and propriety are expected in the discharge of all Council functions. Decisions in respect of planning matters will be the subject of particularly close scrutiny as

these can have a considerable effect on the value of land and on the lives and amenities of people living near development sites. The principles upon which decisions must be made are set out in the Development Plan which may include statutory County Structure Plans and Local Plans, and in national Planning Policy Guidance Notes. The Town and Country Planning Act 1990 requires decisions to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

- 1.2 However, many planning decisions depend to a greater or lesser degree upon judgement and interpretation of policies and guidance. It is therefore essential that decisions are made having regard only to proper planning considerations and are made impartially and in a way that does not give rise to public suspicion or mistrust.
- 1.3 So far as questions of propriety are concerned Councillors and Officers should have full regard to the Members' Code of Conduct, the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in the Constitution of Northampton Borough Council.
- 1.4 The purpose of this Protocol is to set out in detail how Councillors and Officers should act and the procedures which should be followed to ensure that they not only act in a fair and proper manner, but are also seen to do so.

2. CONDUCT OF COUNCILLORS AND OFFICERS

Voting and Impartiality

- 2.1 Councillors must vote in the interests of the whole Borough. Their overriding duty is to the whole community, rather than just the people living in their Ward.
- 2.2 Members of the Planning Committee must not declare which way they intend to vote in advance of the consideration of an application by the Planning Committee. To do so would in effect be pre-judging the application and expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence and arguments on both sides.
- 2.3 If a Member of the Planning Committee does declare his or her **outright** support or opposition for a proposal before the matter has been put before the Planning Committee where that Member would be entitled to vote, he or she must declare a personal and prejudicial interest and leave the room whilst the item is discussed. They can take no part in the voting on that particular item.

This does not mean that Members of the Planning Committee cannot make a comment or reflect local concerns about a proposal before it is considered by the Planning Committee. But the view or comment must not predetermine or be seen to pre-determine the way that Councillor will vote.

- 2.4 Planning Committee Members who are also Members of parish councils and/or Area Partnerships may find that they are expected to express a view at a parish council or Area Partnership meeting or vote on whether or not the parish should object or comment on a proposal from a Parish point of view. In such circumstances if they wish to act as a Member of the Planning Committee determining the application, they should not declare outright support or opposition for a proposal and they should make clear that they are reserving

their position and are not prejudicing the decision that they will have to make as a Councillor. This will also ensure that the propriety of their vote at the Council Planning Committee cannot be challenged.

- 2.5 If a Councillor does declare his or her outright support or opposition to a planning proposal at a parish council and/or Area Partnership meeting or elsewhere they should, if they are in attendance at a Council Planning Committee meeting when that matter is being discussed or reported, declare a personal and prejudicial interest and leave the room whilst the item is discussed. They can take no part in the voting on that item.
- 2.6 Also, Councillors should not organise support for or against a planning application and should not lobby other Councillors since this would also signal that they had made up their mind before hearing the evidence. Each Councillor should make up his or her own mind on the evidence and facts presented to the Committee. (See Section on Lobbying, page 4)
- 2.7 Councillors must not favour or show bias against any particular person, company or group, or any particular site or locality. They should not put themselves in a position where they may appear to do so.

Gifts and hospitality

- 2.8 Councillors should not accept any gift or hospitality (other than minor refreshments).

Independence and Impartiality of Officers

- 2.9 Councillors must not instruct Officers to take a particular course of action or make a particular recommendation other than through a decision of the Council or one of its Committees. Officers must always act impartially and advise the Council of their professional opinion. Chartered Town Planners must abide by the Royal Town Planning Institute's Code of Professional Conduct. Chartered Town Planners may only advocate their own professional view.
- 2.10 Whilst Chartered Town Planners appearing as the Council's expert witnesses at Planning Inquiries have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with the Royal Town Planning Institute's Code of Professional Conduct.
- 2.11 Similar codes of conduct apply to members of other professions who are involved in the planning process.

Declaration of Interests

- 2.12 Councillors must always declare personal interests and personal and prejudicial interests at meetings of the Council's Planning Committee in accordance with the Local Government Act 2000 and the Council's Code of Conduct. If in doubt, an interest should be declared. It is the duty of each Councillor to declare an interest and also to advise the Council's Monitoring Officer of any new interest which must be added to the Register of Members' Interests kept by him/her.
- 2.13 A personal interest in a matter is one where the matter relates to an interest in respect of which notification must be given under paragraphs 8.1 and 8.2 of the Council's Code of Conduct for Councillors (eg their employment or business,

land in which they have a beneficial interest) or if a decision upon it might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers or inhabitants of the Council's area, the well-being or financial position of himself, a relative or friends or other circumstances listed in paragraph 3.1 of the Code.

- 2.14 A Councillor with a personal interest also has a prejudicial interest in an application if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest. The question which Councillors should ask themselves is not whether they think they are prejudiced, but whether others, knowing all the facts, might conclude that they are prejudiced. There are statutory exemptions listed in paragraph 5.2 of the Code.
- 2.15 A Member with a personal interest must disclose the existence and nature of the interest at the commencement of consideration of the item or when the interest becomes apparent, but may take part in the debate and vote. However, a Member with a personal and prejudicial interest must withdraw from the room whenever it becomes apparent that the matter is being considered at that meeting. The responsibility for declaring an interest lies with the Councillor, but the Council's Monitoring Officer can provide advice prior to the meeting. Further details on declaration of interests are given in the Council's Code of Conduct for Councillors set out in the Council's Constitution.

Involvement of Councillors with Applicants

- 2.16 Members of the Planning Committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the Councillor was not impartial or may influence other Councillors in the decision making process. Any Councillor who is a planning or similar agent will not be appointed to the Planning Committee.
- 2.17. Where Councillors need to submit planning applications on their own behalf, or on behalf of their employer as part of their job, they must declare a personal and prejudicial interest and take no part in the processing of the application or in the decision making process. While they may properly seek pre-application advice from Officers in exactly the same way as any other applicant, they should avoid all contact, whether direct or indirect, with Members of the Planning Committee concerning the application. The same rule applies if a Councillor's employer submits an application, irrespective of whether the Councillor is involved in the application, its presentation or submission.

Council Development Proposals

- 2.18 The Council's own planning applications must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning matters and must not have regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning proposal.
- 2.19 Members of the Council who have previously expressed a forthright view either in favour of or in opposition to a Council proposal, including at the originating Committee or in Council, must make an open declaration of that view to the Committee and take no part in voting on that particular item. Alternatively, as Planning Committee Members who are also Members of an originating

Committee, they may abstain from any originating Committee or Council debate or vote in order to make clear that they are not prejudicing any decision they might have to make as a Planning Committee Member.

Development Proposals of Councillors and Officers

2.20 Proposals to the Council by serving and former Councillors and Officers and their close relatives and friends can give rise to suspicions of impropriety. Such proposals can take a variety of forms including planning applications and development plan proposals. It is, of course, perfectly legitimate for such proposals to be submitted. However it is vital that they are handled in a way which gives no grounds for accusations of favouritism. Consequently all such applications should be identified to the Head of Planning Transportation and Regeneration and shall be determined by the Planning Committee rather than by Officers under delegated powers. Members of the Planning Committee must, of course, consider whether the nature of any relationship with any Member submitting the planning application requires that they make a declaration and withdraw from the meeting.

Lobbying of Councillors and Circulation of Unofficial Information

2.21 Lobbying is an attempt to influence a Councillor's view in order to achieve a particular decision. It is a normal part of the political process but where Councillors are making statutory decisions, such as planning decisions, it can result in decisions being made improperly.

2.22 Planning decisions must be made strictly on the basis of the facts and policies relating to each case. Councillors must not only act in a way that is fair to all parties but must be seen to do so. In particular, Councillors determining an application must not prejudge proposals before they have read the Officer's reports and considered all the evidence.

2.23 Lobbying can take two forms:

Lobbying of Councillors by applicants, agents or objectors;
Lobbying by other Councillors.

Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors.

2.24 It can cause particular problems if Councillors are given information or assurances by applicants which are not part of the formal application or proposal and which are not, therefore, enforceable. Problems can also arise if Councillors are given information by objectors which may be misleading, untrue or irrelevant. It is also problematical if Officers are unaware of submissions by applicants and objectors and are, therefore, unable to consider them and advise the Planning Committee about their relevance or enforceability.

2.25 Circulation of unofficial papers at a Committee meeting also constitutes lobbying. Planning applications must be determined on the basis of the documents and information formally submitted. Only submissions from applicants, agents, objectors or other interested parties, which are formally received by the Planning Transportation and Regeneration Division can properly be taken into account in making a decision. The Committee could be materially misled if Councillors or other parties circulated "unofficial" documents or introduced new information on

behalf of an applicant or objector, or expressed what they believed to be an applicant's intention, if this did not form part of the application documents and correspondence which had been submitted to the Planning Transportation and Regeneration Division. (See also Appendix I – Procedures for Determining Planning Applications).

Political Decisions on Planning Applications

2.26 A Member level decision on a planning application cannot be made before the Planning Committee meeting has considered all available information. Any Political Group meeting prior to the Committee Meeting should not be used to decide how Councillors should vote. The view of the Local Government Ombudsman is that the use of political “whips” at group meetings in this way is contrary to the National Code of Local Government Conduct, amounting to maladministration.

3. THE DECISION MAKING PROCESS

Pre-Application Discussions

3.1 Councillors should not, **themselves**, seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate Officer for advice on both merits and procedures. If Councillors do give an indication of their initial reaction to a proposal, they should make it clear that they will only be in a position to take a final decision after having considered the Officer's reports and any representations and heard any debate at the Committee meeting.

3.2 Councillors must not have discussions with applicants or agents in connection with major or contentious proposals or enter into negotiations about such proposals either prior to or after the submission of an application, unless at least one Planning Officer is present. Such meetings must be arranged through the Head of Planning Transportation and Regeneration who will ensure that the appropriate Officers are present. A note will be taken of any such meetings held. This will be put on the office working file and will constitute a Background Paper for the purposes of the Local Government Act 1972. The fact that Councillors have discussed any such proposal with the applicant or objectors must be made clear when the application is before the Committee for determination.

Site Inspections

3.3 The Members of Planning Committee may resolve to carry out a site visit. To ensure site visits are dealt with correctly and fairly, the protocol set out in Appendix II will apply.

Reports to Committee

3.4 Officer reports to Committee should be accurate and cover all the relevant policies, considerations and issues and the views of consultees and objectors. Councillors must have regard to any planning policies or national advice eg. PPGs, referred to in Officers' reports. Reports should be in writing and contain a clear written recommendation. It may be necessary, on occasion, to supplement written reports with updated oral information from Officers, but attempts will be made to keep this to a minimum. Amended plans submitted to overcome an identified objection can only be taken into account if they are received in time for

the amendment to be properly assessed by the Council's Officers. A further site inspection or further consultations may be necessary. Normally, only minor amendments can be taken into account after the agenda has been published.

The Committee's Decisions

- 3.5 The Planning Committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. Where Councillors propose to make a decision contrary to the Officer recommendation, the proposer must set out clearly the reasons for so doing. The Chair will ensure that the Planning Officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded. The personal circumstances of an applicant will rarely provide such grounds.

Public Speaking at Committee Meetings

- 3.6 The procedures for public speaking at Planning Committee are set out in Appendix 3 – Speaking at Planning Committee meetings.

Deferred Decisions

- 3.7 The decision on any application should not be deferred without proper justification. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to ensure amendments, without which the application would have to be refused, or for a site visit to take place. Any proposal for a deferment must be justified in planning terms and hold a reasonable prospect that substantial benefit will accrue as a result. The reasons must be clearly set out by the proposer and recorded in the minutes. Deferrals for the purpose of a site visit shall be subject to the protocol set out in Appendix II.

4. ADMINISTRATIVE MATTERS

Training of Planning Committee Members

- 4.1 All Members of the Planning Committee should receive training in the planning system either before serving on the Committee or as soon as possible after appointment to the Committee. Members should also receive training periodically thereafter. Members should not seek or accept nomination to the Planning Committee unless they are prepared to accept this responsibility.
- 4.2 Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, usually by written reports to the Planning Committee.
- 4.3 A record will be kept by the Head of Planning Transportation and Regeneration of training undertaken by each Councillor.

Record Keeping

- 4.4 The planning application files should contain sufficient information itemising events so that the reason for the ultimate decision can be understood by anyone who reads the file without a detailed knowledge of the application. However, only "Background Papers" as defined in the Local Government Act 1972 are

automatically available as of right to third parties. This would include, in addition to the application documents, associated letters and supporting information, replies from consultees and letters from objectors. (See Appendix I, Paragraph 21).

Monitoring of Decisions

4.5 The Planning Committee will monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. A review of decisions will take place each year (normally in June). This will include a sample of a broad range of categories of applications and sample appeal decisions, enforcement cases and, where appropriate, Listed Buildings cases. Statistics will be produced to identify the number of cases where Officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring

will be summarised and reported to the Planning Committee along with any recommendation to improve quality, consistency or performance.

Complaints

4.6 Any complaints received about the way in which a planning application or other planning matters have been dealt with in terms of procedures or fairness, will be dealt with in accordance with the Council's Complaints Procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will necessitate investigation as such, although Officers will endeavour to explain the reasons for the Council's decision in any particular case.

4.7 Where any complaint about a Council decision made contrary to the Officer's recommendation is received, a copy will be forwarded to the Chair of the Planning Committee.

APPENDIX I

PROCEDURES FOR DETERMINING PLANNING APPLICATIONS

1. This note sets out the procedures to be followed by the Council's Planning Committee in determining planning applications. These procedures have evolved in order to ensure that most applications can be determined within the eight week period prescribed by the law, while at the same time ensuring that Councillors have before them all relevant information and responses.
2. The Best Value Performance Indicators require 60% of major applications to be determined in 13 weeks, 65% of minor applications in 8 weeks and 80% of other applications in 8 weeks. Some applications will inevitably take longer to determine, either because they relate to contentious proposals or because the issuing of a decision is subject to a Section 106 Obligation. Any applications deferred by the Committee will, therefore, affect the Council's overall performance figures.

Procedure Rules

3. The Council's Procedure Rules will apply to the conduct of business, unless waived by resolution of the Committee. Any suspension (waiving) of these rules

shall be for the duration of the discussion of the specified item(s) under consideration only.

Decisions on Items on the Agenda of the Planning Committee and Schedule of Planning Applications

4. The Chair will call each item on the Agenda and in the Schedule of Planning Applications and each item will be voted on individually, following presentations from Officers and (if appropriate) debate by the Committee. Where a proposal is put and vote taken, the item will be decided in accordance with that vote.

Expiry of Representation Periods

5. Applications will not generally be reported to Committee until after the expiry of any consultation, or re-consultation, period. In the event that a consultation period expires after the preparation of the agenda but before the meeting, any representations received will be reported verbally.
6. In any case where a consultation period extends beyond the date of the meeting, the Committee will consider the application and any representations received and may then authorise the Head of Planning Transportation and Regeneration to make a decision, subject to there being no further representations received in respect of matters not previously raised.

Speaking at Meetings

7. Councillors should endeavour to obtain any factual information they may require about applications from Officers prior to the meeting and, when speaking at meetings, endeavour to do so concisely.

Committee Agendas

8. The agenda for Committee meetings will, for each planning application, contain a report summarising the relevant background, site descriptions, policies, consultations and responses, together with Officer comments and a recommendation. A fuller report will be made on Principal items.
9. At the meeting, Officers will make a brief presentation if need be to update the written report and/or to clarify details of the proposal with reference to the submitted plans, Ordnance Survey plans and other illustrative material.

Updating of Reports

10. Any information received after the publication of a Committee agenda which is relevant to the determination of an application will be reported orally by Officers but attempts will be made to keep this to a minimum.

Amended Plans

11. Amended plans which are anticipated but not received until after the preparation of the agenda will be taken into account, provided there has been sufficient time for appraisal by the Council's Officers.
12. Amended plans received after the publication of the agenda will not normally be

able to be taken into account in determining an application, unless they are able to be checked carefully by the Council's Officers and involve only minor changes to a proposal which would not necessitate re-consultation with or re-notification of the parish council, neighbours or other interested parties.

13. Amended plans seeking to overcome a reason for refusal of an application set out in the agenda will only be taken into account if there has been sufficient time for Officers to assess the proposals and no further consultations are necessary.
14. In cases which do not fulfil these requirements, the Committee should defer the application for further consideration by Officers with a view to a subsequent report to the Committee.

Statements by Councillors at Committee Meetings

15. Councillors should not seek to report to the Committee new information they may have been given or told by applicants or a third party which has not been submitted to the Planning Transportation and Regeneration Division in connection with the application under consideration. To do so could lead to the Committee being materially misled and it may be that such information, if submitted in advance, would have resulted in Officers making a different recommendation.

Clarification and Correction of Information by Officers

16. Where statements are made by Councillors at a Committee meeting in relation to any particular application, the Chair of the Committee will give the Officers present the opportunity to seek clarification or to comment upon or correct anything which has been said, prior to the item being put to a vote.

Circulation of Unofficial Documents at Committee

17. The only documents which may be taken into account in determining a planning application are those submitted formally to the Planning Transportation and Regeneration Division in connection with the application under consideration. Councillors, applicants or third parties must not circulate other papers to Members in the Committee room prior to or during the meeting. All documents need to be seen by the Council's Officers prior to the Committee meeting so that they can be properly assessed. Taking into account letters or documents which have not been submitted as part of the application could result in the Council's decision being challenged.

Declaration of Letters and Documents Received by Councillors

18. Any Councillor receiving a letter from or on behalf of an applicant or third party in connection with an application before the Committee, should establish whether the letter has first been formally submitted to the Council (via the Planning Transportation and Regeneration Division) and if not the Councillor should declare receipt of such letter or document to the Committee prior to any decision being taken on the application.

Decisions Contrary to Officers' Recommendations

19. Where a proposal is put contrary to the Officer's recommendation, the proposer **must** set out clearly the planning justification in support of the proposal and, as

appropriate, the proposed reasons for refusal or the principal conditions to be imposed.

20. The final formal wording of reasons for refusal and planning conditions shall be delegated to the Head of Planning Transportation and Regeneration to determine in consultation with the Borough Solicitor and shall appear in the minutes of the meeting submitted to Council.

Background Papers

21. For the purposes of the Local Government Act 1972 all consultation replies referred to in the planning report, along with the application documents and any accompanying letters or reports submitted by the applicant, constitute "Background Papers" which are available for inspection following publication of the Committee report, unless such documents contain exempt information as defined in the Act.

APPENDIX 2

SITE VISITS

To ensure that all site inspections are dealt with consistently and fairly, the following will apply:

1. Authority for site visits

The Planning Committee shall authorise site visits which shall be notified in writing by the Head of Planning Transportation and Regeneration.

2. Attendance

Inspections shall be attended only by:

Members of the Planning Committee;
Ward Councillors;
appropriate Council officers
the applicant and/or his agent
with the applicant's consent up to two persons who have made representations and expressed a wish to attend

3. Declarations of Interest

Any Councillors who have interests to declare shall make such declarations prior to reaching the relevant site and shall sign the declarations of interest register to that effect. They shall not attend or participate in the inspection in question if the interest is one which is personal and prejudicial and would require them not to vote when the application is considered by the Committee.

4. Procedure at Site Inspections

4.1 The Planning Officer shall explain the proposal and the issues to the Members of the Committee and point out that the purpose of the visit is to look at the site and not to hear representations about the merits or otherwise of the application.

4.2 Members may then ask factual questions to facilitate later discussion and

decision making.

- 4.3 Discussion may take place but there shall be no expression of view or any indication as to any Member's voting intention, as the debate on the application will take place later. Lobbying shall not be permitted and no one may make any representations.

5. Notification of inspections to interested parties

5.1 The applicant and third parties

The applicant or the applicant's agent and up to two persons who have made representations and expressed a wish to attend shall be notified in advance of the date and time of the visit. The applicant's consent will be required in respect of the attendance by third parties.

5.2 Neighbours

If it is necessary for the Members to gain access to land neighbouring an application site, the owner/occupier of that land shall be notified in advance, wherever possible, of the date and approximate time.

In both cases, the parties shall be advised of the fact that representations cannot be made to the Members of the Committee during the visit.

6. Meeting as a group

Members shall visit sites as a group and shall not enter an application site or an objector's land or premises, other than as a group. Individual Members shall not discuss matters with any person, other than another Member of the Committee or Officer, during the course of the inspection. Members shall not either as a group, or individually, hear any representations from the applicant, the applicant's agent, third parties or ward councillors. They shall only be shown the property and obtain factual information relevant to the assessment of the issue in question.

7. Written material

No written representations from the applicant or any third party shall be accepted by the site visit group.

8. Non-attendance

The inability on a Member's part to attend the site inspections will not preclude that Member from taking part in the discussion, debate and vote on the matters under consideration, but all Members will use their best endeavours to attend site inspections so that they are fully apprised of the issues involved.

APPENDIX 3

SPEAKING AT PLANNING COMMITTEE MEETINGS

THE FOLLOWING CAN SPEAK AT PLANNING COMMITTEE MEETINGS

Up to two people who wish to object to and up to two people who wish to support an

individual planning application, an enforcement recommendation or any other quasi-judicial matter on the Agenda

Ward Councillors who are not members of the Planning Committee. (If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak).

Members of Parliament with the whole or part of their constituency within Northampton Borough Council's boundaries

A representative of a Parish Council

ARRANGEMENTS FOR SPEAKING

It is necessary to register with the Meeting Services Section at The Guildhall as soon as possible and in any event not later than 12 noon on the day of Committee. This applies to all speakers, including Ward Councillors.

Registration can be by:

Telephone (01604 837358 or 837355),

In writing to: Solicitor to the Council, The Guildhall, St Giles Square, Northampton NN1 1DE, for the attention of The Meeting Services Officer, Planning Committee

By e-mail to: mtgsservices@northampton.gov.uk,

By fax to: The Solicitor to the Council for the attention of the Meeting Services Officer, Planning Committee (01604 838729).

Late representations will not be heard. The Council will operate a "first come first served" policy. In the event that two people have already registered a person wishing to make their views known to the Committee should contact them to see if they can put across their points as well.

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

PROCEDURE AT THE MEETING

A planning officer may update the written committee report then those objecting to or supporting the application and Ward Councillors will be invited to speak.

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

TIME

All speakers are allowed to speak for a maximum of three minutes.

NOTES

Speakers are only allowed to make statements. They may not ask questions or enter into dialogue with Councillors, officers or other speakers.

Consideration of an application will not be delayed simply because someone who has registered to speak is unable to attend the meeting.

Addresses should only be about planning issues and should not refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values.

Fresh material may not be circulated to the Councillors which has not first been seen by officers of the Planning Division.



NORTHAMPTON
BOROUGH COUNCIL

Cabinet Member Decisions Protocol

Useful Contact Numbers:

Francis Fernandes
Solicitor to the Council
and Monitoring Officer ext 7334

Jim Inch
Senior Solicitor ext 7335

Frazer McGowan
Team Leader,
Meeting Services ext 7101

CABINET MEMBER DECISIONS – PROTOCOL

1. INTRODUCTION

1.1 The Council has formally delegated powers to the Leader of the Council to prepare a Scheme of Delegations for individual Cabinet Members. This scheme is separate from the Scheme of Delegations for Officers. To prevent any confusion between the different schemes this Protocol will refer to the Leader's Scheme of Delegations Protocol. This Protocol accompanies the Leader's Scheme of Delegations but does not formally form part of it. However, the Protocol will appear in the Constitution.

Under the Leader's Scheme of Delegations the following will have delegated powers to make Executive decisions:-

- Cabinet collectively
- The Leader
- The Deputy Leader
- Individual Members of Cabinet

Under the Leader's Scheme of Delegations Cabinet Members will **not** be able to make Key Decisions. Cabinet will be the main body making Key Decisions, although the Leader or the Deputy Leader, when deputising for the Leader, will be able to make Key Decisions when they are required urgently.

The Council has never operated delegated Executive decision-making and there is therefore a need for close attention to be paid to this Protocol. It is also important for legal advice to be taken whenever there is uncertainty or lack of clarity.

This Protocol is aimed at:-

- Members of Cabinet
- Senior Staff advising Cabinet Members
- Staff responsible for preparing and submitting reports for decision
- Staff operating the Protocol's requirements (e.g. Meetings Services)

The Leader will be able to change this Scheme of Delegations but will only be able to do so if the following is complied with. At least 21 calendar days written notice will be given to all Cabinet Members; the Chair of Overview and Scrutiny; the Head of Paid Service; the Council's Monitoring and Section 151 Officers. Any changes to the scheme will not affect the validity of decisions already taken.

1.2 Decision- making some brief comments

Council functions and the decisions that follow have various legal classifications and the classification impacts upon who can make a decision. For the purposes of this Protocol only what the law classifies as “Executive functions” will be discussed.

Executive functions are defined by the Local Government Act 2000 (the 2000 Act) and its associated regulations. After the changes brought about by the 2000 Act, the Executive (Cabinet) are responsible for functions of the Council not allocated by legislation or the Constitution elsewhere. The way this works is that there are some decisions that can only be made by the Executive, there are some decisions that may be made by the Executive (referred to as Local Choice functions) and some decisions that cannot be made by the Executive (for example development control and licensing decisions).

Post the 2000 Act changes, full Council is responsible for the broad strategic/policy decisions, for example the policy framework and the Executive are responsible for decisions within that framework (unless of course they have been allocated elsewhere). The legal analysis can be complicated and often there needs to be a proper legal assessment of whether a decision is an Executive decision, or whether some other body should make the decision, for example, full Council or the Improvement Board.

2. DELEGATED DECISIONS

Once an Executive decision has been identified, the issue the report writer needs to grapple with is who will be making the decision. There are a number of possibilities. It may be covered by the Officer’s Scheme of Delegations in which case the Officer with the delegations should be approached in the normal way. If the decision is covered by the Leader’s Scheme of Delegations an assessment needs to be made whether it is a decision for Cabinet, Improvement Board, the Leader or individual Cabinet Member. **If in doubt seek legal assistance.**

If the decision is an Executive decision and it has a strong improvement/recovery impact then the Constitution allows the decision to be made by the Improvement Board (technically by Executive members on the Improvement Board). In cases where improvement or recovery is a strong theme a manager at Corporate Manager level or above should be consulted as to where the decision lies. Legal advice should be sought if appropriate.

Whatever the case the Officer requiring a decision will have to prepare a formal report. A decision by a Cabinet Member must **not** under any circumstances be made without a full written report outlining all the relevant issues. A report will have to be completed in the format attached at **Appendix 1**. The report will need to have clear recommendations and the body of the report will need to have sufficient information to enable the decision-maker to make an informed decision. Normal compliance issues such as legal and financial implications will need to be considered very carefully. It is extremely important to bear in mind

that the vigour and approach in relation to delegated decision-making must not in any way be less than the approach for normal decision-making meetings.

Whilst the report represents the end product of a required decision, Officers and Cabinet Members should develop effective working relationships and the expectation is that there should be clear and effective dialogue between the Cabinet Member concerned and the senior management before a report is prepared and presented for decision.

2.1 The process to be followed

When an Executive decision is required, unless it is urgent (see further provisions for urgent decisions) the Officer requiring the decision will need to notify Meetings Services of the decision required and the title of the likely report. Proper authority must be obtained from the relevant Corporate Manager or Director. Meetings Services will not accept reports unless there is confirmation in writing (or e-mail) that Corporate Manager or Director authority has been obtained.

Meetings Services will, on receipt of a title of a report, send these details to the Leader and Deputy Leader for their information.

On receipt of the title of a proposed report Meetings Services will add to the Non-Statutory Decision List (the List) and an updated List will be published on prearranged publication dates. The List will take effect on the first working day of each month and the List will be published at least 14 calendar days before it takes effect. The format of the List will be similar to the draft attached at **Appendix 2**.

From the publication of the List, Councillors or members of the public will have at least 14 calendar days before the List comes into effect to request that a certain item should be held in public (i.e at least 14 calendar days working backwards from the first working day of each month). If the Councillors or members of the public comply with this time limit, the item will be considered in a normal open, public meeting. The normal rules of access, notice requirements for publication of agendas, etc. will apply as currently apply in the Council's Constitution.

The operations of the timings are relatively complicated, so Meetings Services should be contacted for guidance if required.

It should be noted that there are provisions in the Constitution that protect against abuse of the requirement for the holding of public meetings. For example where block requests are made without good reason. In these cases the Council's Monitoring Officer will be asked to determine whether there has been unreasonable abuse of the requirement to hold public meetings. If the Monitoring Officer is of the opinion that there has been abuse (a written decision by the Monitoring Officer will be required) then any request to hold a public meeting can be disregarded.

2.2 Delegated decision-making where prior notification of requirement for a public meeting

Where a Councillor or a member of the public indicates that a decision on the Non-Statutory Decision List should be held in public (and the time limits are complied with) then the matter will be considered in a public meeting. The normal rules for public meetings will apply. Papers will be published at least 5 clear days before the meeting etc.

It is important to point out that if grounds set out in Schedule 12A (as amended) of the Local Government Act 1972 apply, then a matter will be considered in private notwithstanding that a valid request for the matter to be held in public is made.

2.3 Delegated decision-making where no prior notification of requirement for a public meeting

Where Cabinet Member delegated decisions are **not** to be made in public meetings, the following requirements will apply.

At least 5 clear working days before the decision is made:

- A copy of the report in the required format, with Appendices must be submitted and published on the intranet. Meetings Services will need to be contacted in relation to this.
- All Councillors will be notified by Meetings Services by e-mail of the publication of the report.

Unless the decision is urgent, the Cabinet Members will not be able to make the decision until the 5 clear days have passed (5 clear working days means that the day of publication or the date the decision is actually made is not included in calculating the 5 days).

During the 5 clear working days notice period, Councillors will be entitled to make any comments, observations or representations to the Cabinet Member concerned about the report. These can be sent to the Cabinet Member direct or sent to Meetings Services for forwarding on. The Cabinet Member will have regard to the comments if appropriate and will be entitled to refer the report back to Officers for comments and advice as appropriate.

A flow chart outlining the main decision points is attached at **Appendix 3**.

2.4 Once the decision is made

Once the decision has been formally made by the Cabinet Member (outside the 5 clear working days), a decision notice in the form of the template appended at **Appendix 4** will be completed and posted on the Council's inter-intranet. A hard copy of the decision notice will be sent to the Chair of Scrutiny by Meetings Services, together with electronic copies

of the decision notice to all Members of Overview & Scrutiny Committee. The decision notice will clearly specify the date the decision was made, the date it was posted on the inter-intranet and the date the call-in period expires. The decision will not be implemented by Officers until 3 clear working days have passed from the date of publication (unless the Urgency and Special Urgency provisions apply). This is to enable the normal call-in provisions to apply.

2.5 General principles for Individual Cabinet Member decisions

Individual Cabinet Members will apply the same strict criteria to decision-making that they would in normal open meetings:

- A decision should not be made if
- a conflict of interest arises
- a personal and prejudicial interest exists
- the procedures outlined in this Protocol have not been complied with
- the Monitoring Officer or the Section 151 Officer has advised that the decision cannot be made
- In making any decision, Cabinet Members **must have due regard to professional advice received from Officers, especially legal and financial advice.** No decision should be made unless proper advice has been sought and provided. Normally details of professional advice should be clear within the body of the report.

2.6 Reporting Requirements

Each Cabinet Member will be required to report periodically (at least every 6 months) to Cabinet on all the delegated decisions made by the Cabinet Member concerned. Details of all items considered together with the decision and the date of the decision will be provided.

2.7 Matters of Urgency

There may be times where urgent decisions will need to be made and if not made will seriously prejudice the Council's or the public's interests. In these cases it may not be practicable for normal procedures to be followed, such as complying with the publication of the item on the Non-Statutory Decision List.

In these cases the decision can still be made so long as the procedures in the Overview and Scrutiny Procedure Rules are complied with (Part 4 of the Council's Constitution). These rules provide that:

"the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency".

Urgent decisions that have not appeared on or cannot by reason of time, be put on the Non-Statutory Decision List and/or which by reason of urgency need implementation immediately (so Call-In does not apply) can be made so long as the Mayor consents that the matter is to be treated as an urgent matter and that it is reasonable to use the urgency procedure. If the Mayor is unavailable the Deputy Mayor's consent shall be required. In the absence of the Deputy Mayor the Head of Paid Service or his or her nominee's consent shall be required.

Please note that the above applies to non-Key Decisions.

Unlike other Cabinet Members the Leader or the Deputy Leader when deputising for the Deputy Leader will be able to make Key Decisions when a decision is required urgently. Where the Key Decision is not on the Forward Plan, then the urgency provisions and the special urgency provisions will apply (as outlined in Part 4 of the Council's Constitution (clauses 25 and 16)).

These rules provide for decisions to be made and implemented immediately so long as notice requirements are complied with and the Chair of Scrutiny is consulted and in some cases his or her agreement is obtained.

Whilst the Leader has the power under the Leader's Scheme of Delegations to make urgent Key Decisions this power will only be used in exceptional circumstances. Key Decisions will therefore, in the main, be made by Cabinet collectively.

Matters for Cabinet Members to consider before making a decision

- *Were you consulted or contacted prior to the report being prepared?*
- *Has a report in the proper format been submitted?*
- *Does the decision fall within the Leaders Scheme of Delegations?*
- *Is the decision one you would rather or the Leader has requested be referred to Cabinet?*
- *Is the decision an Improvement Board matter?*
- *Have there been proper departmental consultations especially legal and financial implications?*
- *Is a Key decision involved?*
- *Are there any reasons why you cannot make the decision for example a personal and prejudicial interest?*
- *Has the report appeared on the Non- Statutory Decision List?*
- *Can the decision be made in private or must it be made in a public meeting?*

Matters for Officers to consider before making a decision

- As above
- *Have you got senior management authority to submit a report for decision?*
- *Have you had early discussions with the Cabinet member about any report to be submitted?*

- *If you are asking for an urgent decision, have you taken legal advice on whether the urgency criteria apply?*

Useful Contact Numbers:

- Francis Fernandes
Solicitor to the Council ext 7334
- Jim Inch
Senior Solicitor ext 7335
- Frazer McGown
Team Leader –
Meetings Services ext 7101

APPENDIX 1



Item No.
[Item number and title as
on agenda]

CABINET MEMBER DELEGATED DECISION

Date: [Insert Date of Decision]
Cabinet Member: [Insert Name here]
Portfolio: [Insert Post Here]
Corporate Manager: [Insert Name here]
Directorate: [Insert Directorate Here]

Report Title	
---------------------	--

1. Recommendations

2. Summary

3. Report Background

--

4. Options and Evaluation of Options

--

5. Resource Implications (including Financial Implications)

--

6. Risk and Opportunity Issues

--

7. Consultees (Internal and External)

Internal	
External	

8. Compliance Issues

A: How Proposals Deliver Priority Outcomes

Recovery Plan
Corporate Plan

--

B: Other Implications

Other Strategies

Finance Comments

Legal Comments

8. Background Papers

Title	Description	Source

Name	Signature	Date	Ext.
Author	(in absence of electronic signature please insert name here)		
Corporate Manager	(in absence of electronic signature please insert name here and ensure that the Corporate Manager has approved the report)		

Cabinet Member:

I declare no conflict of interest applies

I agree the report's recommendations

I do not agree the report's recommendations

I agree the report's recommendations subject to the following amendments:

The reason for the decision are as follows:

Cabinet Member: []

Signature: _____

**LEADER'S SCHEME OF DELEGATED DECISION PLAN
FOR THE PERIOD DD.MM.YYYY TO DD.MM.YYYY**

PUBLIC MEETING REQUEST DEADLINE 12NOON DD/MM/YYY (only applicable to new decisions)

Leader's Scheme of Delegation Decision Plan sets out the non-key decisions, which are expected to be taken by the individual Cabinet Member outside of the Cabinet meeting or in some instances by the Cabinet. It lists the planned decisions for a period of four months. The Plan is updated monthly, and published 14 calendar days prior to the date when it comes into effect (which would be the first working day of each month).

The Cabinet Portfolio Holder will determine these decisions on the expected date specified in the Plan (unless there is a change in circumstance). The decision will be determined individually unless a public meeting is requested within the specified timeframe.

All the decisions will be accompanied by a Report, which will be available at least 5 clear working days prior to the actual date of decision. The publication of the report will be electronic on the Council's website and notification of the publication will be received by all Northampton Borough Councillors.

Some matters can be considered after the exclusion of the press and public on the grounds set out in the Local Government Act 1972(Schedule 12A as amended). In the information about the expected decision to be made, the words "(in private)" will also appear if this is the case. Such matters will be exempt from a public meeting request.

Public Meeting Request

Request for a public meeting on any new decision(s) should be made by 12noon a day prior to when the Plan comes into effect. **Please contact Bijal Shah on 01604 837356 or email bshah@northampton.gov.uk to request a meeting or if you require any more information.**

Example: If the Plan was for the Period 3rd July to 31st October 2006, the Plan would be published on the 19th June 2006 and the meeting request for any decision(s) should be made no later than 12noon on 3rd July 2006.

NB: As the Plan is updated on a monthly basis any decisions carried forward from the previous Plan will be exempt from public meeting requests, as the opportunity for these would have lapsed.

The Members of the Cabinet and their areas of responsibility are:

Councillor Tim Hadland	Leader of the Council and Financial Strategy and Performance	cllr.thadland@northampton.gov.uk
Councillor David Palethorpe	Deputy Leader and Business Intelligence People Support and e Govt	cllr.dpalethorpe@northampton.gov.uk
Councillor Yousuf Miah	Residential Operations	cllr.ymiah@northampton.gov.uk
Councillor Penny Flavell	Local Environment	cllr.pflavell@northampton.gov.uk
Councillor John Caswell	Economy and Infrastructure	cllr.jcaswell@northampton.gov.uk
Councillor Phil Larratt	Community Engagement and Democratic Services	cllr.plarratt@northampton.gov.uk

Post Decision

Once a decision has been made either individually or in public the procedure below will be followed:

- A decision notice will be published on the Council Website, Guildhall Office Notice Board. All Councillor's will receive the publication notification. The Decision Notice would include details of the call-period after which the decision would be implemented.
- The Cabinet members and the Chair of Overview and Scrutiny Committee would be sent an electronic copy of the Decision notice.

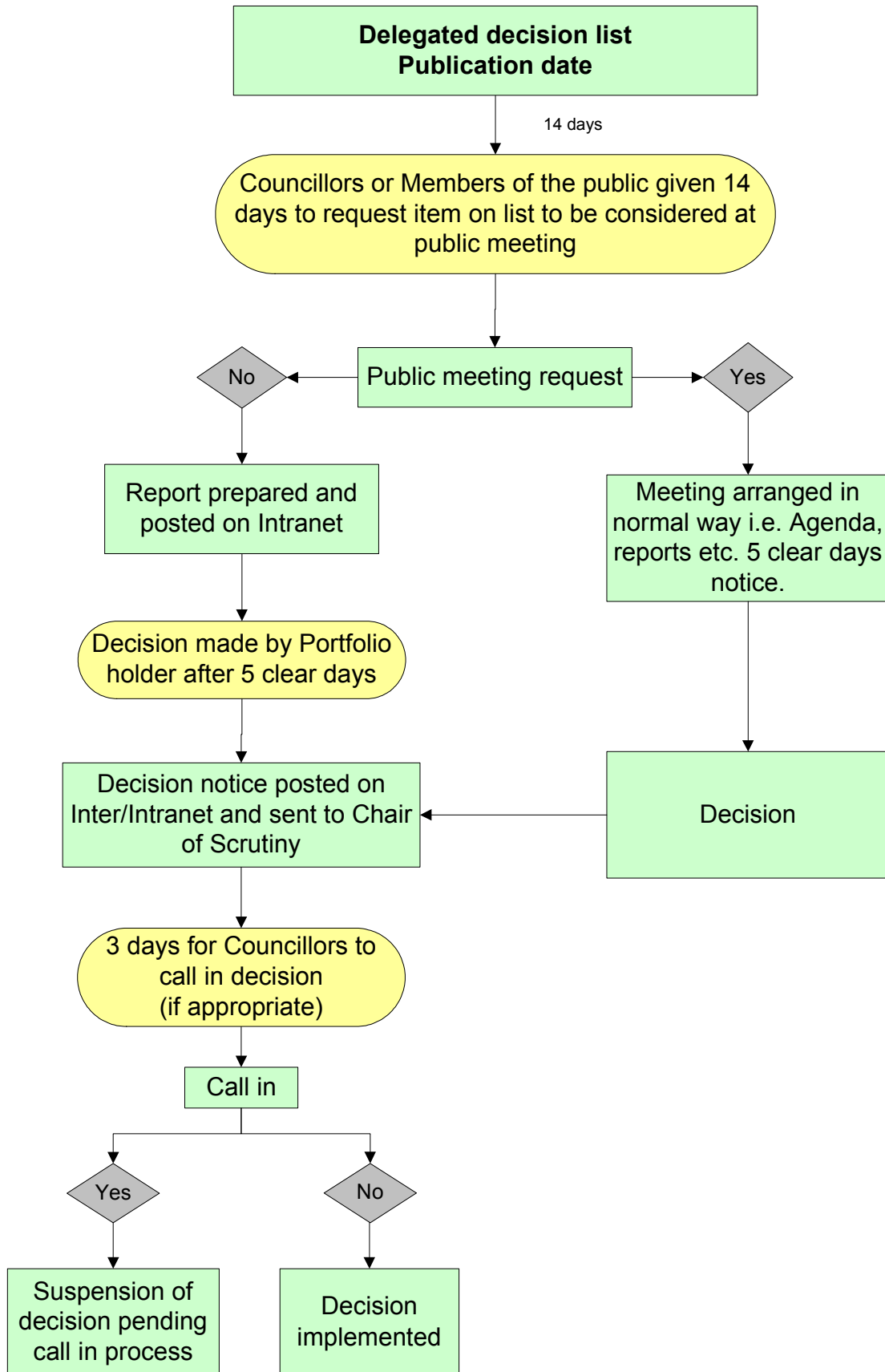
For more details, please contact Frazer McGown, Meeting Services Manager at The Guildhall, St Giles Square, Northampton NN1 1DA, 01604 837101; e-mail: fmcgown@northampton.gov.uk. Alternatively, you can register your request for a public meeting by e-mailing meetingservices@northampton.gov.uk.

LEADER'S SCHEME OF DELEGATED DECISION PLAN : DD.MM.YYYY to DD.MM.YYY

Expected Decision Date	Subject	Summary of Expected Decision	Decision to be taken by	Name of <u>Report Author</u> and the Corporate Director Responsible	Can public meeting be requested?
				LEAD OFFICER: DIRECTOR: INSERT DIRECTOR NAME	YES/NO
				LEAD OFFICER: DIRECTOR: INSERT DIRECTOR NAME	YES/NO
				LEAD OFFICER: DIRECTOR: INSERT DIRECTOR NAME	YES/NO

APPENDIX 3

PORTFOLIO HOLDER
DECISION MAKING FLOW CHART





DELEGATED DECISION NOTICE

NOTE: Set out below is a summary of the decision taken. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Implementation of Decision

Once the Decision is approved it will be implemented subject to the Call-In procedure and after the Call-In.

SUBJECT

**DECISION
SUMMARY**

DECISION OF

DECISION DATE

CALL IN EXPIRY

**Lead Officer Name
and Contact**

If you have any queries about this decisions please contact the Lead Officer,Via [01604](tel:01604) or alternatively by e-mail at the below address@northampton.gov.uk

APPENDIX 3

**PORTFOLIO HOLDER
DECISION MAKING FLOW CHART**

APPENDIX 3

**PORTFOLIO HOLDER
DECISION MAKING FLOW CHART**

OVERVIEW AND SCRUTINY WORK PROGRAMME PROTOCOL

The Overview and Scrutiny Committee will produce a Work Programme, which sets out the work of the Committee for the 12-month period, although it may go beyond this.

The Chair and Deputy Chairs of Overview and Scrutiny will formulate the draft Work Programme for the following year for the Overview and Scrutiny Committee to consider at its last meeting of the Municipal year (April). Suggestions made at previous Overview and Scrutiny Committee meetings, and Improvement Boards will inform the Programme, as will the Forward Plan and Corporate Plan. The public will be informed that the Work Programme is being put together and invited to suggest issues that they would like including for the future.

The Work Programme will comprise priority issues, so as to allow for the inclusion of ad hoc and urgent items during the year.

Overview and Scrutiny will consider other issues in addition to its Work Programme. In the first instance an approach should be made to the Chair and Deputy Chairs for an issue to be included.

It is important for Overview and Scrutiny to report its workings and recommendations for future work programmes to Full Council at least once a year.

A draft programme will then be presented to the first meeting in the new Municipal year for adoption. Once adopted, the Work Programme will be published.

Overview and Scrutiny Councillor's Conduct Protocol

Effective Overview and Scrutiny of the Council's policies, decision-making and delivery of services is a legal requirement of non-executive councillors.

This protocol seeks to clarify the standards of conduct expected of those councillors involved in the Overview and Scrutiny and Task and Finish Group's processes and give guidance to those councillors who are involved in this work.

Compliance with the following standards is required of all Overview and Scrutiny councillors and any breach of the standards will be referred in the first instance to the Chair of Overview and Scrutiny and if unresolved to the Chair of the Standards Committee:

1. The Overview and Scrutiny Committee and the Task and Finish Groups will conduct their business in a friendly and orderly way in order to maximise the participation of all Councillors and facilitate constructive debate. In so doing, councillors will refrain from personal criticism of other councillors and officers, whatever their position in the Council.
2. Attendance by all councillors is important to ensure the democratic processes are achieved, all points of view are given and full discussion takes place with continuity of discussion and debate. Those councillors appointed to the Overview and Scrutiny Committee and Task and Finish Groups will therefore be expected to give priority to attending scheduled meetings.
3. Individual councillors will uphold the highest standards of probity and integrity as laid down in the Councillor's Code of Conduct and set out in the Council's Constitution. They will use their powers of scrutiny in a manner worthy of the trust placed in them by the local people.
4. Scrutiny councillors will be expected to engage in all scrutiny learning and development opportunities provided by the Council in order to carry out their roles as effective scrutineers.
5. The Chair and Deputies of Overview and Scrutiny will ensure effective working relationships with Party Whips.
6. The Overview and Scrutiny Annual Report and Task and Finish Group reports will document Councillor attendance to ensure the highest standard of Councillor commitment.

Northampton Borough Council

Overview and Scrutiny Call-in Protocol

1. Purpose of Call-In

1.1 The purpose of the Call-In process is to identify issues, explore them fully and make informed recommendations based upon a proper consideration of all relevant issues.

1.2 It is vital that a Call-In is perceived to be not only searching and transparent but also equitable, fair and not oppressive. All stakeholders and parties to the process must feel that they have been fairly treated. If they do not then the process and any recommendations arising from it will be diminished.

1.3 A well-conducted Call-In process should make everyone feel that they have contributed rather than just been questioned.

2. The Decision to Call-In

2.1 The right to Call-In applies to a decision made by the Cabinet, an individual member of the Cabinet or a Key Decision taken by an officer under delegated authority. Records of Decisions are provided to the Chair and Deputy Chairs of Overview and Scrutiny and published on the website within 3 days, the decisions may not be implemented until the expiry of 3 working days after the publication of the decision. During that period the Chair of Overview and Scrutiny or two members of the Council may request a Call-In. The request must be made by written notification to the Chief Executive. There are urgency exceptions to the right to Call-In.

2.2 The written notification requesting Call-In should specify the reason(s) for the Call-In to assist the Leader / relevant Portfolio Holder / officer and Committee Members in preparing for the Call-In Meeting. It shall state whether the decision taken is considered to be inside or outside the policy or budget framework as agreed by the Council. It may also state proposals for witnesses and request documentation for use as evidence at the Call-In meeting. Notification for Call-In does not have to be on the format as shown in Appendix 1, but it would assist the speed of the process if a similar format were followed.

2.3 Once a request to Call-In has been properly made then a meeting of the Overview and Scrutiny Committee should be convened to deal with the matter unless it will be quicker to place the matter on the agenda of a

scheduled Overview and Scrutiny Committee meeting. In advance of the meeting the Chair and Deputy Chairs of scrutiny will meet with the Call-In authors to scope the requirements for the Call-In meeting.

3. Issues to be addressed before the Overview and Scrutiny Committee Meeting

3.1 The Decision Taker will be invited to submit a written statement within 4 working days of the Committee unless urgency dictates otherwise. The written statement will specify the decision, the reasons for it and all matters/factors taken into account in making the decision. In the case of a Cabinet decision this process shall be done through the Leader or an appropriate Cabinet member.

3.2 The Decision Taker may suggest appropriate witnesses to invite to the Call-In meeting. The Decision Taker shall notify the Chair within 5 working days of the witnesses to be called in support of the decision.

3.3. When a decision to Call-In is taken the Committee will have a view about who they wish to interview. The Chair will consult with the Deputy Chairs as to whether any additional witnesses are to be called and any nominations made at that consultation should be called as witnesses.

3.4 The Decision Taker's statement should be published with the agenda of the meeting at which interviews are to take place. It should be an open item unless there are valid press exclusion reasons. Where a decision has been treated as a press excluded item previously then advice will be given upon the relevant issues for the Committee to consider as to whether there are valid press exclusion reasons.

3.5 Certain witnesses may believe that they should be allowed to give their evidence in private as a result of the likelihood of disclosure of exempt information as defined by section 100(l) Local Government Act 1972. Such requests should where possible be made prior to the meeting so that they can be considered by the Chair, who will take the necessary legal advice to assess whether the interests and principles of public scrutiny are outweighed by the level of risk to the Council in not taking the witness statement in private. The Committee can then be advised accordingly.

3.6 The Committee will first need to receive advice on whether the Executive Decision was compliant with the Budget and Policy Frameworks. If a Decision was contrary to the Policy Framework or not consistent with the Budget Framework then the Committee could decide to refer the issue

to Council, Council has powers to override the Decision.

4. The Formal Process

4.1 All those to be interviewed should be present throughout but seated away from the Committee members. It is important that when someone is interviewed they have a full understanding of the Committee's concerns and what other interviewees have said. If someone is not present throughout then they may be disadvantaged in this regard. The process will not have been fair to them and their contribution will be diminished as will any decision of the Committee. There may be some interviewees whose involvement is peripheral and who may leave after interview if they wish and the Committee agrees.

4.2 Legal and financial advice should be given and considered.

4.3 The proposer/s of the Call-In may if he/she wishes make a presentation outlining his/her main concerns to help focus issues

4.4 Interviewees are called to the Committee table usually one at a time and allowed to make a presentation without interruption. Thereafter Members of the Committee may ask questions. The questions must be courteous and relevant. If an interviewee does not possess knowledge or information to answer a question then he or she must not be pressed.

4.5 At the conclusion of each interview the interviewee should be asked if there is anything he/she wishes to add/clarify and they should be allowed so to do.

4.6 The Committee considers all relevant matters, debates the issues and decides which resolution they wish to adopt:

Support the decision of the Decision Maker

Support the decision with recommendations

Refer to Cabinet requesting that the decision is not implemented stating reasons why.

Refer to full Council for further considerations.

Further time for a time limited Scrutiny Task and Finish Group to

investigate the issue in more depth before reporting back to the Overview and Scrutiny Committee within 14 days, at which time it must report its considerations and take one of the courses of action listed above.

Appendix 1 **Call in Request Form**

Decision taken by Cabinet
Delegated decision by.....

Date of the decision

Item Number

Title of the agenda item/report.....
.....

Reasons for Call in
.....
.....
.....
.....
.....
.....
.....

Is the decision taken is considered to be inside or outside of the policy or budget framework agreed by the Council?
(Delete as applicable) YES/NO

Explanation if Yes (optional)
.....
.....
.....
.....
.....
.....

Proposed alternative course of action (optional)

.....
.....
.....

Proposed Documentation and witnesses for the call in (optional)

.....
.....
.....
.....
.....
.....

Signed Cllr.....

Signed Cllr.....

PROTOCOL FOR THE INCLUSION OF NON-EXECUTIVE COUNCILLORS IN THE OVERVIEW AND SCRUTINY PROCESS

1.1 The new political structures adopted in September 2005 provided for one Overview Scrutiny Committee comprising 14 councillors whose job it is to:

- Receive Call-ins of Cabinet decisions
- Establish a yearly Scrutiny Work Programme
- Set up Task and Finish Groups to scrutinise policy development and service delivery
- Monitor the outcomes of scrutiny reviews

1.2 Task and Finish Groups play a critical role in informing future policy development in the council as well as scrutinising current policies and services both inside and outside the council.

1.3 It is important therefore that all non-executive councillors have the opportunity to be involved in the work of the Task and Finish Groups as it will:

- Give a wider democratic representation to inform the groups work
- Widen the knowledge and skills resource base of councillors involved in scrutiny.
- Give them a 'hands-on' opportunity to make a difference in areas of work that they have a specific interest in

1.4 It is hoped that non-executive councillors will elect to work on at least one Task and Finish Group a year. The following will be put into place to help councillors to be involved:

- The draft Scrutiny Work Programme will be circulated to all non-executive councillors in May at the Annual Council meeting, asking if they have a specific interest in any of the investigations scheduled in the forthcoming year.
- Task and Finish Groups will comprise a minimum of one Overview and Scrutiny Councillor and one non-executive Councillor. It is envisaged that an Overview and Scrutiny Councillor would chair the Task and Finish Group.

- 1.5 In this Protocol the term "non-executive Councillor" refers to all Councillors other than the Leader and members of the Cabinet. However those members of the Improvement Board who are not on the Cabinet, although not prohibited from taking part in the Overview and Scutiny process, will not be expected to serve on Task and Finish Groups.

Protocol for Public Address at Scrutiny Committee

It is the stated intention of Northampton Borough Council to seek the views and encourage the active participation of it's citizens whenever possible. Such an opportunity exists within the agenda of public council meetings under the heading of **Public Address**.

An address by a member of the public on an issue which is due to be discussed at a Committee Meeting can make a valued contribution to the understanding of the committee and to the ultimate decision making process.

As such it is important that anyone using the Public Address process should do so in a responsible and respectful manner and in order to maximise the benefit of their contribution they should:

- Ensure their contribution is within the time limit set by the chairperson (normally 3 minutes).
- Ensure their comments are directly related to the agenda item on which they have requested to talk.
- Avoid repeating points made by earlier public speakers; repetitious comments will be curtailed by the chair.

NAME	Group or organisation represented	Agenda Item and Main point or focus of address

OVERVIEW AND SCRUTINY COMMITTEE



OVERVIEW AND SCRUTINY

Co-Optee
GUIDANCE BOOKLET



**NORTHAMPTON
BOROUGH COUNCIL**

JUNE 2006

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Welcome

I am pleased to welcome you as a co-opted member to an Overview and Scrutiny Task and Finish Group. Your expertise and knowledge will play an important part in informing the Task and Finish Group's review.

This handbook contains practical advice and sets out the role of co-optees to Overview and Scrutiny Task and Finish Groups.



Councillor Brendan Glynane
Chair of the Overview and Scrutiny Committee

What is Overview and Scrutiny

Overview and Scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places Members at the heart of the way in which Councils respond to the demands of modernisation. In addition, Overview and Scrutiny is the mechanism by which Councils can achieve community leadership, good governance and by which Councillors can become powerful and influential politicians.

Office of the Deputy Prime Minister, 2002

Government is all about decision-making, and Overview and Scrutiny is about understanding why these decisions are made, and ensuring they are the best ones possible.

Overview and Scrutiny provides the opportunity for councillors and members of the public to improve the quality and delivery of services to local communities.

Overview and Scrutiny is a key part of the checks and balances to hold the Cabinet and other decision makers to account, and to review the services provided to the citizens of Northampton.

Overview and Scrutiny is charged with finding ways of ensuring the issues that matter to the public are the focus of their attention, and with finding new ways of getting citizens involved in the things that affect them.

The Political Management of the Council

Northampton Borough Council provides many services for the citizens of Northampton these include:

- Housing
- Refuse Collection
- Planning
- Parks and Open Spaces
- Leisure Facilities
- Street Cleansing
- Litter

There are 47 elected councillors in Northampton Borough Council, who act as Community Leaders and representatives for the people who live in their wards. They also pursue a variety of roles within the Council, which range from designing strategies and policies and making decisions to making recommendations for change.

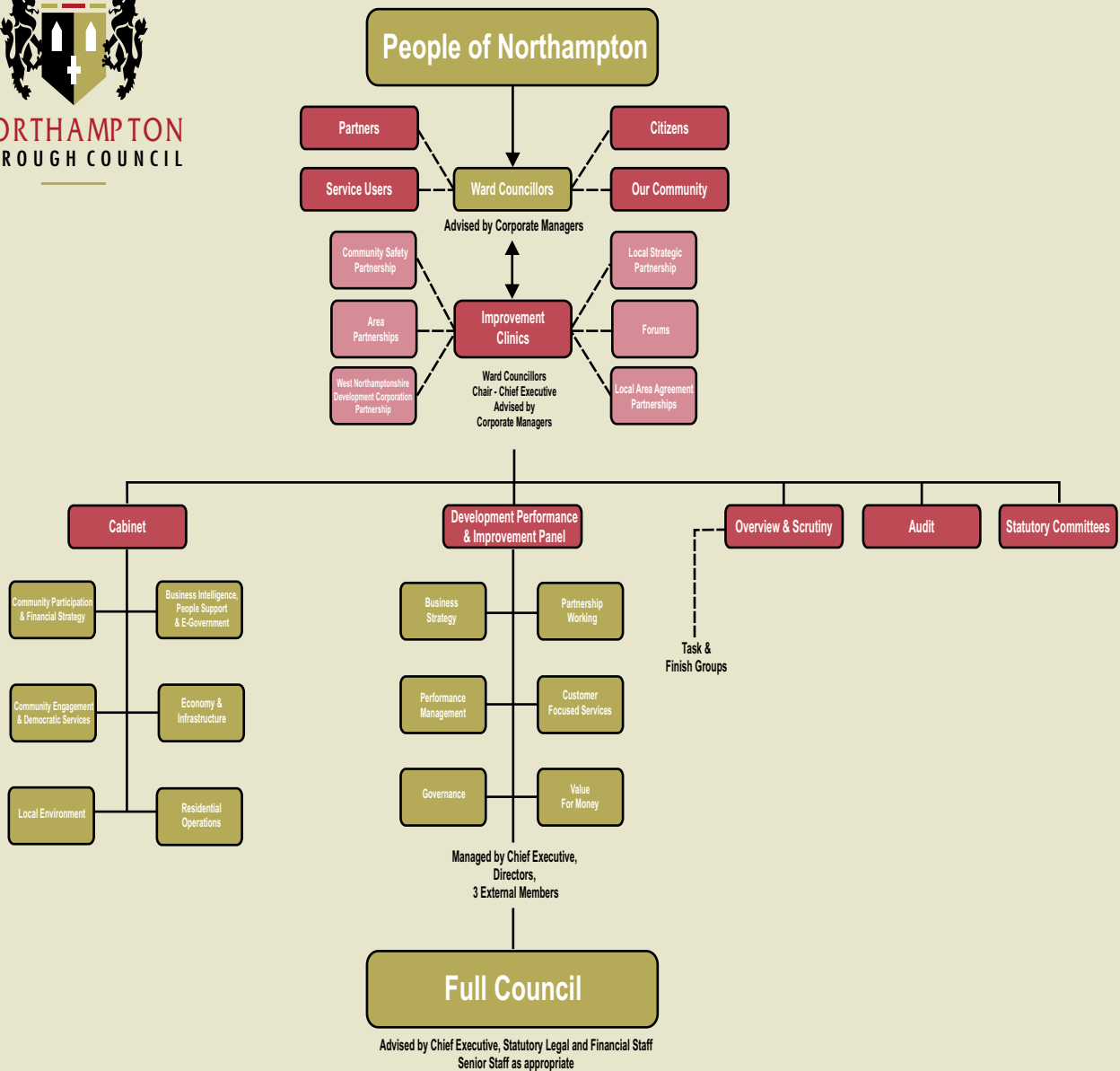
The Full Council (47 councillors) chaired by the Mayor, sets the annual budget and the council's overall policies. It also has responsibility for amendments to the council's Constitution (or book of rules and procedures) and is responsible for appointing the Leader, the Cabinet, and the Committees of the Council.

Members of the public can attend and can address the council and listen to the debates that take place.

The Council operates within a new structure (a diagram of which can be found on the next page) this includes the Full Council, Cabinet, Overview and Scrutiny, Improvement Board, Audit Committee, Judicial Committees and Improvement Clinics.

Northampton Borough Council Structure

Date: 5 / 9 / 2006



Co-opted Members to Scrutiny Task and Finish Groups

Members of the public, partner organisations, councils, the voluntary sector and recognised experts, can be co-opted on to a Task and Finish Group for the life of the group, to investigate specific issues of importance. This can happen months in advance when the Scrutiny Work Programme is set in May for planned work or more spontaneously when Ad Hoc groups are set up during the year.

Task and Finish Groups are focused policy development and service/policy review groups. The work of the groups is to recommend changes. Recommendations are normally reached by consensus, rarely is a vote required. In circumstances where a vote is required, only constituted committee members are able to vote.

The roles and responsibilities of co-optees include:

- A willingness to attend all meetings set to complete a review
- Playing an active and full role in investigations e.g. observations / visits to other councils
- Bringing a view that councillors might not have to a review
- Contributing constructively to discussions
- A willingness to share knowledge, experience and expertise
- Identifying issues for further consideration during the review
- Treating witnesses according to council guidance
- Having a genuine interest in local government
- Gaining an understanding of the role and function of scrutiny
- Recognise that certain information gained as a member of the review may be confidential to the council and should be treated as such

Short training/ briefing sessions will be organised for all co-optees to explain the scrutiny systems and processes in the council.

Types of Scrutiny Meetings

There are two types of scrutiny meetings in Northampton Borough Council, the Overview and Scrutiny Committee meeting and the Task and Finish Group meeting.

1 Overview and Scrutiny Committee meetings

The Overview and Scrutiny committee meeting is open to the public and press (unless confidential matters are being discussed) and is held on a bi-monthly cycle. Meetings are usually held at the Guildhall, but there are times when meetings are held elsewhere according to the issue being investigated. All of these meetings are advertised in advance and papers for the meetings are available on the Council's website.

The actual investigations are carried out by a series of Task and Finish Groups. The Chairperson of the Task and Finish Group reports to Overview and Scrutiny on their progress at each meeting and with their final report prior to forwarding it to Cabinet/Council.

2 Task and Finish Groups

Task and Finish Groups operate within a specified time frame, they comprise of a minimum of one Overview and Scrutiny Councillor and one non-Cabinet Councillor and are chaired by the Overview and Scrutiny Councillor. They are responsible for setting the objectives of the review, scoping the work to be carried out, gathering evidence in a variety of ways, evaluating the evidence and making recommendations for change to the Cabinet or Full Council. Recommendations can be accepted or rejected by Cabinet. Cabinet informs Overview and Scrutiny of its decisions. Those recommendations that are accepted are monitored for implementation by Overview and Scrutiny Committee members.

Meetings of the groups can take place in a various settings depending on the evidence being heard.

3 Call-in of Cabinet decisions

The Chair of the Overview and Scrutiny Committee or two Councillors can Call-in a decision of the Cabinet/Portfolio Holder.

A called in decision is examined at either a special Overview and Scrutiny meeting or the next available scheduled meeting.

The Chair consults with the Committee to formulate a line of enquiry. The Cabinet and relevant officers are advised of the situation.

Once the meeting is scheduled, it is advertised within five clear working days. Members of the public with a special interest may be invited to present evidence. Once all evidence has been taken, it is evaluated and written recommendations are made to Cabinet.

The Cabinet must consider Overview and Scrutiny recommendations and provide a formal response. Cabinet can accept or reject any or all of the recommendations. If the recommendations are accepted then Cabinet explains how and when they will be actioned. If the recommendations are rejected, Cabinet informs Overview and Scrutiny of its reasons for doing so.

Declarations of Interest

There are times when Councillors might have a particular interest in an item being considered by a Committee. For example, this might be a financial interest relating to the company for whom they work. There are other occasions where the interest is non-financial but could relate to a friend or the membership of an Association. Co-opted members are required to declare the same interests. They should declare personal or prejudicial interests and ensure that confidential information, as determined under the terms of the Local Government Act 1972, (as amended by the Access to Information Act 1985), is treated in the strictest confidence.

When appointed, a declaration of interest form to register their financial or other interests will be sent to the Co-opted member.

The information included on the register includes:

- Details of any employment or business carried out.
- Name of employer.
- Details of any directorships.
- Contracts between themselves/their firm and the council.
- Land interests in the area.

The register is maintained by F McGown, Meetings Services Team Leader, telephone (01604) 837101, email: fmcgown@northampton.gov.uk.

Code of Conduct

Councillors and co-opted members who have voting rights are subject to a Code of Conduct which is based on a model code laid down nationally. Co-opted members of Overview and Scrutiny Task and Finish Groups will not have voting rights so this Code does not automatically apply to them. Nevertheless such co-optees will be expected to abide by the main points of the Code, which are: -

- To promote equality by not discriminating unlawfully against any person
- To treat others with respect
- Not to do anything which compromises the impartiality of those who work for the Council
- Not to disclose confidential information
- Not to behave in a manner which may bring the Council into disrepute
- Not to use the member's position to improperly secure an advantage for themselves or any other person
- To declare any personal interests the member might have in a matter being considered at a meeting they are attending; and if the interest is a "prejudicial" one to leave the room while the matter is being discussed.

(An interest is a prejudicial one if a member of the public with a knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the member's judgement of the public interest)

See also the previous section on the declaration of interests.

Allowances and Expenses

Basis for Payment

Co-opted members can claim for reasonable expenses incurred as a result of undertaking the duties involved.

Travel Allowances and Expenses

The following allowances and expenses may be claimed: -

Car Mileage, Motorcycle and Bicycle Allowances.

The rates per mile are those that are paid to Officers of the Authority. 40 pence per mile is the Inland Revenue's approved **maximum** mileage rate.

Standard Rail Fare

Actual cost of tube fares, bus fares, car parking and toll charges.

Dependency Care

Co-opted members who incur expenditure on the care of children or dependent relatives whilst undertaking the duties of membership may claim for the cost of this up to a reasonable amount.

Submission of Claims

Claims for travel allowances and expenses must be made within two months. Payment outside that period can only be made if there are identified circumstances that prevented the claim being submitted within the required time limit.

Payment Arrangements

Payment of claims will be made upon submission of a fully completed claim form supported by appropriate receipts. The claim form should be sent to Tracy Tiff.

Overview and Scrutiny Committee Members

Membership of the Overview and Scrutiny Committee is: -

Councillor Brendan Glynane (**Chair**) telephone 07961 533083
Email cllr.bglynane@northampton.gov.uk

Councillor Christopher Malpas
(**Deputy Chair**) telephone 07946 617261
Email cllr.cmalpas@northampton.gov.uk

Councillor Anjona Roy (**Deputy Chair**) telephone 07976 260268
Email cllr.aroy@northampton.gov.uk

Councillors:

Marion Allen telephone 01604 249886
Email cllr.mallen@northampton.gov.uk

Richard Church telephone 01604 719097
Email cllr.rchurch@northampton.gov.uk

Brandon Eldred telephone 07796 356996
Email cllr.beldred@northampton.gov.uk

Michael Hill Email cllr.mhill@northampton.gov.uk

Brian Hoare telephone 01604 760597
Email cllr.bhoare@northampton.gov.uk

Michelle Hoare telephone 01604 752514
Email cllr.mhoare@northampton.gov.uk

Jamie Lane telephone 01604 792470
Email cllr.jlane@northampton.gov.uk

Christopher Malpas telephone 07946 617261
Email cllr.cmalpas@northampton.gov.uk

Lee Mason telephone 01604 846488
Email cllr.lmason@northampton.gov.uk

William Massey telephone 01604 717728
Email cllr.bmassey@northampton.gov.uk

Margaret Pritchard telephone 01604 412012
Email cllr.mpritchard@northampton.gov.uk

Andrew Simpson telephone 07973 560432
Email cllr.asimpson@northampton.gov.uk

Glossary of Terms

Glossary of Terms

Detailed below are some of the terms used by Northampton Borough Council, which explain how the Council uses or interprets a term, phrase or abbreviation.

Annual Report	Scrutiny Committees summarise their work and findings in an annual report.
Audit Commission	The Audit Commission is an independent body responsible for ensuring that public money is used economically, efficiently and effectively. It regulates the proper control of public finances by local authorities and the National Health Service, and is responsible for conducting inspections relating to Best Value Reviews and to the Comprehensive Performance Assessment of local councils.
Allowance	A payment towards expenses or costs.
Members' Allowances	Paid to Members in recognition of out of pocket expenses or direct costs of being a Member of the Council
Best Value	Relates to the Local Government Act, 1999 - the means by which the Council seeks to deliver high quality services in an efficient and cost effective way
BVPP	Best Value Performance Plan
Backbencher	A term applied to Members who are not part of the Cabinet
Budget	The annual summary of income and Expenditure

By-Election	An election which occurs between main (4 yearly) elections
Cabinet (Executive)	The Cabinet body of elected Councillors responsible for day-to-day running of the Council and the development of policy. Cabinet Members have portfolios or areas of responsibility (e.g. Housing) for which they take cabinet decisions.
Call-in	The process by which Overview and Scrutiny Committees can look at whether a decision is properly taken or is the right decision and require it to be considered.
Casting vote	A second vote made by the chair of the meeting to decide a matter when there is a tied vote
Chair/Deputy Chair	The person who chairs a Committee of the Council e.g. a Scrutiny Committee.
Chief Executive	The most senior paid official of the Council with overall responsibility for the whole of the Council's operation
Coalition	An alliance of groups or parties
Code of Practice/Code of Conduct	A set of rules, usually of expected behaviour

<p>Census</p>	<p>Since 1801, every 10 years the nation has set aside one day for the Census - a count of all people and households. It is the most complete source of information about the population that we have. The latest Census was held on Sunday 29 April 2001.</p>
<p>Community Strategy</p>	<p>Under the Local Government Act 2000, all Councils are required to work in partnership with the community as well as private, voluntary and public sector partners to develop a long-term strategy to promote the social, economic and environmental well-being of their local communities.</p>
<p>Co-Opted Member to a Scrutiny Task and Finish Group</p>	<p>An individual with an area of expertise or experience who is invited to sit on a Committee or Work Group (either for the Municipal year or for the duration of a specific review) to provide information and advice to maximise effective decision-making.</p>
<p>Comprehensive Performance Assessment (CPA)</p>	<p>A performance management framework for Councils to draw together all the assessments made by the inspectorates, external Audit and Government departments.</p> <p>Councils are rated in one of five categories (excellent, good, fair, weak, poor). One of the main outcomes of the assessment will be an action plan for improvement and a programme of work for the subsequent year.</p>

<p>Constitution</p>	<p>The set of rules governing the decision-making arrangements and activities of Northampton Borough Council.</p>
<p>Council</p>	<p>The term used for the organisation or in respect of the meeting of all of the Councillors</p>
<p>Councillor (or Member)</p>	<p>An elected local representative on the Council, a Councillor represents the interests of the people who live in their ward and Northampton as a whole.</p>
<p>Council Tax</p>	<p>The money raised by the Council from residents of the Borough</p>
<p>Cross-cutting review</p>	<p>A cross-cutting review addresses a topic which covers more than one service area, and in certain cases, examines services provided by organisations other than the Council (e.g. the police, health trusts, voluntary sector organisations, etc). One of the aims of such a review is to ascertain how well the various agencies communicate and work together, and to put forward recommendations for improvements in this area.</p>
<p>Directors</p>	<p>The most senior paid officials, after the Chief Executive, each having responsibility for wide areas of the</p>

	Council's operations
Elected Mayor	An individual elected directly by the electorate (not councillors) to run the Council [Not a system adopted in Northampton].
Employee	A paid official of the Council sometimes referred to as an Officer.
Executive	See Cabinet.
Exempt information	Information which is exempt from the normal publication rules (normally under Schedule 12 of the Local Government Act, 1972)
Forward Plan	A list of key decisions which will be taken by the Cabinet. The plan is updated each month.
Head of Paid Service	A statutory role, usually combined with that of Chief Cabinet
Home Office	The Government department responsible for internal affairs in England and Wales, e.g. public order, public safety, immigration, etc.
Improvement and Development Agency (IDeA)	The Improvement and Development Agency (IDeA) was established by and for Local Government in April 1999. It

	<p>aims to: -</p> <ul style="list-style-type: none"> - deliver practical solutions to improve local government performance - develop innovative approaches to ensure the transfer of knowledge within local government - act on behalf of local government as a whole, promoting joined-up, locally delivered services
<p>Independent Member</p>	<p>Either a Councillor who is not a member of a recognised political party also, or in the context of the Standards Committee, a member who is neither a Borough Councillor or a Parish Council representative.</p>
<p>Key Decision</p>	<p>An important decision which affects more than one ward of the Council or will involve spending of large amounts of money. They must be made public and can only be taken after appropriate notice</p>
<p>Leader of the Council</p>	<p>The political head of the Council, usually the leader of the largest group of Members (or coalition) - responsible for the proposal of policies and day to day running of the Council.</p>
<p>Local Government Association (LGA)</p>	<p>The LGA represents the local authorities of England and Wales – a total of just under 500 authorities. There are 34 county councils, 36 metropolitan borough councils, 47 English unitary</p>

	<p>authorities, 33 London authorities, 238 shire district councils and 22 Welsh unitary authorities. The LGA also represents police authorities, through the Association of Police Authorities (APA); fire authorities and passenger transport authorities.</p>
<p>Local Government Information Unit (LGIU)</p>	<p>The LGIU is an independent research and information organisation supported by over 150 councils and the local government trade unions.</p> <p>The LGIU aims to be an advocate for strong democratic local government with the financial base and powers required to act with and on behalf of local communities.</p>
<p>Local Government Ombudsman</p>	<p>The nationally appointed person (department) which looks into complaints by the public about the way they have been treated by or the service they have received from councils</p>
<p>Manager</p>	<p>An employee who is responsible for managing employees, resources and services</p>
<p>Member (Councillor)</p>	<p>A Councillor; the elected representative of the community</p>
<p>Member of the Public</p>	<p>Anyone who is not a part of the Council</p>
<p>Minutes</p>	<p>The formal record of the proceedings of a meeting</p>

<p>Monitoring Officer</p>	<p>The officer appointed under the Local Government and Housing Act, 1989 to oversee the legality of the Councils actions and the ethical behaviour of Members and employees</p>
<p>Northampton Borough Council (NBC)</p>	<p>The local authority, which delivers borough council services to the whole of Northampton. These are mostly different to the services provided by Northamptonshire County Council.</p>
<p>Office of the Deputy Prime Minister</p>	<p>The Office of the Deputy Prime Minister was created as a central department in its own right in May 2002 and brings together key responsibilities for regional and local government, fire, housing, planning and regeneration, taking over work previously covered by the Department for Transport, Local Government and the Regions (DTLR).</p>
<p>Officer</p>	<p>A paid official of the Council</p>
<p>Overview and Scrutiny</p>	<p>The process offers both opportunities and challenges for Councillors and members of the public to improve the quality and delivery of services the Council provides to its local communities. The work of overview and scrutiny includes:-</p> <ul style="list-style-type: none"> - Policy Development and Review - Oversight of the Best Value Review

PI	<p>Programme</p> <ul style="list-style-type: none"> - Holding the cabinet to account <p>Performance Indicator</p>
Policy	<p>A plan of action or approach to an issue</p> <ul style="list-style-type: none"> - part of the Council's Policy Framework
Policy and Financial Framework	<p>The Council's main policies and approach to managing its finances</p>
Political Proportionality/Balance	<p>The system by which each group is represented on Council bodies in proportion to the number of members of the particular group relative to the size of the council as a whole</p>
Portfolio Holder	<p>A Member of the Cabinet with responsibilities for specific aspects of the Council's policy or work</p>
Protocol	<p>A document, which sets out, how people will behave or matters will be handled.</p>
Referendum	<p>A ballot of all electors of the Borough - in particular on whether they wish to have an elected mayor</p>
Regulatory	<p>The functions of the Council which "regulate" e.g. licensing and planning.</p>
Rules of Procedure	<p>The rules that govern the way specified</p>

<p>Scrutiny</p>	<p>matters must be handled. (previously known as Standing Orders)</p> <p>(See Overview and Scrutiny). The way in which Members oversee the work of the Council and investigate the needs of the community</p>
<p>Scrutiny Review</p>	<p>A study led by Scrutiny Councillors on a current issue, selected by the Committee. It aims to identify areas of good as well as poor practice, compare performance with other councils' countrywide, and challenge existing practice where relevant.</p> <p>The review will lead to recommendations for improvements to relevant Cabinet Members as well as outside agencies, such as health trusts. While these are not obliged to support the recommendations, effective consultation has been proven to lead to consensus and to Cabinet support for reviews undertaken.</p>
<p>Senior Corporate Management Team (SCMT)</p>	<p>The Chief Executive, Directors and high level managers</p>
<p>Standards Board</p>	<p>The national body which oversees ethical standards of behaviour</p>
<p>S151 Officer</p>	<p>The finance officer employed under</p>

<p>Ward</p> <p>Work Programme</p>	<p>s151 of the Local Government Act, 1972 - who is responsible for the financial probity and arrangements of the Council</p> <p>An area of Northampton for which elections are conducted</p> <p>The Work Programme sets out the work of the Committee for the 12-month period, although it may go beyond this.</p>
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NORTHAMPTON BOROUGH COUNCIL

WITNESS PROTOCOL

1 GUIDANCE FOR COUNCILLORS REGARDING WITNESS EVIDENCE

Witnesses are an essential ingredient when undertaking an overview and scrutiny review and their evidence is an invaluable source of information. Attending an Overview and Scrutiny Committee or Task and Finish Group will often be a new experience for people. It should be remembered that external witnesses are present on a voluntary basis.

The following guidance is written to ensure the experiences for witnesses when giving evidence are positive and stress-free.

The Council will:

- 1 Give witnesses as much notice as possible of the time, date and place of the meeting at which their evidence is to be taken
- 2 Inform the witness of the purpose of the review and the areas on which the overview and scrutiny body will want to question them
- 3 Wherever possible give the witness a list of questions, or the line of questioning, in advance, explaining that this will not be a restrictive list
- 4 Provide witnesses with copies of reports, papers and background information where appropriate
- 5 Indicate whether any written documents are required in support of the witness's oral evidence. Requests for presentations will be made a minimum of one week prior to the meeting.
- 6 Invite witnesses to submit written evidence, if appropriate, and where this is provided it should, be circulated to the committee/group in advance of the meeting at which the evidence will be taken.
- 7 Inform witnesses that the Overview and Scrutiny meeting is held in public, is open to the press and that all reports are public documents unless they contain exempt or confidential information.

- 8 Inform witnesses that Task and Finish Groups are not public meetings, but the evidence submitted to them are submitted for public viewing.
- 9 Respect the right of external witnesses to decline to attend council meetings, but submit written evidence instead.
- 10 Arrange for witnesses to be introduced to the Chair of the meeting prior to the start of the meeting.
- 11 Introduce witnesses to the committee/group
- 12 Ensure all witnesses are treated with courtesy and respect
- 13 Ensure all questions to witnesses are made in an orderly manner under the direction of the Chair and that councillors ask questions relevant to the objectives of the review.
- 14 Provide the Review findings to all witnesses who request them.

2 QUESTIONING TO GAIN THE MOST FROM WITNESSES

The evidence of witnesses to a review may often be the most valuable source of information. However, if the questions are not the right ones they may not be effective in soliciting the best information. Asking questions is not about profiling yourself, making a personal speech or arguing with witnesses as this can put them off giving evidence. Considering what questions to ask and the types of question to use to gain focused information often means preparation beforehand. Below are examples that can be considered.

Question types

Most people will be familiar with the two basic question types 'open' and 'closed'. These can be described as follows:

Closed:

Are used when you require a brief factual answer as they close down discussion e.g.

"What is your name?"

"Do you work in other organisations?"

Open:

Are used to gain more than a 'yes' or 'no' answer as they stimulate further discussion on an issue e.g.

"Please give us an example of how your service has improved?"

"Tell us about how your service is organised"

But there are also some questioning styles, which can elicit different types of responses and therefore different outcomes.

In preparing for questioning witnesses, it might be helpful to think about the way in which questions can be asked to get the outcome that you are looking for.

Probing:

Seek verifiable data and usually start with the words who, what, why, where, when, or how. They are used to gather information about a situation e.g.

“How much have we spent on this service this year?”

“Who was consulted before the changes were implemented?”

Opinion finding:

Ask for subjective information that gets at opinions, values or beliefs. They will help you understand views e.g.

“Do you think people understand the services available?”

“How do you feel the consultation went?”

Getting the detail:

Can help find out more specific detail from the witnesses e.g.

“You mentioned costs a moment ago – can you be more specific?”

“Explain that in more detail for us please.”

Best/least questions:

They are similar to opinion finding questions as they help to test the limits of participant’s needs and wants e.g.

“What is the best thing about the service we offer?”

“What is the worst thing about the way we publicise our services?”

Third party questions:

Can help people express sensitive information and help uncover thoughts in an indirect manner, but beware that they do not become leading questions e.g.

“Some people say it takes too long to get a response from our services. How does that sound to you?”

Crystal ball or hypothetical questions:

Can help to explore ideas e.g.

“If time and money were no object, what sort of computer system would you design for the department?”

Questioning do’s and don’ts

To make the best use of the time available for a witness, it is important to think about not only the type of question but also the way in which it is asked. The following suggest some issues to think about:

DO:

- Ask clear concise questions covering a single issue
- Ask challenging questions that will stimulate thought
- Ask reasonable questions based on what witnesses will know about
- Ask honest and relevant questions
- Ask a question
- Allow time for thoughtful responses

DON'T:

- Ask rambling, ambiguous questions that cover a number of issues
- Ask questions that don't provide opportunity for thought
- Ask questions about issues not in the witness's knowledge
- Ask "trick" questions designed to confuse witnesses
- Make a personal statement or a speech
- Let witnesses cross-examine each other
- Talk or leave the room when people are giving evidence

3 GUIDANCE FOR WITNESSES AT OVERVIEW AND SCRUTINY REVIEW BODIES

The following list provides some useful guidelines in giving evidence for a review being undertaken by an Overview and Scrutiny body of Northampton Borough Council. It is intended for use by internal and external witnesses and should be read together with the Council's Guidance for Witness Evidence:

- 1 **Contacts** – every review will have a named review coordinator. You will be given this person's name, please use them as your point of contact.
- 2 **Topic** – make sure you are clear of the topic and the areas that the committee/panel would like you to address. If you are not sure ask the review coordinator.
- 3 **Discussion** – discuss your contribution with the Review Coordinator in advance, especially if this is the first time you have given evidence to an overview and scrutiny body.
- 4 **Contribution** – be prepared to be asked for your opinions and views as well as to give factual information. If you are asked to provide written evidence, make this as simple and as concise as possible – if you are a Council officer remember that you are not presenting a committee report but providing information to help the councillors conducting the review.
- 5 **Presentations** – if you have been asked, or have offered, to give a presentation in relation to your evidence to the committee/group let the review coordinator know what equipment you will need. Please provide copies of your presentation for Members of the panel – wherever possible in advance of the meeting.
- 6 **The meeting** – Members of the committee/group want to make sure participants feel free and able to attend so they will ensure that meetings are as informal as possible and that you are able to contribute fully to the topic under review.

PART 6

Members' Allowances Scheme MEMBERS' ALLOWANCES SCHEME

The Northampton Borough Council, in exercise of the powers conferred by the Local Government Act 2003 hereby makes the following Scheme:-

1. This Scheme may be cited as the Northampton Borough Council Members' Allowances Scheme, and shall have effect from 1st April 2003

2. In this Scheme,

“Councillor” means a member of the Northampton Borough Council who is a Councillor;

“year” means the 12 months ending on 31st March.

3. BASIC ALLOWANCE

3.1 Subject to paragraph 8, for each year a Basic Allowance specified by the Council upon advice from the Independent Remuneration Panel shall be paid to each Councillor.

4. SPECIAL RESPONSIBILITY ALLOWANCES

4.1 For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council as specified in Schedule 1.

4.2 Subject to paragraph 8, the amount of each such allowance shall be the amount specified by the Council upon advice from the Independent Remuneration Panel each year.

5. DEPENDANT CARERS' ALLOWANCE

5.1 For each year a Dependant Carers' Allowance will be paid to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking Approved Duties as defined in Schedule 2. This allowance will be specified by the Council upon the advice of the Independent Remuneration Panel.

6. FINANCIAL LIMITS

6.1 Any payment under this Scheme is conditional upon the aggregate of the amounts which the Council has paid out or is liable to pay out in respect of Basic Allowances, Special Responsibility and Dependant Carers' allowances to that Councillor not exceeding the limit prescribed by the Council each year.

6.2 Any payment by way of Special Responsibility Allowance is conditional on the aggregate amount which the Council has paid out or is already liable to pay out by way of Special Responsibility Allowance to that Councillor not exceeding the limit prescribed each year by the Council.

7. RENUNCIATION

7.1 A Councillor may by notice in writing given to the Borough Solicitor elect to forego any part of his/her entitlement to an Allowance under this Scheme.

8. PART-YEAR ENTITLEMENTS

8.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic, Special Responsibility and Dependant Carers' allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility or accepts or relinquishes a Dependant Carers' Allowance.

8.2 If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility allowance, then in relation to each of the periods:-

8.2.1 beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

8.2.2 beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year the entitlement shall be to the part payment of the Allowance during the relevant period in the same proportion as in the number of the days in the period bears to the number of days in the year.

8.3 Where the term of office of a Councillor begins or ends other than at the beginning or end of a year, entitlement to a Basic Allowance shall be to payment in the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

8.4 Where this Scheme is amended as mentioned in sub-paragraph 8.2, and the term of office of a Councillor does not run throughout the period mentioned in sub-paragraph 8.2.1, the entitlement to a Basic Allowance shall be to such part referable to each such period (ascertained in accordance with

that sub-paragraph) in the same proportion as the number of days during which his/her term of office as a Councillor subsists bears to the number of days in that period.

8.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance in proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

8.6 Where this Scheme is amended as mentioned in sub-paragraph 8.2, and a Councillor has during part, but does not have throughout the whole of any period mentioned in sub-paragraph 8.2.1 any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be limited to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he/she has such special responsibilities bears to the number of days in that period.

8.7 Where a Councillor claims the Dependant Carers' Allowance the amount paid shall not exceed the proportion of the total amount of Basic and Special Responsibility Allowances paid to them specified by the Independent Remuneration Panel during the year. Where the Councillor is only entitled to a part year allowance this is to mean the actual amounts paid to them and not the amount due for the full year.

9. CLAIMS AND PAYMENTS

9.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 9.2, in instalments of one twelfth of the amount specified in this Scheme on the 20th of each month.

9.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in a Councillor receiving more than the amount to which, by virtue of paragraph 8, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.

9.3 Dependent Carers' Allowance is to be paid on the basis of the actual cost of care incurred by the Councillor subject to a ceiling of a specified proportion of the Basic and Special Responsibility Allowance paid to such Councillor. Payment will be on the basis of claims submitted by the Councillor

supported by receipts for the expenditure incurred. Payment in any one month will be restricted so that the Councillor will have received no more on a cumulative basis than the proportion of the total Dependent Carers Allowance that is due up to that point in time.

10. TRAVELLING AND SUBSISTENCE ALLOWANCE

10.1 The rates applying to travel and subsistence are determined with reference to the Independent Remuneration Panel and current approved rates published by the Inland Revenue for the financial year. Details of the approved rates can be found in the "Guidance for Members" manual.

11. PENSIONS

11.1 The regulations allow for the provision of pension payments in accordance with a scheme made under section 7 of the Superannuation Act 1972. The Independent Remuneration Panel will make recommendations on which Councillors are to be eligible for access to the Local Government Pension Scheme. (The Council will only be able to make membership of the pension scheme available to those members who are recommended for membership by the Panel but the Council can decide not to offer membership to some or all of the recommended members).

The Panel has decided not to recommend admission to the Scheme.

12. CO-OPTEEES

12.1 This scheme makes provision for the payment of a co-optees' allowance, for attendance at conferences and meetings, to any co-opted and appointed members of the council's committees or sub-committees.

12.2 The co-optees' allowance is an annual allowance as determined by the Independent Remuneration Panel. Where a co-optee serves on a committee or sub-committee for a part year, the allowance will be paid in proportion to the whole year.

12.3 Where a co-optee is appointed chair of the committee on which they are co-opted or appointed, the co-optees' allowance they receive shall be of an amount no less than the equivalent special responsibility allowance paid to chairs of equivalent committees of the council.

SCHEDULE 1

1. The following are specified as the special responsibilities in respect of

which Special Responsibility Allowances are payable, the amounts of such allowances being determined each year by the Council following advice from the Independent Remuneration Panel.

SPECIAL RESPONSIBILITY ALLOWANCES

Leader
Deputy Leader
Leader of the Opposition
Leader of the Third Party
Members of the Executive

CHAIRS

Planning Committee
Public Protection Committee
Standards Committee
General Purposes Committee
Leader of the Council/General Purposes Overview & Scrutiny Committee **(1)**
Community Leadership Overview & Scrutiny Committee **(2)**
Community Safety and E-Government Overview & Scrutiny Committee **(3)**
Financial Strategy & Performance Overview & Scrutiny Committee **(4)**
Health & Environmental/Public Protection Overview & Scrutiny Committee **(5)**
Housing Overview & Scrutiny Committee **(6)**
Planning Regeneration & Transportation Planning Committee Overview & Scrutiny Committee **(7)**

2. Conference Attendance Allowances (Local Government Act 1972 Section 175)

Attendance at conferences or meetings organised by any person or body.

(Allowances in respect of attendance at conferences and meetings remain under the separate system instituted by Section 175 of the Local Government Act 1972. For county, district, London borough and town, community and parish councils, this system covers any conferences or meeting organised by any person or body who is not doing so by way of trade, or by any body whose objects are not wholly or partly political, where the purpose of the conference or meeting is to discuss matters which in the council's opinion relate to the interests of their area, or part of it, or to the inhabitants of their areas, or some of them.)

SCHEDULE 2

DEPENDANT CARERS' ALLOWANCE APPROVED DUTIES

For the purposes of claiming Dependant Carers' Allowance the following are regarded as Approved Duties:

Meetings of the Executive, committees of the Executive (if any), Council, or committees and sub-committees of Council, Forums – Area Partnerships.

Meetings of some other body to which the Council makes appointments or nominations, or meetings of a committee or sub-committee of some other body to which the Council makes appointments or nominations;

Meetings which have both been authorised by the Council (or by a committee or sub-committee or a Joint committee with one or more other authorities or a sub-committee thereof) and to which representatives of more than one political group have been invited (or two or more councillors have been invited if the Council is not divided into political groups);

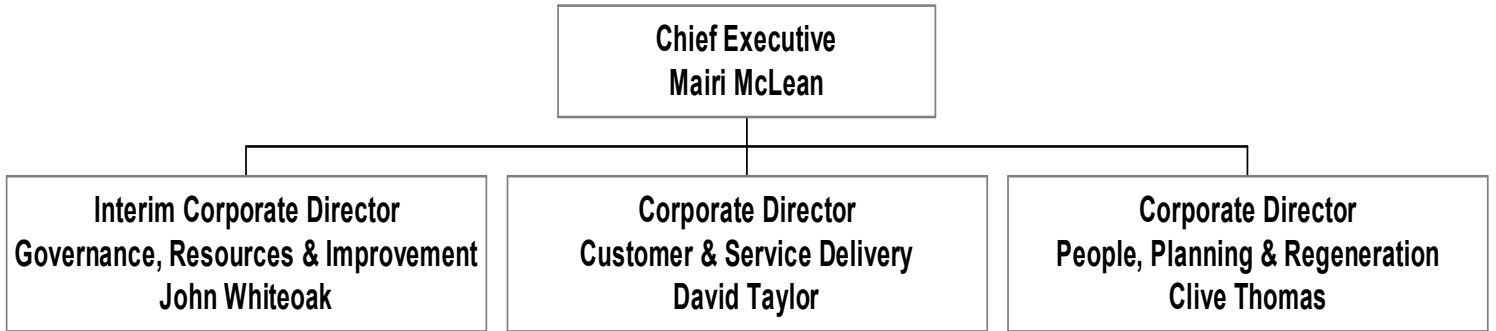
Meetings of a Local Authority Association of which the Council is a member.

Any enquiries as to entitlement to allowances should be referred to the Chief Executive and Town Clerk and the Director of Strategic Resources will be pleased to deal with enquiries of a financial or taxation nature.

PART 7

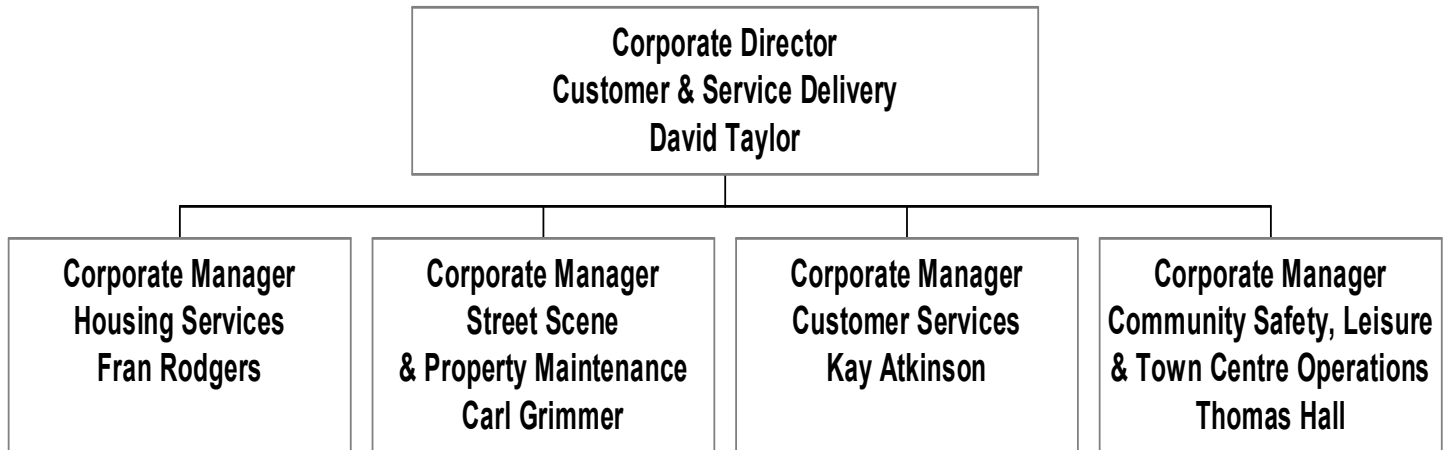
Management Structure

CHIEF EXECUTIVE/DIRECTORS



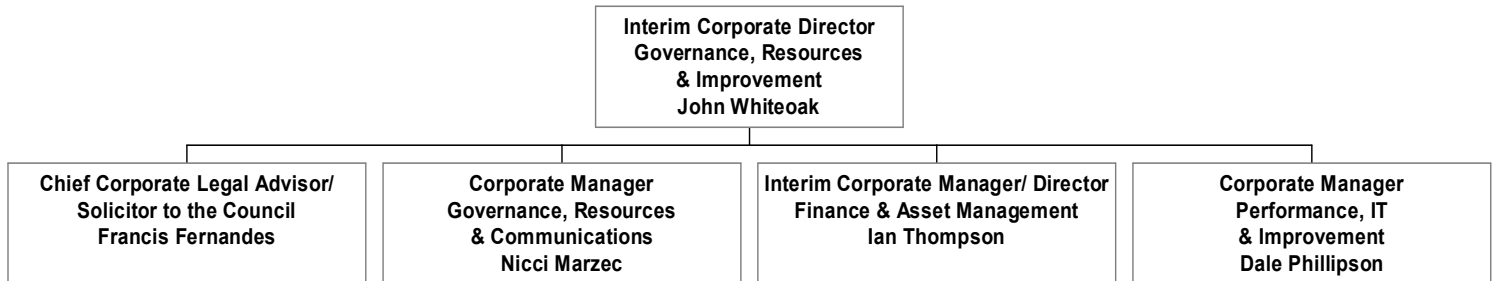
Customer & Service Delivery

Management Structure



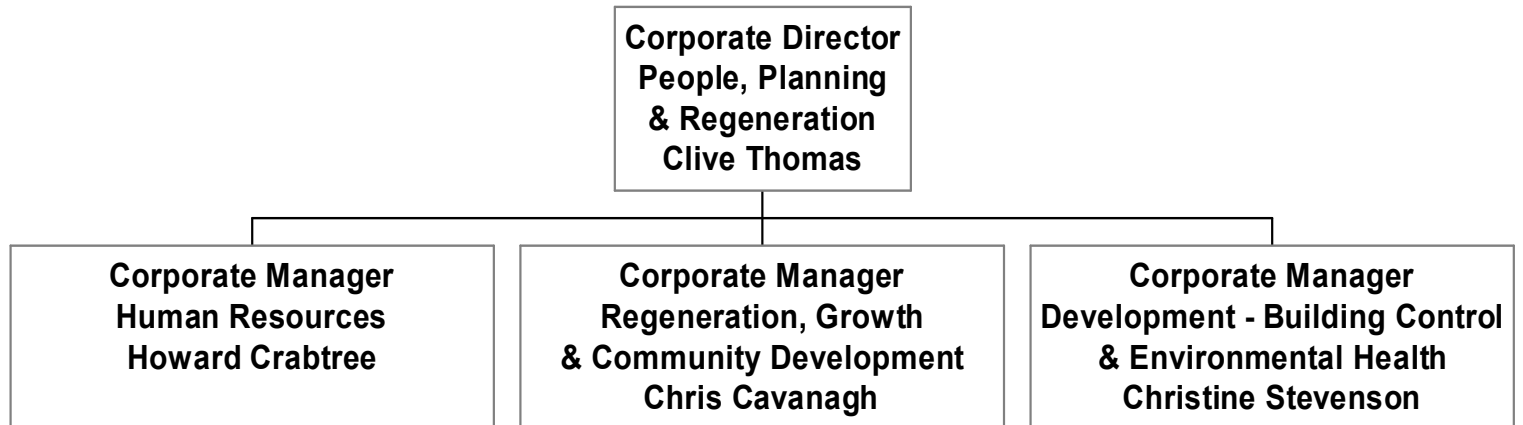
Governance, Resources & Improvement

Management Structure



People, Planning & Regeneration

Management Structure



PART 8

Delegations to Officers by the Council, its Executive and Committees

DELEGATED POWERS EXERCISABLE BY OFFICERS

The following Officers shall exercise the respective powers as hereinafter specified subject in each case to:-

- the appropriate Budgetary provision
- any limitation or restriction as may exist or may hereafter be imposed by the Council, the Executive, or a committee as the case may be.
- such exercise not involving revenue expenditure in excess of the relevant item of the Annual Estimates, Capital Programme or any other fund administered by the Council
- the requirements of the Local Government Act 2000 and the Council's Constitution so far as any exercise relates to any Key Decisions within the meaning of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (which requirements are the responsibility of the officer exercising such power to observe).

When Executive or other functions are delegated, whether by the Council, its committees or the Executive, this shall not preclude the discharge of such functions by the person or body who delegated the same, or by the Executive or committee (as the case may be) having overall responsibility for the function to which the delegation attaches.

Chief Executive

1. The general authority (subject to the direction of the Leader in matters significantly affecting the Council's Strategic Policies or Procedures save in respect of the specific delegations hereinafter contained) to take any action or to do anything or procure the taking or doing thereof which is calculated to facilitate or is conducive or incidental to the discharge of any of the Council's functions so far as such action may be within the Council's approved policies and procedures, and to act on behalf of the Council in respect of matters of urgency where delay is likely to seriously prejudice the interests of the Council or the public after consultation with Party Leaders in relation to such proposed action.
2. After consultation with the Leader, the Leaders of the Opposition parties and the Mayor and the Deputy Mayor, the exercise of all

necessary functions and decisions with regard to the civic, ceremonial and procedural roles of the Council and related civic hospitality.

3. All matters related to the disbursement and management of Grants within the Budget for these purposes approved on behalf of the Council, after consultation in the case of grants in excess of £500, with such Members as may be from time to time nominated on behalf of the Council (whether on a temporary or other basis).
4. Authorizing Directors to attend appropriate conferences and study or training courses for periods not in excess of six months, full-time/twelve months part-time and after consultation with the Leader attending the same himself/herself.
5. Indenturing Apprentices.
6. Extending by periods of up to twelve months at any one time the service of any employee aged 65 years or over who may still be capable of contributing effectively to the work of the Council.
7. Approving payment to an employee required temporarily to occupy a higher graded post and to undertake the full duties and responsibilities of the post during the absence of another employee (except on annual leave) at the rate of salary for the higher graded post for the period involved according to the terms of the Scheme of the N.J.C. for Local Government Services and approving the payment of an honorarium of a lesser sum than the foregoing, according to the circumstances involved, in similar cases but where an employee is not required to undertake the full duties and responsibilities of the higher graded post.
8. Authorizing as a matter of urgency the attendance of members of the Council at meetings and conferences.
9. The declaration of a vacancy in office pursuant to Section 86 of the Local Government Act 1972.
10. The determination of requests for use of the Borough crest, coat of arms or logo.
11. Subject to consultation with the Chair of any relevant Committee the grant of honoraria to employees for exceptional work except where this is covered by 7 above.
12. The payment of ex-gratia sums in appropriate cases where the Council's insurance or an employee's personal insurance is not appropriate in situations of theft or damage.

13. The approval of early retirements on ill-health grounds for employees where a medical recommendation for such has been received.
14. The early payment of pension scheme benefits for former employees on grounds of permanent ill-health.
15. The approval of removal and relocation packages from 6 to 12 months.
16. Making application for National Lottery Funds from the relevant Lottery provider in appropriate cases.
17. Approving applications for early retirement or voluntary redundancy.

Chief Executive and all Directors

1. The taking of such administrative and other ancillary action and the exercise of such related rights as are necessary or incidental to ensure that any decision of the Council, its Executive and committees or any delegations thereunder are effected and complied with, within the functions which are such officers' responsibility.
2. Within agreed establishment cash limits, appointing (not necessarily at the minimum of the appropriate grade) and promoting employees. This power may be further delegated at the discretion of the Chief Executive or the Director concerned or may be the subject of a formal delegation scheme.
3. Suspending and dismissing employees, subject to such action being in accordance with the Council's Disciplinary Procedure. This power may be further delegated at the discretion of the Chief Executive or the Director concerned or may be the subject of a formal delegation scheme.
4. Agreeing to the temporary replacement of employees within their Directorate during the period employees are absent due to sickness, maternity leave, holiday absence and training courses and pending authorisation for the filling of a post when this is considered necessary and where alternative arrangements cannot be made.
5. Varying establishments within cash limited employee budgets subject to the limits and safeguards set out below:
 - 5.1 Any change will be subject to consultation with the employee(s) and

any trade union involved prior to implementation. The Chief Executive will ensure that the safeguards set out therein were satisfied fully. Should it not be possible to reach a mutually acceptable position, the issue would be referred to such Council body as possesses the relevant executive powers for consideration.

- 5.2 The Corporate Manager Human Resources and the Chair of any relevant Committee to be kept informed of any changes so implemented and the computerised personnel system being updated within not more than two weeks of the change being effected.
- 5.3 Any proposal likely to incur additional cost is not covered by this delegation. Nor shall the Chief Executive nor Directors use this delegation to change their own position.
- 5.4 This delegation will not be used in any way to circumvent the Council's existing redundancy, early retirement, disciplinary or grievance procedures.
6. Approving accelerated advancement within link grades, progression beyond "bar" points and the award of accelerated increments within the established grade.
7. Granting paid leave up to 5 days at any one time and unpaid leave not exceeding a total of 24 days in one calendar year in exceptional circumstances occasioned by a death in the family or other tragedy affecting the immediate family, and occasions when employees need time off to attend urgent domestic situations/incidents or such other leave as may be provided within the Employee Handbook approved from time to time.
8. Authorising repair and maintenance works in premises within their control in accordance with the appropriate budgetary provision.
9. The purchase of supplies.
10. Authorising employees to attend appropriate conferences and study or training courses for periods not in excess of 6 months full-time/12 months part-time.
11. Entering into agreements for the maintenance and/or repair of equipment plant or vehicles operated by the relevant Directorate.
12. Determining eligibility for car allowances in respect of employees within their Directorate.

13. Engaging Quantity Surveyors, Consulting Engineers or other specialist Consultants for a specific authorised project, subject in the case of Directors to the Chief Executive being satisfied that the employee position of the Council warrants such action, and that such engagement is in any case appropriate.
14. Giving consent on behalf of the Council to the issue by a relevant Police Officer of an authorization under Part 4 of the Anti-Social Behaviour Act 2003

Corporate Manager Community Safety, Leisure & Town Centre Operations

1. Markets
 - 1.1 Allocating stalls and pitches on the Council's markets.
 - 1.2 Suspension of Traders' Licences for a period of seven days in respect of persistent breaches of market regulations, following a written warning and consideration of each case on its merits.
 - 1.3 After consultation with such Members as may be from time to time nominated on behalf of the Council (which said Members shall also participate in the Market Liaison Group which the Director will convene on a regular basis in a similar consultative capacity) all other matters relating to the management of the Council's Markets undertaking except the determination of the annual markets rents review.
2. Car Parking
 - 2.1 The taking of such action and the serving of all necessary documentation as may be incidental to the functions of the Council pursuant to the Road Traffic Act 1991.
3. Leisure
 - 3.1 Permitting the use by outside organisations of leisure and recreation property (including Open Space) under the Director's control, subject to such conditions as may from time to time be laid down by the Council.
 - 3.2 Making all necessary arrangements (including the allocation of stalls and pitches) for the Council's outdoor events (save in respect of the Council's markets), and all matters relating to the St Crispin Street Fair (excluding related highways and traffic matters)

Corporate Manager Street Scene & Property Maintenance

1. Authorising improvement and modernisation works for dwellings under the control of the Council within budget availability subject to an expenditure limit of £20,000, and the power where the cost of modernisation of any individual Council property exceeds £20,000, to determine whether such expenditure be incurred or alternatively such property be transferred to a Housing Association at nil cost.
2. The acquisition or obtaining use of vehicle and plant necessary to undertake any contract work.
3. Approving applications for grave grants and grave maintenance
4. Authorising the payment of the removal/disturbance/resettlement expenses of tenants transferred pursuant to the Council's housing policies or programmes up to an expenditure limit of £2,000.
5. Assessing the liability of former tenants in respect of dilapidations and waste arising from their failure to fulfil tenancy obligations and modifying resultant accounts to such extent or in such manner as appears appropriate.
6. Authorising work on the adaptation of Council dwellings to meet the needs of the disabled up to an expenditure limit of £10,000 in any one case.
7. Authorising payments to tenants under the Council's Tenants Home Improvement Scheme.
8. Highways.

Subject (if applicable) to the terms and requirements of any Highways Partnership with Northamptonshire County Council:
 - 8.1 Declaring streets to be prospectively maintainable
 - 8.2 The authorisation and implementation of temporary Orders under Section 21 of the Town Police Clauses Act 1847
 - 8.3 Approving agreements relating to walkways and for the construction of maintainable highways and sewers
 - 8.4 Approving suitable sites for omnibus passenger shelters.

8.5 After consultation with appropriate Ward Councillors authorising the removal of benches on highway land where significant misuse occurs.

8.6 Approving agreements for urgent public transport services.

Corporate Manager Housing Services

1. Housing

1.1 Approving transfers of tenancies.

1.2 Settling on an ex-gratia basis minor claims of tenants arising from the use of housing accommodation subject to such settlement not exceeding £200.

1.3 Allocating accommodation to the homeless and entering into reciprocal arrangements with relevant authorities for transfer or acceptance of responsibility for making accommodation available for the homeless as circumstances dictate.

1.4 Entering into agreements in association with the Director of Strategic Resources with former Council tenants temporarily accommodated as homeless in respect of debts accrued in the course of their former tenancies.

1.5 In relation to Council dwellings, authorising proceedings for possession, recovery of rent, nuisance, waste or breach of tenancy conditions, and in respect of allegations of anti-social behaviour to liaise with other agencies and take such action in association with them as may be considered necessary to deal with such matters affecting or impinging upon Council Estates or tenants and their neighbours.

1.6 Determining tenants claims under the Right to Repair Scheme in accordance with such policies as may be determined by the Council.

2. Benefits

2.1 Making determinations for the purpose of assessing entitlement to Council Benefit and Rent Allowance under the Council Tax Benefit Regulations and Housing Benefit Regulations and reviewing such determinations on receiving representations from an interested person.

2.2 Making determinations for the purpose of assessing entitlement to

Rent Rebate under the Housing Benefit Regulations and revising or superseding such determinations on receiving representations from an interested person.

2.3 Approving payments under the Discretionary Housing Payments Scheme in accordance with the provisions of the Child Support Pensions & Social Security Act 2000.

2.4 Authorising the institution of proceedings in respect of benefit fraud.

Corporate Manager Development –Building Control & Environmental Health

1. The following matters under the Housing Act 1985 (as amended):-

1.1 Part VI - Service of Repair Notices in respect of houses which are unfit for human habitation, in a state of substantial disrepair or are in such condition as to interfere with the comfort of the occupying tenants.

1.2 Part X - Service of Overcrowding Notices for the abatement of statutory overcrowding in houses.

1.3 Part XI - Service of Notices in respect of the good order and repair, the provision of facilities, control of overcrowding and provision of means of escape and fire safety works in houses in multiple occupation.

2. Approval of Home Renovation Grants under Part I of the Housing Grants, Construction and Regeneration Act 1996.

2.1 Refusal of Home renovation grants where the applicant's contribution is in excess of the cost of eligible works.

3. The service of Abatement Notices in respect of houses being prejudicial to health or a nuisance under Part III of the Environmental Protection Act 1990.

4. The service of Notices in respect of Urgent Statutory Nuisances under Section 76 of the Building Act 1984.

5. The service of Notices in respect of securing a vacant property and/or the removal of refuse hazardous to health under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982;

6. The service of Notices requiring information of ownership and occupation under Section 16 of the Local Government (Miscellaneous

Provisions) Act 1976.

7. The service of Deferred Action Notices under Part I of the Housing Grants Construction and Regeneration Act 1996 in respect of unfit houses where this is deemed to be the most satisfactory course of action.
8. The consequential enforcement action including recovery of expenses incurred following service of notices in accordance with the Housing Grants Construction & Regeneration Act 1996 and other preceding legislation.
9. Making arrangements for the restoration or continuation of the supply of water, gas or electricity pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
10. Determining (after consultation with the holder of the Housing Portfolio and/or the Leader) not to demand repayment, or to demand a lesser sum in repayment, under the conditions attached to home renovation grants in the circumstances allowed by the Housing Grants Construction & Regeneration Act 1996.

Corporate Manager Development – Building Control & Environmental Health

1. Building Control:
 - 1.1 proving with or without conditions or rejecting plans deposited under the Building Regulations, undertaking any action relative thereto and issuing certificates thereunder;
 - 1.2 rejecting plans under the provisions of Sections 18, 19, 20, 21 and 25 of the Building Act 1984 or where appropriate imposing conditions on passing such plans and taking any action in relative thereto;
 - 1.3 processing Building Notices in accordance with the Building Regulations;
 - 1.4 withdrawing approvals under the provisions of Section 32 of the Building Act 1984;
 - 1.5 accepting, rejecting or cancelling notices under the provisions of Sections 47, 52 and 54 of the Building Act 1984;
 - 1.6 serving notices and undertaking any necessary action and/or

commencing (with the agreement and in the name of the Solicitor to the Council) prosecutions or similar proceedings in relation to Sections 36, 71, 72, 73, 74, 78, 79 and 81 of the Building Act 1984 and Section 29 of the Local Government (Miscellaneous Provisions) Act 1982;

- 1.7 making application to a Magistrates Court (with the agreement and in the name of the Solicitor to the Council) under the provisions of Section 77 of the Building Act 1984 and arranging for the execution of work in the event of default;
- 1.8 arranging for the execution of work under Section 36 of the Building Act 1984 in the event of default; and
- 1.9 approving street names in consultation with the relevant Executive Portfolio Holder and ward Councillors.

2. Development Control

- 2.1 Subject in the relevant cases to consultation with the Solicitor to the Council on non-standard proposed conditions and reasons for refusal, determining the following applications pursuant to the provisions of the Town and Country Planning Act, 1990:
 - 2.1.1 applications for consent under an Order under Section 198 of the Act to the cutting down, topping, lopping, uprooting, damage or destruction of trees;
 - 2.1.2 applications for consent under Regulations pursuant to Section 220 of the Act to display advertisements;
 - 2.1.3 applications for a certificate of lawful use or development under Section 191 of the Act and an application for a certificate of lawfulness of proposed use or development under Section 192 of the Act;
 - 2.1.4 applications for an approval required by a development order or by a condition imposed on the grant of planning permission;
 - 2.1.5 applications for planning permission for the change of use of a dwelling to permit the minding of not more than 3 children; the construction of an additional room in the roof space; extensions subordinate to private dwelling houses; erection of fences and private garages serving dwelling houses and their relocation where these are not included in a General Development Order;

- 2.1.6 applications for planning permission for new shop fronts;
- 2.1.7 applications for planning permission for the installation of Teller machines;
- 2.1.8 applications for planning permission for the substitution of house types on approved housing schemes where no additional dwellings are proposed;
- 2.1.9 applications for the variation of and/or non-compliance with conditions which have previously been the subject of a delegated decision;
- 2.1.10 applications for first renewals of planning permission where there have been no changes in planning circumstances;
- 2.1.12 applications for planning permission for the change of use of buildings to a maximum of three residential units;
- 2.1.13 applications for planning permission for the boundary treatment to industrial/commercial/retail/institutional and educational premises;
- 2.1.14 applications for planning permission for the erection of buildings or changes of use of existing buildings or land to Use Classes B1, B2 or B8 (offices, industrial, warehousing/distribution) within existing or proposed business areas (or subsequent equivalent designation) in the adopted Northampton Local Plan.
- 2.1.15 applications for the erection of single dwelling houses.
- 2.1.16 applications for changes of use (excluding changes of use from Class A1 Retail and changes of use to create Class A3 Food and Drink or more than three residential units).
- 2.1.17 applications for Listed Building Consent for alteration, extension or partial demolition of Grade II Listed Buildings which do not have to be referred to the Secretary of State.
- 2.1.18 applications for Conservation Area Consent for the demolition of walls, structures and buildings.
- 2.1.19 applications for planning permission for alterations to and extension of commercial/retail/institutional and educational

premises up to 500 cubic metres.

2.1.20 applications for planning permission for temporary buildings under 500 cubic metres.

3. To accept and agree minor amendments to planning permissions.
 - 3.1. To make application for planning permission on behalf of the Council.
 - 3.2. To determine an application for a determination of whether a prior approval of the Council is required to the method of proposed demolition and any proposed restoration.
 - 3.3 To determine whether prior approval is required to the siting and appearance of telecommunication apparatus and to determine such applications except where there are objections, when the same shall be determined in consultation with the Chair of the Planning committee unless there is a meeting of that committee prior to the expiry period for determination.
 - 3.4 Responses to neighbouring authorities on Fringe Area Applications which would not prejudice the policies and provisions of the Northampton Local Plan or have any other strategic consequences.
 - 3.5 Responses to the County Council on its own planning applications which would not prejudice the policies and provisions of the Northampton Local Plan or have any other strategic consequences.
 - 3.6 The service of notices pursuant to Section 171C of the Act provided that any reference to a time and place as referred to in sub-section (4) shall be to the Planning committee.
 - 3.7 The determination of applications for Historic Buildings Grants.
 - 3.8 The powers to carry out the statutory duties under the Environment Act 1995 including (with the agreement of the Solicitor to the Council) the issuing and serving of Notices pursuant to the Act.
 - 3.9 The determination of Hedgerow Removal Notices, and when it is considered appropriate the service of Hedgerow Retention Notices.
 - 3.10 The scoping and screening of planning applications to determine whether environmental impact assessments are required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

- 3.11 To decline to determine a planning application under Section 70A of the Town and Country Planning Act 1990.
- 4. Environmental Health
 - 4.1. Food Safety Act 1990 (as amended) and Regulations whether made thereunder or having effect as if made thereunder or otherwise:
 - 4.1.1 service of Improvement Notices;
 - 4.1.2 commencing prosecution or similar proceedings with the agreement and (if appropriate) in the name of the Solicitor to the Council;
 - 4.1.3 authorizing with the agreement of and (if appropriate) in the name of the Solicitor to the Council applications to the Magistrates' Court for closure orders or emergency orders under Section 11 and 13; and when such orders are in force issuing certificates that the measures specified in the order have been complied with or that there is no longer any risk of danger to health;
 - 4.1.4 entering into voluntary closure arrangements; and
 - 4.1.5 in cases of imminent risk of health, the issue of emergency prohibition notices under Section 12 of the 1990 Act..
 - 4.2 Issuing Export Certificates for foodstuffs under UK and foreign legislative provisions.
 - 4.3 Public Health (Control of Diseases Act) 1984 Section 46 Burial of the Dead
 - 4.4 European Communities Act 1972 Section 2
 - 4.5. Determining applications for and termination of licences and registrations relating to;-
 - Scrap metal dealers
 - Slaughtering of animals
 - The sale of special classes of milk
 - Pet shops
 - Riding establishments
 - Premises where ice cream is sold or stored
 - Premises where sausages and cooked meats are prepared and

manufactured
Premises where filling materials are used, or rag flock is stored or
manufactured
Premises of milk distributors and dairies
Acupuncture
Ear piercing
Electrolysis
Tattooing
Caravan sites
Animal boarding establishments
Dangerous wild animals
Dog breeding
Offensive trades
Ecton Lane Park Travellers Site
Guard Dogs

Commencing prosecutions or similar proceedings with the agreement
of and (if appropriate) in the name of the Solicitor to the Council for
failure to comply with any of the above licensing/registration
requirements or conditions attached to such licences/registration.

4.6 Clean Air Act 1993, the Environmental Protection Act 1990 and
Pollution Prevention and Control Act 1999 and Regulations made
thereunder or having effect as if so made:

4.6.1 service of Notices, and undertaking any subsequent
necessary action;

4.6.2 Commencing with the agreement and (if appropriate) in the
name of the Solicitor to the Council prosecutions or similar
proceedings;

4.6.3 approval of chimney heights;

4.6.4 approval of furnace installation;

4.6.5 approval of works and Applications for Grants relating to
Smoke Control Areas; and

4.6.6 notification of Ministers with reference to emissions from
Crown premises.

4.7 The issuing of consents under Schedule II of the Noise and Statutory
Nuisance Act 1993 for the operation of loudspeakers.

4.8 Notices and Proceedings

Service of Notices, Making of Orders, designating Control Areas and undertaking any necessary action and/or commencing with the agreement of and (if appropriate) in the name of the Solicitor to the Council prosecutions or similar proceedings or other action in relation to the following:-

- 4.8.1 Public Health Acts 1875, 1936, 1961;
- 4.8.2 Refuse Disposal (Amenity) Act 1978;
- 4.8.3 Public Health (Control of Diseases) Act 1984;
- 4.8.4 Prevention of Damage by Pests Act 1949;
- 4.8.5 Local Government (Miscellaneous Provisions) Act 1976 and 1982;
- 4.8.6 Building Act 1984 Sections 59, 60, 63-67, 71, 76, 79 and 84 and any Regulations made thereunder or having effect as if made thereunder;
- 4.8.7 Sections 90 and 151 of the Environmental Protection Act 1990;
- 4.8.8 Dangerous Dogs Act 1991;
- 4.8.9 Dogs (Fouling of Land) Act 1996 ;
- 4.8.10 Water Act 1989;
- 4.8.11 National Assistance Act 1948; and
- 4.8.12 National Assistance (Amendment) Act 1951;

4.9 Anti-Social Behaviour Act 2003 Parts 2, 6 and 9.

4.10 Inspections and Related enforcement pursuant to the Licensing Act 2003.

5. Environment

5.1 The power to carry out the statutory duties under the Environment Act 1995 including (with the agreement of the Solicitor to the Council) the issuing and serving of Notices pursuant to the Act.

- 5.2. The Environmental Protection Act 1990, Control of Pollution Act 1974, Environment Act 1995 Refuse Disposal (Amenity) Act 1978 and Pollution Prevention and Control Act 1999 and the Regulations made thereunder or having effect as if so made:-
- 5.3 Service of Notices and Giving Consents and undertaking any subsequent necessary action.
- 5.4 Commencing with the agreement of and (if appropriate) in the name of the Solicitor to the Council prosecutions or similar proceedings.

**Corporate Manager Finance and Asset Management
(in the postholder's capacity as Chief Finance Officer of the Council)**

1. Paying accounts.
2. Paying sums in accordance with Certificates issued under Contracts.
3. Making proportionate adjustments to the annual lump sum car allowances paid to certain employees consequent upon such increases in the scales of motor car allowances as may be awarded by the National Joint Council from time to time.
4. Determining the eligibility of an employee to receive financial assistance under the Assisted Car Purchase/ Lease Schemes and in respect of all eligible applications determining the amount of and repayment period for any loan.
5. Subject to the direction of the Chief Executive taking all necessary financial and related administrative action which may be required to implement a decision of the Council.
6. In relation to mortgaged property giving the Council's consent to improvements being carried out and approving applications to transfer or to let the same or to take in lodgers.
7. Approving schemes for the purchase and construction of houses.
8. Approving the financial suitability of applicants for the improvement and repair of houses in respect of which either home renovation grant or an earlier advance has been made by the Council, and guaranteeing repayment of advances by Building Societies.

9. Approving advances and the payment of other benefits for the first time purchase of houses under Section 446 of the Housing Act 1985.
10. Raising the necessary monies by way of loan within the parameters described in the Council's Annual Treasury Management Policy Statement.
11. Exercising on behalf of the Council such financial and related administrative decisions as to the management and operations of the Local Authorities Pension Scheme as may be within the parameters set by the Administering Authority
12. Settling the terms for and, where appropriate, making premature repayment of loans to the Council and signing of Bond, Bills, temporary Loan Receipts and other Loan Agreements (not requiring the Council's Seal).
13. Investing the Council's cash balances within the parameters described in the Council's Annual Treasury Management Policy Statement.
14. Exercising the powers and duties of the Council as a local taxation and collection fund authority except:
 - 14.1 those matters statutorily reserved to the Council for decision;
 - 14.2 the application of provisions relating to unoccupied property;
 - 14.3 the granting of discretionary relief to charitable and other organisations; and
 - 14.4 allowance of discount in respect of all domestic hereditaments.
15. To collect and attempt to recover (making arrangements with agents as necessary) such sums as are due, or become due, to the Council other than Council Housing Rents and associated charges, and, on the instruction of the Corporate Manager Housing Services, to collect and attempt to recover (making arrangements with agents as necessary) Housing Rents and other sums as are due to the Council.
16. Writing off outstanding debts resulting from bankruptcy, liquidation or composition with creditors after consultation with the relevant Director (taking advice from the Solicitor to the Council in appropriate cases).
17. Writing off other individual outstanding debts up to £10,000 after consultation with the relevant Director (taking advice from the Solicitor to the Council in appropriate cases).

18. To exercise the right (after consultation with the appropriate member) to waive the exemption of supplies for VAT and apply the option to tax in appropriate circumstances.
19. To award discretionary Rate Relief where charities, clubs and other organisations fulfil the relevant criteria.
20. Inviting tenders and accepting the lowest for the demolition of properties as and when practicable where the cleared site is required for either the implementation of a decision by the Council or for a proposal included in the Capital Expenditure Estimates approved for the current or next ensuing financial year.

2. Asset Management

Subject in each case to any direction of the Director Governance, Resources & Improvement:

- 2.1. settling Easements, way-leaves, covenants and similar rights and releases thereof in respect of Council property;
- 2.2. management of Council property and letting of such property other than Council houses for not more than 21 years;
- 2.3. negotiating for and, providing the appropriate capital finance is available, purchasing properties required to implement proposals included in the Capital Expenditure Estimates approved by the Council for the current or next ensuing financial year;
- 2.4. the disposal with the agreement of all appropriate Directors of small parcels of land to adjoining residential owners for use with that property;
- 2.5. making application for planning permission on behalf of the Council; and
- 2.6. approving applications to keep livestock (including bees) on allotments, and terminating tenancies of allotment holders who, without reasonable excuse, fail to cultivate satisfactorily their plots or do not in other ways comply with the terms of their tenancy agreements.

Solicitor to the Council

1. Subject to any direction of the Chief Executive (to whom the affixing of the Council's Seal shall also be herein delegated), taking all necessary legal action, including the affixing of the Council's Seal, the completion of land and property transactions and the obtaining of specialist legal advice and assistance which may be required to further implement or support decisions of the Council, its committees, the Executive and the exercise of delegated powers by Directors or Corporate Managers.
2. Instituting legal proceedings in respect of any debt owing to the Council (other than those herein specifically otherwise delegated), settling, compromising or defending any actions or claims whether for damages or otherwise arising out of the performance of the duties or functions of the Council, the service and receipt of all legal notices and process relating to the activities of the Council and obtaining vacant possession when required of any property vested in the Council thereto and recovering possession of the property of a Council's mortgagor when their repayments are in arrears, including in any of the foregoing cases the obtaining of any specialist legal advice and assistance incidental thereto.
3. Signing issuing and serving on behalf of the Council all notices or other documents as may be necessary or incidental to the functions and business of the Council (whether or not such action is also within the power of any other officer, but not where the action can by law only be taken by some other person).
4. Instituting proceedings for contravention of Parking Place Orders.
5. Serving upon the recommendation of the Corporate Manager Development – Building Control & Environmental Health statutory notices in respect of:
 - adoption of private streets and sewers;
 - the removal or alteration of works; and
 - contravention of the Building Regulations
6. Upon the recommendation of the Corporate Manager Housing Services taking the following action under Part XI of the Housing Act 1985 relating to houses in multiple occupation:
 - making control orders; and

instituting proceedings in respect of offences.

7. Instituting proceedings for unlawful eviction, harassment, withdrawal of services, failure to provide rentbook or relevant information by landlords.
8. Issuing formal permits for street cafes etc in town centre pedestrian areas upon the advice of the Community Safety, Leisure & Town Centre Operations to be operated during normal shopping hours i.e. 9.00 am to 5.30 pm
9. Instituting legal proceedings for the contravention of any byelaw of the local authority and instituting proceedings or other enforcement or cautionary action in respect of offences relating to hackney carriages and private hire vehicles, including temporary and other suspensions or withdrawals of licences and permits.
10. Implementing the "Right to Buy" legislation and any schemes of voluntary house sales.
11. Making of Tree Preservation Orders on the advice of the Corporate Manager Development:

Building Control & Environmental Health.
12. The power to commence injunctions or any other necessary action or proceedings against the organisers or other relevant persons of acid house parties or raves where it is considered expedient for the promotion or protection of the interests of the inhabitants of the area of Northampton Borough.
13. Determining applications other than in respect of Council premises for:
 - (a) the renewal of public entertainment licences when no adverse comments are received in respect of the applications; and
 - (b) occasional licences following consultation with the appropriate Ward Councillors.
14. The issuing of Street Collection Permits to registered charities where applications are received for a collection to take place prior to the next meeting of the appropriate committee.
15. Determining the grant, renewal or amendment of licences for:-

hackney carriages

hackney carriage drivers
private hire operators
private hire vehicles
private hire drivers
and (after consultation with any relevant Director) -
theatres
cinemas.

- 15.2 Determining the grant, renewal or amendment of Orders varying the closing hours for retail trades and businesses at exhibitions and shows
- 15.3 Receiving without objection notification of application for Club registration certificates (where no objection has been received after notification to Ward Councillors)
16. Appointing Vehicle Inspectors pursuant to Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of hackney carriages and private hire vehicles.
17. Upon the recommendation of the Corporate Manager Development – Building Control & Environmental Health after consultation with the Chair (or Deputy Chair in the absence of the Chair) of the Planning committee and Opposition Spokespersons the issue of Enforcement Notices and Stop Notices in the case of urgency provided that if dissent be shown to the proposed issue of a Stop Notice or Enforcement Notice following the above procedure a special meeting of the committee be arranged.
18. Upon the recommendation of the Corporate Manager Development – Building Control & Environmental Health the issue and service of Breach of Condition Notices.
19. In respect of Hackney Carriage or Private Hire drivers the granting of exemptions under Sections 36 and 37 (and on religious grounds) the Disability Discrimination Act 1995.
20. The renewal of permits for amusement with prizes machines and all cash machines under Sections 34(1) and 34(5E) of the Gaming Act 1968 as amended.
21. Upon the recommendation of the Corporate Manager Development – Building Control & Environmental Health, the institution of legal proceedings under the Environment Act 1995 (contaminated land)
22. The making of Traffic Regulation Orders which have been agreed on

behalf of the Council (whether in the exercise of delegated powers or otherwise) and upon the advice of the Corporate Manager Development – Building Control & Environmental Health that any necessary works and signs have been completed.

23. The determination of applications for, and renewals of certificates under the Lotteries and Amusements Act 1976.
24. The issue of Street and House to House Collection Permits to organisations which meet the criteria as agreed by the former Licensing sub-committee on 25 February 1997 and previously, namely that House to House and Street Collection Permits only be issued to nationally recognised, registered charities with local connections or charitable organisations based locally.
25. The issuing of permits for Car Boot Sales or similar events and the revocation of the same in the event of any breach of the Council's Car Boot Sales Policy.
26. The institution of proceedings for contravention of the Advance Payments Code under Section 219 of the Highways Act 1980.
27. The renewal of Late Night Refreshment House licences where no objection has been received.
28. The renewal of Street Trading Consents where no objection has been received.
29. Giving consent on behalf of the Council to the issue by a relevant Police Officer of an authorisation under Part 4 of the Anti-Social Behaviour Act 2003
30. The administration, registration inspection and enforcement provisions of parts 3,4,5 and 7 of the Licensing Act 2003.
31. The renewal of Sex Establishment Licences under the Local Government (Miscellaneous Provisions) Act 1982 where no objection has been received.
32. Determining applicants under the Gambling Act 2005 for premises licence where no representations have been received or representations withdrawn
 - 32.1 for variation of a licence where no representations have been received or representations withdrawn;

- 32.2 for transfer of a licence where no representations received from the Commissioner;
- 32.3 for transfer of a licence where no representations received or representations withdrawn;
- 32.4 for provisional statement where no representations received or representations withdrawn; and
- 32.5 for club gaming/club machine permits where no objections made/objections have been withdrawn.

PROPER OFFICER APPOINTMENTS

1. Except for documents to be executed under seal, any officer of the Council to whom powers have been delegated shall be the proper officer of the Council for the purposes of authenticating any notice, order or document which they are authorised or required by any enactment to give, make or issue or pursuant to sections 229 and 234 of the Local Government Act 1972; and unless otherwise specifically defined or delegated by law or in the Constitution of which these delegations and appointments form part, the Proper Officer for all other statutory purposes (including, without prejudice to the generality of the foregoing, the provisions of the Local Government Act 2000 and all Regulations Protocols and Rules made thereunder) shall be the Chief Executive.
2. In particular, the following Proper Officer appointments are specifically designated:-

PART 1

Statutory Provision	Brief Description	Proper Officer
S13(3) & (5) LGA 72	Parish Trustee	Chief Executive
S4(3) Northampton Act 1988	Roll of Freemen	Chief Executive

ELECTIONS

S.8 R of the PA 83	Registration Officer	Chief Executive
S.35 R of the PA 83 for Borough Mayoral and	Returning Officer Parish Elections and Officer for Mayoral Referendums other Referendums and Parish Polls	Chief Executive
S.83(1) & (4) LGA 72	Witness and Receipt of Declarations of Acceptance of Office	Chief Executive
S.84 (1) LGA 72	Acceptance of resignation	Chief Executive
S.88 (2) LGA 72 of the Council to Fill Casual Vacancy in the Office of Chairman	Convening of meetings	Chief Executive

S.89 (1)(b) LGA 72 of Casual Vacancies	Receipt of Notices	Chief Executive
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CHARITIES

S.210(6) & (7) LGA 72	Charity Function created before 1972 and inherited by the Council on 1 April 1974	Chief Executive
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DOCUMENTS AND MINUTES

S.225(1) LGA 72	Deposit of Documents	Chief Executive and Solicitor to the Council
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S.229(5) LGA 72 Copies	Certification of Photographic and Solicitor to the Council	Chief Executive
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S.234(1) & (2)	Authentication of LGA 72 Documents	Chief Executive and Solicitor to the Council
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S.236(9) & (10) LGA 72	Send copies of the Byelaws to Parish and County Councils	Chief Executive and Solicitor to the Council
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S.238 LGA 72	Certification of Byelaws and Solicitor to the Council	Chief Executive
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S.41(1) LG(MP)A 76	Certification of Resolutions, Orders, Reports and Minutes	Chief Executive and Solicitor to the Council
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Preparation and Holding of Register of Politically Restricted Posts	Chief Executive	
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COUNCIL MEETINGS

LGA 72 Sched 12

para. 4(2)(b)	Signature of Summons for Council Meeting	Chief Executive
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para. 4(3)	Receipt of Notices of Addresses to which Summons to be Sent	Chief Executive
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ACCESS TO INFORMATION

LGA 72

S.100B(2) Agenda	Circulation of Reports and	Chief Executive
S.100B(7)(c)	Supply of Agenda and Reports to the Press	Chief Executive
S.100C(2)	Preparation of Summaries of Exempt Minutes	Chief Executive
S.100D(1)(a)	Compilation of Lists of Background Papers to a Report	Director responsible for report
S.100D(5)	Identification of Background Papers	Director responsible for report
S.100F(2) Papers not Open to the Public	Determination of	Chief Executive

FINANCIAL

S.115(2) LGA 72	Receipt on Monies due from Officers	Chief Finance Officer
S.146(1)(a) LGA 72	Declarations and Certificates for Council's Securities	Chief Finance Officer
S.151 LGA 72	Responsibility for Administration of Council's Financial Affairs Officer	Chief Finance Officer
Part VIII LG Fin.A 88	Responsibility for making Financial Reports to the Council	Chief Finance Officer

ORDNANCE SURVEY

S.191 LGA 72	Ordnance Survey (receipt of applications under Ordnance Survey Act 1841)	Chief Executive
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PART II - PRE 1974 ENACTMENTS

The Proper Officer in relation to any reference or any enactment passed before 1 April 1974 (other than the Local Government Act 1972) relating to:

- (1) The Clerk or Town Clerk Chief Executive

- | | | |
|-----|---|--|
| (2) | The Survey | The most senior officer of the Council holding the relevant qualification or experience |
| (3) | The Treasurer | Chief Finance Officer |
| (4) | A Public Health Inspector | All professionally qualified and registered Environmental Health Officers from time to time in the employ of the Council |
| (5) | The Medical Officer of Health or practitioner appointed by or on behalf of the employees of the Council | Such registered medical practitioner or other registered medical practitioners as may be appointed by the Council in writing |

SECTION 47 NATIONAL ASSISTANCE ACT 1948 AND PART III ENACTMENTS NOT PREVIOUSLY SPECIFICALLY REFERRED TO

The Proper Officer in relation to Section 47 of the National Assistance Act 1948 and in relation to any enactment passed after 1st April 1974 not previously referred to relating to Environmental Health (including Food Safety and Communicable Disease) matters shall be the Environmental Housing Health Manager.

PROPER OFFICER APPOINTMENTS - KEY TO ABBREVIATIONS

Statutes:

LGA 72 Local Government Act 1972

R of the PA 83 Representation of the People Act 1983

LG(MP)A 76 Local Government (Miscellaneous Provisions) Act 1976

LG Fin.A 88 Local Government Finance Act 1988

LG HA 89 Local Government & Housing Act 1989



NORTHAMPTON
BOROUGH COUNCIL

Council

27 November 2006

Item No.

Report of Francis Fernandes
Solicitor to the Council

Directorate: **Governance, Resources
& Citizens**

Author/Contact Officer:
Jim Inch 01604 837335

Gambling Act 2006

Licensing Policy Statement

Recommendation

That the Statement of Licensing Policy attached to this report be approved for publication as the Council's Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005 for the 3 year period commencing on 31 January 2006.

Background

The Gambling Act 2005 transfers to local authorities' responsibility for the licensing of premises used for gambling and also the granting of permits for gaming machines in various other premises. These aspects of the Act come into force in stages during 2007. One of the requirements of the Act is that local licensing authorities publish 3 yearly statements of their licensing policy. The first 3 year period commences on 31 January 2007; and authorities must publish their statements at least 4 weeks before they come into effect.

The draft Policy Statement was considered by Licensing Committee on 7 November 2006 and is referred to Council for formal approval. The report to Licensing Committee is also attached, and this contains information on the process by which

the statement was prepared.

It should be noted that although the policy statement is for 3 years it is the duty of the Council as licensing authority to review it from time to time, and if they think necessary to revise it.

Some discussion took place at Licensing Committee regarding the power of the Authority to pass a resolution to have no more casinos in their area. No recommendation is made in that regard at present, but it is a subject that could be reviewed in future.

Background Papers

Draft Licensing Policy Statement

Report to Licensing Committee 7 November 2006

Gambling Act 2005

Regulations SI 2006/36

Order SI 2006/637

Gambling Commission Guidance



NORTHAMPTON
BOROUGH COUNCIL

Item No.

Name of Committee:	LICENSING
Directorate:	Governance Resources & Communication
Corporate Manager:	Nicci Marzec
Date:	7 November 2006

Report Title	Gambling Act 2005 Licensing Policy Statement
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1. Recommendations

That the report be noted and members comments on the Policy Statement be requested.

2. Summary

The Gambling Act 2005 updated draft policy statement be considered and commented on by the Committee.

3. Report Background

The Gambling Act 2005 received Royal Assent on 7 April 2005. It transfers responsibility for the licensing of premises used for gambling to local authorities. This, in turn, is overseen by the newly formed Gambling Commission which takes over from the Gambling Board.

Section 349 of the Act requires all licensing authorities to prepare and publish a statement of principles they propose to apply in exercising their functions under the Act. The policy applies for three years.

Guidance from the Gambling Commission was issued in April 2006. This gives the format to be followed when producing a policy statement. The Local

Authorities Coordinators of Regulatory Services (LACORS) has produced a template for the policy and our document has followed this design.

The draft policy was produced on behalf of all seven districts in Northamptonshire. The final version has now been amended to include information relating to Northampton, Appendix 1 of this report. This is required by the guidance issued to local authorities by the Gambling Commission and forms Appendix A to the policy.

The Act gives a list of those who should be consulted regarding the policy statement:

- The chief officer of police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

A list of consultees is given in Appendix C of the policy statement. Rather than all seven authorities consulting individually, one letter has been sent to them from the county. We have written to all parish councils, all licensed premises and gambling establishments in Northampton.

This period of formal consultation commenced early July and expired early September.

Responses were received by several local authorities in the County, including those received in Northampton. A summary of these responses is given in Appendix 2 of this report.

Where comments were received, and the licensing statement was not amended, it was because they did not relate to the purpose of the statement.

The completed policy will need to be approved by full Council on 27 November. The final version has to be published by 3 January 2007 at the latest.

The commencement of the transitional arrangements for issuing premises licences by the Licensing Authority has been put back by three months until 30 April 2007. The end of the transitional period remains at 31 July 2007. It is estimated there will be approximately 34,000 gambling licence applications nationally. The full implementation date still remains at September 2007.

3A. Any Relevant Policies

NIL

4. Options and Evaluation of Options

N/A

5. Resource Implications (including Financial Implications)

None

6. Consultees (Internal and External)

Internal	
External	

7. Compliance Issues

Legal Comments
Finance Comments

8. Background Papers

Title	Description	Source

Gambling Act 2005 and Guidance Produced by the Gambling Commission

[Report Author, title and extension]

Name	Signature	Date	Ext.
Author	B W Sturgess		
Corporate Manager	Nicci Marzec		
Director	John Whiteoak		



South Northamptonshire Council



WELLINGBOROUGH



STATEMENT OF LICENSING POLICY

GAMBLING ACT 2005



Northamptonshire Police



Northamptonshire Fire and Rescue Service

November 2006

Statement of Licensing Policy

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PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

2. Introduction

- 2.1 The County of Northamptonshire contains 7 District Councils in total. The Councils are:

Corby Borough Council
Daventry District Council
East Northamptonshire Council
Kettering Borough Council
Northampton Borough Council
South Northamptonshire Council
Borough Council of Wellingborough

For details and a map of your particular Council, see Appendix A.

- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 2.3 The Council consulted widely upon this policy statement before finalising and publishing. A list of local authorities and partner organisations is given in Appendix B. A list of the persons we consulted is provided in Appendix C. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005
- 2.5 Our consultation took place between June and September 2006 and we followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:
- <http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

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- 2.6 The full list of comments made and the consideration by the Council of those comments is available by request to: (See appendix A for contact names and details of individual Councils, including links to websites etc).
- 2.7 The policy was approved at a meeting of the Full Council on **(insert date)** and was published via our website on **(insert date)**. Copies were placed in the public libraries of the area as well as being available in the Council Offices.
- 2.8 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contacts detailed in Appendix A:
- 2.9 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final licensing policy statement, all Licensing Authorities declare that they have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

- 4.1 Each Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities the Authorities designate the Local Safeguarding Children Board for this purpose. The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 4.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website, see Appendix B.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

- 5.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

NORTHAMPTON BOROUGH COUNCIL

5.3 The principles are:

- Each case will be decided upon its merits.
- The Council will not apply a rigid rule to its decision making.
- It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.

5.4 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5 Interested parties can be persons who are democratically elected, such as Councillors and MPs. Other than these persons, the Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department, see Appendix A for details.

6. Exchange of Information

6.1 Licensing Authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act. This is with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to the Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 The Council's Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and as per the Gambling Commission's Guidance for local authorities, it will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

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- Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 7.3 As per the Gambling Commission's Guidance for local authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 7.6 This Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department, for details see Appendix A.

8. Licensing Authority functions

- 8.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - Issue *Provisional Statements*
 - Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue *Club Machine Permits* to *Commercial Clubs*
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
 - Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
 - Register *small society lotteries* below prescribed thresholds
 - Issue *Prize Gaming Permits*
 - Receive and Endorse *Temporary Use Notices*

NORTHAMPTON BOROUGH COUNCIL

- Receive *Occasional Use Notices*
 - Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
 - Maintain registers of the permits and licences that are issued under these functions
- 8.2 A summary of the Licensing Authority delegations permitted under the Gambling Act are given in Appendix E.
- 8.3 It should be noted that local Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

PART B

PREMISES LICENCES

1. General Principles

- 1.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the Council's statement of licensing policy
- 1.3 *Definition of "premises"* - Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for local authorities, it "will always be a question of fact in the circumstances." The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 1.4 This Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area."
- 1.5 This Licensing Authority will also take note of the Gambling Commission's Guidance to local authorities that: "Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)."
- 1.6 *Location* - This licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by

NORTHAMPTON BOROUGH COUNCIL

gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

- 1.7 *Duplication with other regulatory regimes* - This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.8 *Licensing objectives* - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.9 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 1.10 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission in its Guidance for local authorities has stated that “Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.” This Licensing Authority also notes, however, that the Gambling Commission also states “in relating to the licensing of tracks the Licensing Authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.” This Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.
- 1.11 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission Guidance to local authorities states that “The objective talks of protecting children from being “harmed or exploited by gambling”, but in practice that often means preventing them from taking part in or being in close proximity to gambling...”.
- 1.12 This Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:
 - specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
 - amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
 - require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

NORTHAMPTON BOROUGH COUNCIL

- 1.13 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 1.14 *Conditions* - Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 1.15 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 1.16 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes
- 1.17 *Door Supervisors* - The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are that they can demonstrate they are suitably trained, competent and experienced to carry out door supervisor duties. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

2. Adult Gaming Centres

- 2.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

NORTHAMPTON BOROUGH COUNCIL

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

- 2.2 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

3. (Licensed) Family Entertainment Centres:

- 3.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

- 3.2 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

- 3.3 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area

NORTHAMPTON BOROUGH COUNCIL

containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 Only one local authority in Northamptonshire has casinos in its area. As the others have varying resolutions regarding the provision of casinos, the details pertaining to this Council are given in Appendix D.

5. Bingo premises

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

- "Licensing Authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission's website"
- "Further guidance will be issued in due course about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises"

Once this information is available, this Licensing Authority will consider its application to premises licences for bingo premises.

6. Betting premises

- 6.1 *Betting machines* - It is noted that the Gambling Commission's Guidance for local authorities states: "Section 181 contains an express power for Licensing Authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in a casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

- 6.2 *Credit* - It has also been noted that the Gambling Commission Guidance states: "section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines." It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises as regards credit and this Licensing Authority will consider the guidance when it is available.

7. Tracks

- 7.1 This Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

- 7.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises

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licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

- 7.3 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.
- 7.4 *Betting machines* - Licensing Authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Gambling Commission's Guidance will be noted in that it states: "In relation to betting premises away from tracks, the Commission is proposing that Licensing Authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing Authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence."
- 7.5 This Licensing Authority also notes that, "In the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises"
- 7.6 *Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

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8. Travelling Fairs

- 8.1 It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 This Licensing Authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.
- 9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
 - which is in the authority’s opinion reflect a change in the operator’s circumstances.
- 9.3 This authority has noted the Gambling Commission’s Guidance that “A Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

10. Reviews:

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out.
- 10.2 Representations may include issues relating to the following:
- Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Use of licensed premises as a base for organised crime activity;
 - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

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- Use of licensed premises for the sale of smuggled tobacco or goods;
 - Use of licensed premises for the sale of stolen goods;
 - Children and/or vulnerable persons being put at risk.
- 10.3 Due consideration will be given to all relevant representations, unless they fit the following:
- The grounds are frivolous;
 - The grounds are vexatious;
 - The grounds are irrelevant;
 - The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
 - The grounds are substantially the same as representations made at the time the application for a premises licence was considered.
- 10.4 All reviews will be:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's statement of licensing policy
- 10.5 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

Permits / Temporary & Occasional Use Notice

- 1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7)**
- 1.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for

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permits...., Licensing Authorities will want to give weight to child protection issues. Further guidance on the information that should be obtained from the applicant and others will be provided in the next version of this guidance.” (24.6)

1.3 The Guidance also states: “An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant’s suitability..., such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre.; and the suitability of the premises in relation to their location and issues about disorder.” (24.7)

1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

1.5 Statement of Principles

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

1.6 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will

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monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons the applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.
- 2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

- 3.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
 - the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

- 4.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 Gambling Commission Guidance for local authorities states: “Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge

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and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.3)

- 4.3 The Guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18."(25.14)
- 4.4 This Licensing Authority is aware that: "Licensing Authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Commission or the police (Gambling Commission's Guidance for Local Authorities 25.18)
- 4.5 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

5. Temporary Use Notices

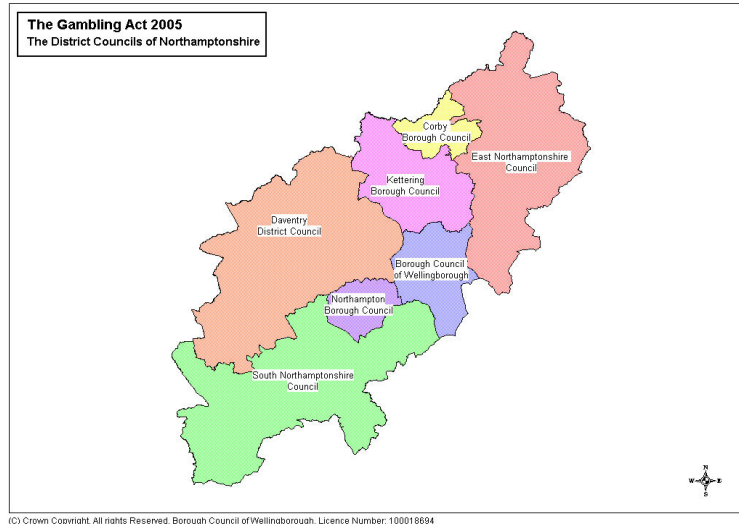
- 5.1 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site (see Gambling Commission's Guidance for Local Authorities).

6. Occasional Use Notices:

- 6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Details of Local Authority where Policy Published

This policy has been produced on behalf of all seven Districts in Northamptonshire. The policy follows the format issued by LACORS and for consistency purposes the main document will be the same for all seven authorities.



Northampton Borough Council is the largest district council in England with a population of approximately 196,000, living in 87,747 households. There are over 5,900 businesses in the borough. It is one of seven district councils in the county.

It covers an area of 8,081.88 hectares (31.202 square miles).

Northampton Borough was granted its first Royal Charter in 1189, which was confirmed again in 1200.

Traditionally a market town with one of the largest open markets in the country, it has developed into a regional shopping centre and an important centre for cultural and recreational activities. There is also a university on two campuses.

The town is situated in a mid England location at the crossroads of the country with easy access from three junctions of the M1 and close to the M45, M6 and A14, London being only a little more than an hour away by road or rail.

For further information you can contact the Council's licensing team on 01604 838750/838545 or by writing to the Licensing Department, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE. A copy of the policy can be viewed at the Council offices or obtained by emailing licensing@northampton.gov.uk. You can also view this policy on our website at www.northampton.gov.uk.

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Appendix B

List of Local Authorities and other Partners

Local Authorities

Corby Borough Council

Deene House
New Post Office Square
CORBY
NN17 1GD

TEL: 01536 464242

FAX: 01536 464644

www.corby.gov.uk

Daventry District Council

Council Offices
Lodge Way
DAVENTRY
NN11 4FP

TEL: 01327 871100

FAX: 01327 302540

www.daventrydc.gov.uk

East Northamptonshire Council

East Northamptonshire House
Cedar Drive
THRAPSTON
NN14 4LZ

TEL: 01832 742057

FAX: 01832 734839

www.east-northamptonshire.gov.uk

Kettering Borough Council

Council Offices
Bowling Green Road
KETTERING
NN15 7QX

TEL: 01536 410333

FAX: 01536 315118

www.kettering.gov.uk

Northampton Borough Council

The Guildhall
St Giles Square
Northampton
NN1 1DE

TEL: 01604 838000

FAX: 01604 838723

www.northampton.gov.uk

South Northamptonshire Council

Council Offices
Springfields
TOWCESTER
NN12 6AE

TEL: 01327 322322

FAX: 01327 359946

www.southnorthants.gov.uk

Borough Council of Wellingborough

Tithe Barn Road
WELLINGBOROUGH
NN8 1BL

TEL: 01933 231964

FAX: 01933 231980

www.wellingborough.gov.uk

Child Protection

Local Safeguarding Children Board
Northamptonshire
First Floor
Century House
The Lakes
NORTHAMPTON NN4 7SJ

TEL: 01604 654040

www.northamptonshire.gov.uk

H M Revenue & Customs

Derby Detection Team
St James House
Mansfield Road
DERBY
DE1 3TU

TEL: 01332 267402

www.hmrc.gov.uk

Northamptonshire Fire & Rescue Service

The Inspection Team Manager
Bolton House
Wootton Hall Park
NORTHAMPTON NN4 9BN

TEL: 01604 797000

www.northantsfire.org.uk

Northamptonshire Police

Northamptonshire West Area

Western Area Commander
Campbell Square
The Mounts
NORTHAMPTON NN1 3EL

TEL: 08453 700 700

www.northants.police.uk

Northamptonshire Police

Northamptonshire North Area

Northern Area Commander
Corby Police Station
Elizabeth Street
CORBY NN7 1SH

TEL: 08453 700 700

www.northants.police.uk

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Appendix C

List of Consultees on the Gambling Act Policy Statement

The list of consultees on the Gambling Act Policy Statement are:

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Sally Keeble MP	Brian Binley MP	Northampton Borough Councillors
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough

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<p>The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG</p>	<p>Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW</p>	<p>Turner Coulston 29 Billing Road Northampton NN1 5DQ</p>
<p>Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH</p>	<p>Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA</p>	<p>Vincent Sykes & Higham Montague House Chamcery Lane Thrapston</p>
<p>NSPCC Weston House 42 Curtain Road London EC2A 3NH</p>	<p>Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD</p>	<p>Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN</p>
<p>NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG</p>	<p>Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR</p>	<p>Park Woodfine Solicitors 16 High Street Rushden NN10 0PR</p>
<p>Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13</p>	<p>Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG</p>	<p>Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS</p>
<p>Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG</p>	<p>EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ</p>	<p>R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF</p>
<p>Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH</p>	<p>Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD</p>	<p>Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX</p>
<p>Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH</p>	<p>Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD</p>	<p>John Birch 47 Staverton Road Daventry NN11 4EY</p>
<p>Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS</p>	<p>MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ</p>	<p>licenza 2nd Floor 119b Midland Road Bedford MK40 1DE</p>
<p>All Parish Councils in Northamptonshire</p>	<p>All Licensed premises in Northamptonshire</p>	<p>All gambling premises in Northamptonshire</p>

Casinos

Four Licences have been issued by the Magistrates for casinos in Northampton, two of which, Gala Casino Sol Central and Gala Casino Regent Street, are operating. The other two, Tanners Casino Commercial Street and Beacon Casino Weedon Road, are due to open in the future. The other districts have varying resolutions regarding the provision of casinos. The options available to local authorities are:

- Proposal for a casino

This Licensing Authority has submitted a proposal for a premises licence for a small/large/regional casino to the Independent Casinos Advisory Panel (please delete if this is not appropriate).

Details regarding this proposal can be found at (insert website link) or are available via request to (insert contact details)

- No Casinos resolution

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

Or

This Licensing Authority has passed a 'no casino' resolution on the basis that..... (insert details of how the decision was arrived at and on what basis)

- Casinos and competitive bidding

This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

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Appendix E

Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licenced premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

Ref	Respondent	Comments	Appraisal	Response
S1	Paulerspury Village Hall Committee	Letter requesting clarification needed as to whether fundraising classed as gambling.	Comments noted and letter sent	No policy change
S2	Local Safeguarding Children Board	Request for different telephone number to be included in final policy statement.	Comment noted	Policy changed to include new telephone number
S3	Yardley Gobion Parish Council	Letter stating "Councillors are not in favour of increasing the current level of facilities, but do support small scale gambling when the stated purpose is raising funds for charitable enterprises."	Comments noted	
S4	Eydon Parish Council	Letter stating "With regard to Appendix D to the document, the Parish Council strongly recommends the District Council passes a 'no casino' resolution. This decision was arrived at during a meeting of the Parish Council on 8 August 2006 and upon the basis that such development would be totally inappropriate for the rural area of South Northamptonshire."	Comments noted	
S5 N1	British Beer and Pub Association	Letter stating "Grant of additional permits. ...Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this."	Comments noted	
S6 N1	British Beer and Pub Association	Letter stating "Application procedures for more than two machines....The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some Councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility."	Comments noted	
S7 N1	British Beer and Pub Association	Letter stating "Both the BBPA and LACORS have been concerned about the lack of a generic application form for permits.....It is obviously in the interests of businesses and local authorities to have such a form. We fully support this approach and hope you will adopt the LACORS form once produced."	Comments noted	

Ref	Respondent	Comments	Appraisal	Response
E1 N2	Gosschalks – Association of British bookmakers	<ul style="list-style-type: none"> • Letter asked for policy to specifically state door supervisors would not be requested on at all bookmakers as a blanket condition and each case would be looked at on its merits • Letter asked for individual businesses to be considered on their merits with respect to the number of betting machines allowed in each premises • Letter asked for local authority to positively welcome re-sites of premises and extensions • Letter asked that the wording of the enforcement section be changed to reflect a single individual would be contacted for all matters at bookmakers 	<p>Already included within policy</p> <p>Already included within policy Planning issue</p> <p>Policy will not be changed, this is more a protocol issue</p>	
E2	Collyweston Parish Council	<ul style="list-style-type: none"> • Suggest a rigid policy should be applied and cases should not be considered on their merits • No enforcement details in policy • Phrase reasonably consistent in unacceptable • Licensing objectives not included in document • Explanation required to being used to support crime • Ask for door supervisors conditions to be laid down and not relate to perceived need • Asked to justify why allowing ATMs on Gambling premises 	<p>Law requires this approach – policy will not be changed Subject to a separate document Taken from guidance policy will not be changed</p> <p>Included on page 2 Feel that this is clear any crime as specified by the law being supported by gambling.</p> <p>Each application has to be considered individually.</p> <p>Based on guidance</p>	
E3	Gamcare	<ul style="list-style-type: none"> • Pointed out that Licensing authorities have a duty of care and become corporate parents to assist residents of their authority with gambling addictions. Consideration should be given to set up programs to deal with these issues. 	Comments noted will consider in future.	
E4 N3	British Casino Association	<ul style="list-style-type: none"> • Reminded LA's that they are exempt from SIA requirements 	Acknowledged in legislation	

Agenda Item 9

Item No.



NORTHAMPTON
BOROUGH COUNCIL

Name of Committee:COUNCIL

Meeting Date:27th November 2006:

Report Title

Progress on Recent Council Motions

1. Recommendations

That Council receives this report.

2. Summary

The report sets out the appropriate recent motions that have been approved by Council and their progress.

Text of Council Resolution	Latest Position
<p>Council 24 July</p> <p>This Council recognises Northampton Racecourse as one of the most important parks in the town.</p> <p>Further this Council:</p> <p>Acknowledges that recent occurrences of anti-social behaviour and crime on the park have led to concerns about the safety of the environment on the park.</p> <p>Welcomes the initiative by the Chronicle and Echo in its “Reclaim the Racecourse” Campaign, the recent summit held jointly with Friends of Northampton Racecourse.</p> <p>Welcomes the “Healthy Living Hub” Initiative as a possible way of leveraging funds and resources to create a new public facility on the park.</p> <p>Notes that it passed policy in 2003 to draw up a rolling five year plan for the park and that this has not happened.</p> <p>This Council resolves to</p> <p>Work with all stakeholders and partners to draw up a master plan for the park.</p> <p>Support the idea of the Healthy Living Hub to seek funding for plans to improve the park and develop new public facilities.</p>	<p>This motion is on the agenda for Cabinet on 4 December. During the interim the following actions have been taken up:</p> <ul style="list-style-type: none"> – Establishing a Racecourse Action Team <p>The Streetscene and Property Maintenance Management Team are now fully recruited to. Whilst a specific Action Team for the Racecourse has not been established, the Management Team meet regularly to discuss strategic development of all open spaces, both internally and with the Portfolio Holder. Many Tenants & Residents Groups and “Friends of” meetings are attended by the Team, of which the Racecourse is included. This allows for representatives to act as a conduit for information provision when required from other internal service areas or external partners.</p> <ul style="list-style-type: none"> – Developing a Masterplan for the park <p>A masterplan has not been developed and it does not seem prudent to do so in isolation. The Management Team are aware of many interested partners and users who are keen to have an input into the future of the Racecourse. In addition it is evident from the “Healthy Living Hub” initiative, that a number of studies and proposals have already been carried out, for example, the Environmental Audit and the Community Safety Report. The Council would not want to duplicate this already good work but it is important to manage expectations and be realistic about what the Council is able to achieve. In addition a high level maintenance schedule to the Racecourse area is already implemented and it would not seem wise to commit to a</p>

Set up a Racecourse Action Team headed by a Northampton Borough Council Manager that draws together all NBC stakeholders and external partners.

Actively seek external funding opportunities for improvements to the park.

To nominate Councillors and senior officers to represent the Borough on the new Racecourse Partnership Board.

This Council welcomes the Racecourse summit held on Thursday 20 July 2006 and congratulates the Chronicle and Echo for their initiative and involvement. This Council also welcomes the contribution and attendance of all other Partners and Stakeholders, especially the Friends of the Racecourse. In particular this Council welcomes the Healthy Living Hub Initiative and appreciates the effort put in by stakeholders to take this forward.

This Council requests the Cabinet to discuss and address the outcomes of the summit and work with partners and stakeholders to drive them forward. Council also requests the Cabinet to identify resources and support and develop a viable action plan and long term vision for the Racecourse in partnership with partners and stakeholders.

masterplan for a period without having certainty with regard to Northampton Borough Council's future finances.

– Supporting the Healthy Living Hub initiative

The Streetscene and Property Maintenance Management Team are in support of this initiative and have attended every meeting to date. The lead representative on this group is Tony Spiezick, Street Care & Environment Manager, who is empowered to make decisions on behalf of the authority. In addition, the Corporate Manager for streetscene and property maintenance endeavours to attend and following on from the first meeting the Council is reviewing the potential for the provision of land to support the initiative further.

– Cabinet progress on identifying resources and development of a longer term action plan

As you will be aware, the Council is entering into the budget setting stages for next and future years. Councillors will determine the priorities for delivery within available resources. On conclusion of this process the Council will be in a better position to advise on feasibility but any commitments in addition to the Management Team's existing work schedules and plans must be considered for ongoing revenue implications to determine viability..

Council 24 July

This Council welcomes the LGA Report entitled “Leading The Way: How Local Authorities Can Meet the Challenge of Climate Change”. This Council recognises the importance of promoting a clean environment for the citizens of Northampton especially a clean air environment for the children of our town.

The Council requests Overview & Scrutiny to review the existing Energy Strategy.

Referred to Cabinet 21 August from Overview & Scrutiny advising that unable to include in its Work Programme and suggesting possibly a Working Party be set up.

<p>Council 28 September</p> <p>While this Council appreciates the need to focus on improvement, it also recognises the urgent need to address the causes of climate change.</p> <p>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 tax payers money. We encourage our partners to do the same.</p> <p>The motion was duly debated, voted upon and stood referred to Cabinet for further discussion and identification of resources.</p>	<p>This motion has been put on 4 December Cabinet Agenda</p>
<p>Council 28 September</p> <p>Council welcomes the decision of Cabinet on 11 September to support the preparation of a joint core strategy for West Northamptonshire and commends all involved for their hard work.</p> <p>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.</p> <p>The motion was carried and referred to Cabinet.</p>	<p>This motion has been put on the 4 December Cabinet Agenda.</p> <p>Agreement has now been reached with Daventry and South Northamptonshire Councils over the timetable for the Joint Core Strategy and other documents which will need to be produced jointly. A joint Local Development Scheme has been prepared which sets out which documents will be prepared jointly and which individually and a timetable with key milestones for the production of each. This is being presented to Cabinet on 4 December and the target is for it to be approved by the Government Office at the end of January 2007 a Growth Options Study for Northampton is being completed and consultation on the Joint Core Strategy will commence early in the New Year.</p> <p>The Leader and Portfolio Holder continues to meet their counterparts in the other Councils at the West Northamptonshire</p>

	<p>Joint LDD Steering Group which the Leader chairs. A Joint Planning office is being created to serve the three Councils to accommodate a Joint Planning team led by a Joint Planning Manager who is currently being recruited. Staff from each Council will be seconded to work in the Joint Office.</p>
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