

NORTHAMPTON BOROUGH COUNCIL



COUNCIL

Thursday, 20 May 2010

YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON THURSDAY, 20 MAY 2010 AT ELEVEN O'CLOCK IN THE MORNING WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED:-

1. ELECTION OF MAYOR

Councillor Church to propose and Councillor Beardsworth to second: "That Councillor Marianne Taylor be elected Mayor of the Borough of Northampton for the ensuing year."

After election the Mayor will make the declaration of acceptance of office.

The Mayor's Serjeant will invest the Mayor's consort (Mr Martin Taylor) with his chain of office.

The Mayor will thank the Council for her election.

2. VOTE OF THANKS TO THE OUTGOING MAYOR AND MAYORESS

Councillor B Hoare to propose and Councillor Palethorpe to second: "That the thanks of the Council be given to Councillor Michael Hill and Mrs Margaret Hill for the able and courteous manner in which they have discharged their duties as Mayor and Mayoress during their term of office."

3. ELECTION OF DEPUTY MAYOR

Councillor Malpas to propose and Councillor Davies to second: "That Councillor Jamie William Lane be appointed to the office of Deputy Mayor for the ensuing year."

After appointment the Deputy Mayor will make the declaration of acceptance of office.

The Mayor's Serjeant will invest the Deputy Mayor's consort (Mrs Victoria McKee) with her badge of office.

4. APOLOGIES.

5. LONG SERVICE

To record the long service of the following employees;

25 years : M. Cumbleton, K. Holmes, G. Hunt, J. Longhurst, F. McGown, C. Martin, C. Porter, K. Smith- Whelan, and R. Williamson.

35 years: K. Sawyer

6. LEADER AND DEPUTY LEADER OF THE COUNCIL

Councillor Yates to propose and Councillor Meredith to second:

“That Councillor Brian Hoare be appointed Leader of the Council and Councillor Paul Varnsverry be appointed Deputy Leader of the Council.”

7. LEADER AND DEPUTY LEADER OF THE OPPOSITION GROUP

Councillor Hadland to propose and Councillor Caswell to second:

“That Councillor Palethorpe be appointed Leader of the Opposition and Councillor Larratt be appointed Deputy Leader of the Opposition.”

8. LEADER AND DEPUTY LEADER OF THE LABOUR GROUP

Councillor Scott to propose and Councillor Davies to second:

“That Councillor Mason be appointed Leader of the Labour Group and Councillor I Choudary be appointed Deputy Leader of the Labour Group.”

9. LEADER AND DEPUTY LEADER OF THE INDEPENDENT GROUP

Councillor Mildren to propose and Councillor Hawkins to second:

“That Councillor Clarke be appointed Leader of the Independent Group and Councillor Hawkins be appointed Deputy Leader of the Independent Group.”

10. CABINET

To record the following appointments to the Cabinet for 2010-11:

Councillor B. Hoare- Partnerships and Improvement
Councillor P. D. Varnsverry- Community Engagement
Councillor Beardsworth- Housing
Councillor Church- Planning and Regeneration
Councillor Crane- Environment
Councillor B. Markham- Performance and Support
Councillor Perkins- Finance

At this juncture the Council meeting will adjourn to 6.30pm on 24 May 2010.

11. AMENDMENTS TO THE CONSTITUTION

(copy herewith)

12. COMMITTEE PROPORTIONALITY

(copy herewith)

13. MEETINGS CYCLE 2010/11

(copy herewith)

14. COUNCIL MEETINGS

The Mayor to propose: "That the Annual Meeting of the Council take place on 19th May 2011 and that the other meetings of the Council take place on 24 May, 12 July, 13 September, 25 October, 6 December 2010, 17 January, 28 February, and 14 March 2011."

15. APPOINTMENTS TO COMMITTEES

(copy herewith)

16. APPOINTMENTS TO OUTSIDE BODIES

(copy herewith)

17. CONSULTATION APPOINTMENTS

To consider the appointment of the following Councillors with whom consultations shall be held by the named Officer under the terms set out and delegated by the Council:

Community Enabling Fund Advisory Panel (Chief Executive)
Councillors J. Conroy, Flavell, I. Markham, Palethorpe, Scott and P.D. Varnsberry.

Markets Matters (Director of Environment and Culture)
Councillors Church, Flavell, Hadland, Scott, and Woods. (One vacancy)

The Guildhall
Northampton
12 May 2010

D. Kennedy Chief Executive

Public Participation

1. Comments and Petitions

1.1 A member of the public (or an accredited representative of a business ratepayer of the Borough) may make a comment or present a petition on any matter in relation to which the Council has powers. A comment or presentation of a petition shall be for no more than three

minutes. No notice of the nature of the comment to be made or of the petition is required except for the need to register to speak by 12 noon on the day of the meeting.

(Public comments and petitions will not be taken at the Annual Council Meeting or other civic or ceremonial meetings.)

NOTES

- i. *Comments may be on one or more subjects but each person has no longer than three minutes to have their say.*
- ii. *The same person may make a comment and present a petition on different subjects. In such instances that person will have three minutes to make their comment and a separate three minutes to present a petition.*

2. Member and Public Questions

2.1 A member of the public (or business ratepayer of the Borough) may ask a maximum of two written questions at each meeting, each limited to a maximum of 50 words, on any matter in relation to which the Council has powers. Each question shall:

- be submitted in writing and delivered, faxed or e-mailed to Democratic Services no later than 10.00am seven calendar days before the day of the meeting; and
- include the name and address of the questioner and the name of the Cabinet member/Committee Chair to whom the question is put.

2.2 At the meeting, copies of all questions and the responses to them from the public and Members will be made available to the public and press. The Mayor may allow one supplementary question, without notice, that arises directly from the original question or response.

(Questions will not be taken at the Annual Council Meeting or at civic or ceremonial meetings or meetings called to deal with specific items of business.)

NOTES

In respect of paragraph 2.1 above, questions may be rejected on certain grounds that are set out on page 4-7 of the Council's Constitution and which may be viewed at www.northampton.gov.uk/site/scripts/download_info.php?fileID=1919 or by seeking advice using the contact details below.

3. Motions

3.1 A member of the public may register to speak to a motion under the 'Notices of Motion' item on the agenda. Registration to speak must be made to Democratic Services by 12 noon on the day to the meeting. Speaking to a motion is restricted to three minutes per person.

(The 'Notices of Motion' item will not be taken at the Annual Council meeting or meetings called for civic or ceremonial purposes.)

4. General

A member of the public may make a comment, present a petition, ask a question or speak to a motion at the same meeting subject to the restrictions set out above.

5. Contacts

Democratic Services: e-mail democraticservices@northampton.gov.uk

Fax 01604 838729

Tel 01604 837101, 837089, 837355, 837356

Mail Democratic Services
Northampton Borough Council
The Guildhall
St Giles Square
Northampton NN1 1DE



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

20th May 2010

Agenda Status: Public

Directorate: Borough Solicitor's

Report Title	AMENDMENTS TO THE CONSTITUTION
---------------------	---------------------------------------

1. Summary

- 1.1 The cross party Constitution Review Working Party (the "CRWP") has been meeting since 30th November 2009 to discuss amendments to Northampton Borough Council's constitution in order to improve and update the Council's internal governance arrangements and give effect to relevant new statutory provisions. It last met on 17th May 2010 and agreed the changes set out in the report.
- 1.2 This report brings forward to the Full Council for approval a number of the amendments to the Constitution that are proposed by the CRWP. Approval for the remainder of the proposed amendments to the Constitution will be sought at the next full Council meeting on 12th July 2010.
- 1.3 This report covers proposed amendments to the Constitution in respect of the following:
- Overview and Scrutiny arrangements
 - Standards Committee - Terms of Reference
 - General Purposes Committee - Terms of Reference
 - Audit Committee - Terms of Reference
 - Petitions

2. Recommendations

Council is asked to:

- 2.1 approve the revised Overview and Scrutiny Committee Article 6 (Appendix 2) and the revised Overview and Scrutiny Procedure Rules (Appendix 3);
- 2.2 approve the revised terms of reference of the Standards Committee (Appendix 4), the revised terms of reference of the General Purposes Committee (Appendix 5); and the revised terms of reference of the Audit Committee (Appendix 6);
- 2.3 note the information provided in respect of neighbourhood management arrangements;

- 2.4 approve the draft Petition Scheme (attached as Appendix 7); and
- 2.5 authorise the Borough Solicitor to make the necessary amendments to the Constitution to reflect the changes in paragraphs 2.1, 2.2 and 2.4 above and to make any typographical or other changes to the Constitution arising directly from the recommended changes.

3. Report Background

3.1 OVERVIEW AND SCRUTINY ARRANGEMENTS

3.1.1 Overview and Scrutiny Structure

- 3.1.1.1 Full Council on 18th January 2010 considered a report from the Overview and Scrutiny Management Committee detailing a proposed new Overview and Scrutiny Committee structure. A copy of this report is attached for information as Appendix 1. The proposed new structure was noted by Full Council and referred to the CRWP for further consideration.
- 3.1.1.2 In summary, the new Overview and Scrutiny Structure will consist of only one Overview and Scrutiny Committee supported by three standing Scrutiny Panels. The CRWP has agreed that the Overview and Scrutiny Committee will have 15 places and will be populated with Councillors who are not members of the executive. The proposal is to disestablish the Overview and Scrutiny Management Committee.
- 3.1.1.3 The proposed Overview and Scrutiny Committee will agree the Panels' membership and terms of reference. The Scrutiny Panels will not independently carry out the functions of the Overview and Scrutiny Committee, but will report to the Committee. The role of the Scrutiny Panels will be to support the Committee by conducting scrutiny reviews and other work as dictated by the Committee in a work programme that has been agreed in advance.
- 3.1.1.4 For the avoidance of doubt, the Scrutiny Panels will not have the status of a committee and will have no formal decision making powers. The Scrutiny Panels will not for example, have formal Call-In powers and will not be able to compel members of the executive or officers to appear before them in the same way as the Committee can. However, it is anticipated that executive members and officers will cooperate with the Scrutiny Panels' work.
- 3.1.1.5 The CRWP has discussed and agreed the changes that are necessary to the Constitution to give effect to the structure described above. The revised Article 6 details the Overview and Scrutiny Committee's Terms of Reference (Appendix 2) and the revised Overview and Scrutiny Procedure Rules are set out in Appendix 3. It should be noted that it will be necessary to make minor consequential changes to other parts of the Constitution where for example, reference to Overview and Scrutiny Committees is in the plural.

3.1.2 Criteria for Call-in

The CRWP has agreed that in order to ensure that the call-in procedure can be administered fairly, effectively and efficiently, there should be 'Criteria for Call-In'. Paragraph 15.9 of Appendix 3 details the proposed Criteria for Call-in.

3.1.3 Councillor Call for Action

3.1.3.1 The Councillor Call for Action ('CCfA') was implemented by the Local Government and Public Involvement in Health Act 2007 in relation to local government matters and by the Police and Justice Act 2006 in relation to crime and disorder matters.

3.1.3.2 The local government CCfA gives all councillors a statutory right to refer to the Overview and Scrutiny Committee any relevant local government matter which affects their ward or any person who lives or works in their ward. The crime and disorder CCfA gives all Councillors a right to refer certain types of crime and disorder matters affecting their ward or the people living or working in it to their authority's designated crime and disorder committee.

3.1.3.3 The purpose of the CCfA is to give Councillors a means to resolve issues on behalf of their residents when all other avenues of resolution have been exhausted. The CCfA process should make it easier for issues that would benefit from scrutiny to rise to the surface and for issues which are best dealt with through other means to be signposted accordingly. The CCfA is particularly significant in the respect that it enables a Councillor who is not a member of the Overview and Scrutiny Committee to request that the Committee consider certain matters.

3.1.3.4 This report proposes amendments to the Overview and Scrutiny Procedure Rules to reflect changes to the law that are already in force and as set out in paragraph 8.2 of Appendix 3. The CCfA is also referenced in Appendix 2 at paragraphs 6.3.8 which designates the Overview and Scrutiny Committee as the Council's Crime and Disorder Committee and 6.3.9 which deals with the local government CCfA. The CCfA provisions in the body of the Constitution will be supported by detailed protocols that will be approved by the Overview and Scrutiny Committee and which will reflect good practice.

3.2 STANDARDS COMMITTEE, GENERAL PURPOSES COMMITTEE & AUDIT COMMITTEE - NEW TERMS OF REFERENCE

3.2.1 Standards Committee

The proposed Terms of Reference for the Standards Committee (Appendix 4) were approved by the Standards Committee at its meeting in December 2009 following a report by the Monitoring Officer to the Standards Committee confirming that the proposed changes were required for legislative compliance and based on best practice. The Standards Committee itself could not agree changes, as these required constitutional amendments, so these changes are proposed through the CRWP which agreed with the proposed terms of reference, with minor amendments which are reflected in the appendix.

3.2.2 General Purposes Committee

A review of the workings of the General Purposes Committee has indicated that its current role and remit is fairly narrow and that its terms of reference should be

widened to enable it to undertake a wider role. Research was conducted by the Borough Solicitor's governance team to determine the role such committees have in other Councils. The CRWP considered this research and agreed a wider role for the Committee, which will include: Electoral matters; Health and Safety Matters; objections to Tree Preservation Orders; Civic Matters etc. In essence, the Committee will undertake many of the matters that cannot be undertaken by the Executive, because of restrictions imposed by legislation (Functions Order). The General Purposes Committee will not be able to undertake any matters that are within the remit of other Committees. It is anticipated that the Committee would form a three member Sub- Committee in order to deal with Tree Preservation Order matters. The proposed Terms of Reference for the General Purposes Committee are attached as Appendix 5.

3.2.3 Audit Committee

With regard to the Audit Committee, minor changes are being proposed which will allow the Committee to deal with the final accounts process. This will be in line with best practice as advised by the section 151 Officer. The proposed Terms of Reference for the Audit Committee are attached as Appendix 6.

3.3 NEIGHBOURHOOD MANAGEMENT ARRANGEMENTS

The Council is asked to note that changes to the Neighbourhood Management Arrangements are currently being considered and piloted. Proposed changes to the Constitution in respect of Neighbourhood Management Arrangements will be brought to the Council at a later date following completion and assessment of the pilot.

3.4 PETITIONS

3.4.1 The Local Democracy, Economic Development and Construction Act 2009 was rushed through Parliament in the lead up to the recent General Election. The 2009 Act requires all principal local authorities in England to establish a scheme for handling petitions made to the authority. This first duty comes into effect from 15 June 2010 and the second to provide an e-petitions facility comes into effect from 15 December 2010. This short timescale has not given much time for a scheme to be prepared and it is intended that it should be reviewed in the light of experience in a year's time or earlier if it becomes necessary.

3.4.2 The scheme:

- must be approved by a meeting of the full council before it comes into force;
- must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area; and
- can be revised at any time but the revised scheme must be approved and publicised as above.

3.4.3 The minimum requirements of a scheme set out in the 2009 Act are:

- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
- a facility for making electronic petitions is provided by the local authority
- petitions must be acknowledged within a time period specified by the local authority
- among possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population (10,000 approx for Northampton)
- petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee
- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate

3.4.4 In designing their petition scheme Councils are expected to:

- take into account local circumstances to ensure that the scheme is locally appropriate; for example, the same thresholds set in a densely populated urban area may not be suitable for a rural authority
- ensure that the scheme is accessible to all; for example, the e-petitions facility is compliant with web accessibility standards
- ensure that the process is easy for citizens to use; for example, that the scheme sets thresholds which are achievable for petitions on very local, as well as authority wide concerns; that no previous knowledge of council procedure is needed in order to submit a petition; that the scheme is written in plain English; and people know what they have to do in order to receive a response.

3.4.5 A petition is excluded by the 2009 Act where it is:

- vexatious, abusive or otherwise inappropriate (such as relating to ongoing litigation or which target individual members of a community);
- made under other legislation;
- in respect of individual planning decisions including about a development plan;
- in respect of any matter relating to an alcohol, gambling or sex establishment licensing decision; or
- in relation to an individual or entity who have a right of review or appeal under other legislation.

3.4.6 E- Petitions

3.4.6.1 The petition scheme must ensure that the authority's e-petition facility allows citizens to create a petition which can be published online and made available to others for electronic signature. The Government does not consider that mere acceptance of e-mailed petitions meets this requirement.

3.4.6.2 Local authorities should consider how best to integrate their e-petition process with relevant online information and existing online functions, for example, linking petitions to council meetings, decisions, or minutes, to online forums and most importantly, to the authority's published response to the petition.

3.4.6.3 When taking the decision whether to host an e-petition local authorities should, in addition to following the guidance on vexatious, abusive and otherwise inappropriate petitions, consider issues such as data protection, libel and the statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

3.4.6.4 The Council's existing meetings administration software Modern.Gov is currently being enhanced by the supplier (NTE) and will be compliant in terms of the e-petitions requirements. It is proposed to implement this later in the year but before the statutory deadline in December.

3.4.7 A proposed Petition Scheme, as agreed by the CRWP, is attached as Appendix 7.

3.5 AMENDMENTS TO THE CONSTITUTION

The Council is asked to authorise the Borough Solicitor to make the necessary amendments to the Constitution to reflect the changes discussed in this report and to make any typographical or other changes to the Constitution arising directly from the recommended changes.

4. Implications (including financial implications)

4.1 Resources And Risk

Should the proposed changes to Overview and Scrutiny arrangements be approved, there should be a reduction in the resources required to formally support the meetings.

4.2 Legal

These are contained within the body of the report.

4.3 Other Implications

5. Background Papers

Borough Solicitor's Constitutional Review File.

Report Author and Title: Francis Fernandes, Borough Solicitor

Telephone and Email: 01604 837334, ffernandes@northampton.gov.uk

**Council – 18th January 2010**

Report Title	PROPOSED NEW OVERVIEW AND SCRUTINY STRUCTURE
---------------------	---

Agenda Status: PUBLIC**1. Purpose**

- 1.1 To submit a report to full Council detailing the option for the proposed new Overview and Scrutiny structure, as recommended by the Overview and Scrutiny Management Committee, as suggested by the Overview and Scrutiny Structures Workshop.

2 Recommendations

- 2.1 That full Council notes the proposed new Overview and Scrutiny structure, as recommended by the Overview and Scrutiny Management Committee, as detailed in paragraph 5.2.
- 2.2 That full Council notes that details of the proposed new Overview and Scrutiny structure have been referred to the Constitution Working Party for consideration, and for the Working Party to make proposals for Constitutional change.

3. Background and Issues

- 3.1 A self-evaluation of the Overview and Scrutiny function at Northampton was completed in January 2009, with support from Local Government peers. The evaluation had some very positive outcomes, acknowledging the achievements made in Overview and Scrutiny, some of which have been noted as examples of best practice. Challenges and areas for improvement were also suggested and these were the subject for debate at an Overview and Scrutiny Improvement Plan workshop. This led to the adoption of an Overview and Scrutiny Improvement Plan in July 2009.
- 3.2 The need to review the structure of Overview and Scrutiny was identified at the same time, with a view to ensuring that the Improvement Plan could be delivered within available resources. This was pursued through workshops to which all Councillors were invited. This report presents the outcome of those workshops.
- 3.3 The current Overview and Scrutiny structure comprises an overarching Management Committee with three parent Overview and Scrutiny Committees – Overview and Scrutiny Committee 1 (Regeneration, Partnerships, Community Safety and Engagement), Overview and Scrutiny Committee 2 (Housing and Environment) and Overview and Scrutiny Committee 3 (Performance, Finance and Improvement). Meetings of the Overview and Scrutiny Committees are scheduled on a quarterly basis. Task and Finish Groups are set up by the [Overview and Scrutiny Committees to pursue in-depth review work, which is of interest to both the Council and the public of Northampton.

4 Structure of Overview and Scrutiny Workshop

- 4.1 A workshop, open to all Councillors, was held on 3rd August 2009 to investigate the current Overview and Scrutiny structure and to ascertain whether there was the need to propose a non-complex, flexible Overview and Scrutiny structure to full Council.
- 4.2 Thirteen Councillors were in attendance. Councillors broke into three groups, which in turn each suggested a potential alternative Overview and Scrutiny structure.
- 4.3 Stage 2 of the Overview and Scrutiny Structures Workshop was held on 15th September, the purpose of which was to look at issues in respect of the three proposed Overview and Scrutiny structures that had been put forward at the Workshop on 3rd August and recommend a fit for purpose Overview and Scrutiny structure at Northampton.
- 4.4 The consensus of the workshop was that the proposed structure for Overview and Scrutiny comprise: -
- One Overview and Scrutiny Committee – (12 Members)
 - Three standing Scrutiny Panels – Housing, Regeneration & Planning and Environment. (Nine Members on each Scrutiny Panel)
- 4.5 The Workshop agreed that the new Overview and Scrutiny structure should be introduced at the start of the Municipal Year 2010/11. This would allow for any training needs to be met. It would also mean that current Task and Finish Group programme, and any scheduled Reviews due to commence would be completed by approximately March/April 2010. The new Overview and Scrutiny structure could then begin with a new work programme, the basis of which would be compiled at the Overview and Scrutiny Work Programming day. The Leader of the Council and the Portfolio Holder's priorities would also inform the Overview and Scrutiny work programme.
- 4.6 It was the consensus of the Workshop that performance monitoring and finance should be the sole responsibility of the Audit Committee and that it be recommended that Overview and Scrutiny would no longer undertake this role.
- 4.7 The Workshop agreed that the Overview and Scrutiny Management Committee, (currently made up of the Chairs and Vice Chairs of the existing standing Overview and Scrutiny Committees) in its current form, should be deleted.
- 4.8 It was agreed that it be suggested that the Overview and Scrutiny Committee and the three standing Scrutiny Panels would meet approximately every six weeks, seven meetings of each body, equating to 28 meetings per year.
- 4.9 The need for administrative support to Overview and Scrutiny was noted. Investigations should take place regarding how this could be possible.

5 Option as recommended by the Overview and Scrutiny Management Committee

- 5.1 Following discussions with the Borough Solicitor regarding the legal viability of the proposed Overview and Scrutiny structure it was suggested to the Overview and Scrutiny Management Committee that there were two options for consideration: -

5.2 Option A

- 5.2.1 The Overview and Scrutiny Committee could undertake an overarching management role, its remit would therefore include: -
- Cross cutting Reviews that are not under the remit of the Scrutiny Panels
 - Scrutiny of Crime and Disorder, Councillor Call for Action, Call ins requests and Hearings
 - Northampton Borough Council's representatives on the Northamptonshire Countywide Scrutiny Forum to provide regular progress reports to the Overview and Scrutiny Committee
 - Northampton Borough Council's representative on Northamptonshire County Council's Health and Social Care Scrutiny Committee to provide regular progress reports to the Overview and Scrutiny Committee
 - Approve the terms of reference for the Scrutiny Panels
 - Approve and co ordinate Overview and Scrutiny Work Programme
 - Allocation of additional work that is not currently within the remit of the three standing Scrutiny Panels – the Overview and Scrutiny Committee could also conduct cross cutting Reviews that were not under the remit of the Scrutiny Panels
 - Training and Development needs
 - Approval of Overview and Scrutiny Annual Report
 - Approval of Overview and Scrutiny Protocols and Guidance notes
 - Approval of the Scrutiny Panel Review reports
 - Pre decision scrutiny and policy development
- 5.2.2 The Overview and Scrutiny Committee would exercise the Local Government Act 2000 powers and would be constituted as a Committee. Proportionality rules would therefore apply. The Overview and Scrutiny Committee would be chaired by a member of the main Opposition Party.
- 5.2.3 The Overview and Scrutiny Committee would convene on a six weekly cycle, with seven scheduled meetings per year.
- 5.2.4 The Scrutiny Panels would be constituted as Working Groups and would operate similarly to the current Task and Finish Groups, except that they would be 'standing' groups which could develop expertise over a number of reviews on related subjects. Scrutiny Panels would *normally* meet in public and when meeting in public proportionality rules would apply. The Scrutiny Panels would not have scheduled meetings but would set up meetings in accordance to the Overview and Scrutiny Work Programme. Membership of the Scrutiny Panels would not be set by full Council but could be made up of expert Councillors in accordance to the issue being reviewed as suggested by the Overview and Scrutiny Structures Workshop.
- ## 5.3 Option B
- 5.3.1 The Overview and Scrutiny Committee would have a monitoring role. There would not be the need for it to meet frequently. It could therefore meet at the start of the Municipal year to approve the Overview and Scrutiny work programme. An informal meeting of the Chairs of the three Scrutiny Panels could take place mid-term to report on progress to date. A further formal meeting of the Overview and Scrutiny Committee could be scheduled towards the end of the Municipal year to approve the Overview and Scrutiny Annual Report.

- 5.3.2 Under this proposed model, the Scrutiny Panels would be constituted as formal Committees and therefore rules in accordance to the Local Government Act 2000 would apply, for example proportionality and access to information. The Scrutiny Panels would meet on a six weekly cycle, consisting of seven scheduled meetings for each Scrutiny Panel. Agendas would have to be published at least five working days prior to the meeting of the Scrutiny Panels. Membership to the Scrutiny Panels would be set by Annual Council.
- 5.3.3 The remit of the Scrutiny Panels would include: -
- In-depth Reviews
 - Policy development and pre decision scrutiny
 - Call In requests and Hearings
 - Councillor Calls for Action
 - Monitoring of accepted recommendations in previous Scrutiny Reviews
- 5.3.4 Scrutiny of Crime and Disorder would be allocated to one of the Scrutiny Panels. It must be noted that any Crime and Disorder Councillor Call for Action (CCfA) must be considered by the designated` Crime and Disorder Committee/Panel.
- 5.4 The precise remit of the three panels, whether under option A or B, would need to be determined but in either case it is suggested that the remit be drawn so that between them they ensure coverage of all key public services.

6 Advantages and Disadvantages

6.1 The Overview and Scrutiny Management Committee paid due regard to the advantages and disadvantages of the two options:

6.2 Option A

6.2.1 Option A would allow for more flexibility, for example, the Scrutiny Panels could elect their own membership, inviting non Executive Councillors with a specific interest or expertise in the issue under review to be a member of the Scrutiny Panel. The Scrutiny Panels' main role would be to undertake in depth Reviews. Scrutiny Panels would be able to dedicate more time to each Review. Meetings would not be subject to access to information rules.

6.2.3 The Overview and Scrutiny Committee would have a defined role for example included within its remit, such as Call In requests and Hearings, Councillor Call for Actions, monitoring of previous Scrutiny Review recommendations and pre decision scrutiny.

6.3 Option B

6.3.1 Option B provides a less flexible structure, with a less defined remit for the Overview and Scrutiny Committee. The Scrutiny Panels would have a weighty workload, which in turn could lead to less in depth Reviews being undertaken. For example, the Scrutiny Panels would have within their remit Call In requests and Hearings, Councillor Call for Actions, monitoring of previous scrutiny Review recommendations and pre decision scrutiny. Access to information would apply to the Scrutiny Panels, therefore, all meetings would be held in public, which could lead to the supply of evidence being less detailed. Scrutiny Panels' reports would be presented directly to Cabinet, the approval of the Overview and Scrutiny Committee would not be required.

7 Conclusions

- 7.1 Successful Overview and Scrutiny is dependant upon a process of investigations, analysis and challenge which allows non-Executive Members to question the rationale behind Executive decisions and policies, and to assess how effectively the Council is meeting its legal obligations and policy objectives.
- 7.2 The Overview and Scrutiny Management Committee agreed that taking this into consideration, Option A is the preferred method to implement the new proposed Overview and Scrutiny structure as it provides for a more flexible structure and captures many of the issues suggested at the Overview and Scrutiny Structures Workshops. The Committee felt that it would be more open and transparent for the Scrutiny Panels to normally meet in public, with proportionality rules applying.
- 7.3 The Overview and Scrutiny Management Committee agreed that: -
- (1) That Option A be the preferred new Overview and Scrutiny Structure, with the proviso that the Scrutiny Panels would normally meet in public and in these cases proportionality rules would apply.
 - (2) That details of the proposed new Overview and Scrutiny structure be forwarded to the Constitution Working Group so that necessary proposed changes to the constitution can be investigated prior to the suggested structure being presented to full Council for approval.
 - (3) That it be recommended to the Constitution Working Group that the Chair of the Overview and Scrutiny Management Committee be invited to be included in discussions in respect of the proposed new Overview and Scrutiny structure and report back to the Overview and Scrutiny Management Committee.
 - (4) That it be recommended to the Constitution Working Group that the new structure for Overview and Scrutiny be implemented from the start of the Municipal year 2010/2011.
 - (5) That it be recommended to the Constitution Working Group that Overview and Scrutiny no longer undertakes the roles of the performance monitoring and finance roles and that these become the sole responsibility of the Audit Committee

8. Implications (including financial implications)

8.1 Policy

- 8.1.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme. The structure and remit of the Overview and Scrutiny Committee and Scrutiny Panels is important in supporting the delivery of the Council's corporate objectives.

8.2 Resources and Risk

- 8.2.1 In order for Overview and Scrutiny to effectively undertake its functions it needs to clearly identify how it would wish to organise its structure. The remit of the Overview and Scrutiny Committee and Scrutiny Panels needs to be clearly established so that there is not a potential risk in fulfilling the role of holding decision makers to account and supporting effective governance.

8.2.2 There are no financial implications arising. It is also anticipated that the work around Crime and Disorder and Councillor Call for Action can be incorporated within the proposed new structure for Overview and Scrutiny.

8.3 Legal

8.3.1 Section 21 of the Local Government Act 2000 requires the establishment of one or more Overview and Scrutiny Committees for the adoption of executive arrangements.

8.3.2 Part 3, Section 19 of the Police and Justice Act 2006 states that every Local Authority shall ensure that it has a Committee with the powers to review or scrutinise decisions or actions taken in connection with the discharge by responsible Authorities of their crime and disorder functions.

8.4 Equality

8.4.1 Effective Overview and Scrutiny is to the benefit of the citizens of Northampton. An initial screening suggests that a full Equality Impact Assessment is not necessary for this proposal.

8.5 Corporate Objectives

8.5.1 This report has the potential to link with all the Council's Corporate Objectives.

9 Consultees (Internal and External)

9.1 All Councillors were invited to attend the Overview and Scrutiny Structures workshop of 3 August 2009. Thirteen members were in attendance.

9.2 Five Councillors attended Phase 2 of the Overview and Scrutiny Structures Workshop on 15 September 2009.

9.3 The Borough Solicitor.

9.4 The Overview and Scrutiny Management Committee.

9.5 All Overview and Scrutiny Councillors have been informed of the Overview and Scrutiny Management Committee's decision.

10 Background Papers

10.1 The key papers are:

- Overview and Scrutiny Improvement Plan
- Notes of the Overview and Scrutiny Structures Workshops held on 3rd August and 15th September 2009.
- Minutes of the Overview and Scrutiny Management Committee of 29 September 2009

Report Author and Title: Tracy Tiff, Overview and Scrutiny Officer, on behalf of Councillor John Yates, Chair, Overview and Scrutiny Management Committee

26 November 2009

APPENDIX 2

Article 6 –The Overview and Scrutiny Committee

6.1 Composition

The Overview and Scrutiny Committee will comprise of fifteen Councillors, none of whom may be members of the Executive.

6.2 Terms of Reference

The Council will appoint the Overview and Scrutiny Committee to discharge the functions that are conferred by section 21 of the Local Government Act 2000, the relevant provisions of the Local Government and Public Involvement in Health Act 2007, the Police and Justice Act 2006 and associated rules and regulations.

6.3 General role

Within its terms of reference the Overview and Scrutiny Committee will:

- 6.3.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.3.2 make reports and/or recommendations to Council and/or the Cabinet as the case may be in connection with the discharge of any functions;
- 6.3.3 consider any matter affecting the area or its inhabitants;
- 6.3.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or a Committee of the Cabinet or by individual Members of the Cabinet or (in the case of key decisions) by Officers;
- 6.3.5 appoint Northampton Borough Council's representatives on any joint authority, countywide or regional scrutiny body with relevant functions and consider regular progress reports on its work;
- 6.3.6 approve Overview and Scrutiny Committee Protocols and guidance notes;
- 6.3.7 appoint three Overview and Scrutiny Panels and in relation to the Panels will:
 - 6.3.7.1 determine and agree the Panels' memberships, terms of reference and work programmes;
 - 6.3.7.2 agree the allocation of resources to each Panel according to need;

- 6.3.7.3 allocate a particular area of work to one of the Panels where it is not clear which Panel has responsibility for that area;
- 6.3.7.4 appoint people from outside the Council to the Panels by way of co-option as appropriate; and
- 6.3.7.5 review training needs of Panel members (including co-optees) and make recommendations to Cabinet or the Council as appropriate;
- 6.3.8 act as the relevant 'Crime and Disorder Committee' for the purposes of section 19(1) of the Police and Justice Act 2006 and any other relevant rules and regulations and accordingly:
 - 6.3.8.1 scrutinise the actions undertaken by the Safer Stronger Northampton Partnership ('SSNP') and the partners who comprise it, insofar as their activities relate to the SSNP itself;
 - 6.3.8.2 make reports and recommendations to the Council or Cabinet with respect to any matter which is a local crime and disorder matter; and
 - 6.3.8.3 deal with any relevant Councillor Call for Action made in relation to local crime and disorder matters in accordance with the Councillor Call for Action Protocol;
- 6.3.9 deal with any relevant Councillor Call for Action made in relation to any local government matter pursuant to the Local Government and Public Involvement in Health Act 2007 (and associated rules and regulations) in accordance with the Councillor Call for Action Protocol; and
- 6.3.10 in relation to petitions submitted to the Council pursuant to the Local Democracy, Economic Development and Construction Act 2009 and in accordance with the Northampton Borough Council Scheme to Respond to Petitions:
 - 6.3.10.1 consider 'Petitions to Hold an Officer to Account'; and
 - 6.3.10.2 consider petitioner appeals where a petitioner is not satisfied with the initial response to their petition.

6.4 **Specific functions**

Within its terms of reference the Overview and Scrutiny Committee may carry out the following specific functions:

- 6.4.1 **Policy development and review** - The Overview and Scrutiny Committee may:
 - 6.4.1.1 assist the Council and the Cabinet in the development of its

Budget and Policy Framework by in-depth analysis of policy issues;

6.4.1.2 conduct research, community and other consultation in the analysis of policy issues and possible options;

6.4.1.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

6.4.1.4 question members of the Cabinet, Committee and Directors about their views on issues and proposals affecting their functions; and

6.4.1.5 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

6.4.2 **Scrutiny** - The Overview and Scrutiny Committee may:

6.4.2.1 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 scrutinise 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;

6.4.2.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

6.4.2.3 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;

6.4.2.4 make recommendations to the Cabinet and/or appropriate committees and/or Council arising from the outcome of the overview and scrutiny process;

6.4.2.5 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

6.4.2.6 question and gather evidence from any person (with their consent).

- 6.4.3 **Finance** - The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.
- 6.4.4 **Annual report** The Overview and Scrutiny Committee may report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- 6.4.5 **Officers** The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support their work.

6.5 Proceedings of the Overview and Scrutiny Committee

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

6.6 Overview and Scrutiny Panels

For the avoidance of doubt, the Overview and Scrutiny Panels will not conduct the functions of the Overview and Scrutiny Committee, but will report to the Overview and Scrutiny Committee.

Appendix 3

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR THE OVERVIEW AND SCRUTINY COMMITTEE?

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

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEE?

All Councillors except members of the Executive may be members of the Overview and Scrutiny Committee and the three standing Scrutiny Panels. However, no member may be involved in scrutinising a decision in which they have been directly involved.

3. MEETINGS OF OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee shall meet on a meetings cycle for 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 two members of the Committee or by the Proper Officer if they consider 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 the Chair of the Overview and Scrutiny Committee 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 this Constitution.

7. WORK PROGRAMME

The Overview and Scrutiny Committee will be responsible for setting its own work programmes and in doing so it 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, “COUNCILLOR CALL FOR ACTION” AND REFERENCES FROM CABINET

8.1 Any member of the Overview and Scrutiny Committee shall be entitled to give formal notice giving the reasons therefore to the Proper Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

8.2 Councillor Call for Action

8.2.1 Any Member of the Council may give written notice to the Proper Officer that s/he wishes an item relevant to the functions of the Overview and Scrutiny Committee to be included on the agenda for the next available meeting of the Overview and Scrutiny Committee in relation to:

8.2.1.1 any local government matter (as defined in paragraph 8.2.8); or

8.2.1.2 any local crime and disorder matter (as defined in paragraph 8.2.9)

(a “Councillor Call for Action”).

8.2.2 Subject to paragraphs 8.2.4 and 8.2.10 below, on receipt of a Councillor Call for Action the Proper Officer will inform the Chair of the Overview and Scrutiny Committee that the item has been included on the agenda for discussion at the next practicable meeting.

8.2.3 In considering whether to exercise the right in paragraph 8.2.1.1 or 8.2.1.2 above the Member must have regard to any Order made by the Secretary of State and the Councillor Call for Action Protocol which is at Appendix [].

8.2.4 The Proper Officer upon taking advice from the Monitoring Officer will not include any matters on the relevant agenda where by any relevant Order made by the Secretary of State they have been excluded from consideration by any Overview and Scrutiny Committee who has received a Councillor Call for Action

8.2.5 The Overview and Scrutiny Committee may when considering whether or not to exercise its powers in relation to a Councillor Call For Action, have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers

8.2.6 Where the Overview and Scrutiny Committee decides not to exercise any of its powers in relation to a Councillor Call for Action, it will notify the Member of its decision and the reasons for it.

- 8.2.7** Where the Overview and Scrutiny Committee makes a report or recommendations to the Council or Cabinet it shall provide a copy of the report or recommendations to the Member who referred the matter in question and any other responsible authorities and co-operating persons and bodies as it thinks appropriate.
- 8.2.8** For the purposes of paragraph 8.2.1.1 above a “local government” matter in relation to a Member means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the member is elected or any person who lives or works in that area but excludes any matter which is a local crime and disorder matter as defined in paragraph 8.2.9 below or any matter of any description specified as excluded in an order made by the Secretary of State.
- 8.2.9** For the purposes of paragraph 8.2.1.2 above a “local crime and disorder matter” in relation to a Member means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment) or the misuse of drugs, alcohol and other substances which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.
- 8.2.10** The determination of whether a matter is a “local government matter” or a “local crime and disorder matter” under paragraphs 8.2.9 and 8.2.10 above shall be made by the Chair of the Overview and Scrutiny Committee in consultation with the Monitoring Officer.
- 8.3** The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Cabinet. The Overview and Scrutiny Committee shall report its 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 it sees 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 it reasonably considers 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 THE OVERVIEW AND SCRUTINY COMMITTEE

10.1 Once they have formed recommendations on proposals for review or development, the Overview and Scrutiny Panels will prepare a formal report with any recommendations. The report will be approved by the Overview and Scrutiny Committee and it will then be submitted through the Chair for consideration by the Cabinet (if the proposals are consistent with the existing Budget 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). The Overview and Scrutiny Committee may nominate one or two members to address the Cabinet or Council as appropriate 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 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 four 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 the 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 the 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, the Overview and Scrutiny Committee shall not scrutinise 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, the Overview and Scrutiny Committee 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 they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to 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, a Committee of the Cabinet or an individual Cabinet Member 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 exercises the right to call-in within that period.

15.3 During that period, the Proper Officer shall request the call-in of a decision for scrutiny by the Overview and Scrutiny Committee if so requested by the Chair or formally by any two members of the Council in accordance with paragraph 15.9 below, and shall then notify the decision-taker that a call-in request has been made.

The Proper Officer shall call a meeting of the Committee on such date as they 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 request to call-in although, in the exceptional circumstances the period may be extended to twenty-one working days at the discretion of both the Chief Executive and the Monitoring Officer (such decision to extend the time limit and the reason for it 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. Should either of the call-in authors be a Member of the Overview and Scrutiny Committee, they will be present in their capacity as call-in author and not as a Member of the Overview and Scrutiny Committee. They should not sit on the Committee or take part in the debate or vote, as this could be seen as a conflict of interest. The call-in author should therefore send a substitute for the call-in hearing.

15.4 Following receipt of a call-in request from the Proper Officer, the Overview and Scrutiny Committee will consider the decision and the 'Criteria for Call-In. These

criteria can be found in paragraph 15.9 below.

If, having considered the decision in view of the 'Criteria for Call-In, the Overview and Scrutiny Committee is still concerned about it, then provided that a majority of the Members of the Overview and Scrutiny Committee agree, 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 (unless the final decision is different to or proposes a different course of action to the decision that was 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 receipt of a call-in request, 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 an executive decision has been taken by a Neighbourhood Partnership (having delegated power so to do) then the right to request a call-in shall extend to any other Neighbourhood 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. A Neighbourhood Partnership may only ask the Proper Officer to request the call-in of the decision of another Neighbourhood 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 request had been made in accordance with 15.3 above.

15.9 CRITERIA FOR CALL-IN

15.9.1 In order to ensure that call-in is not abused, nor causes unreasonable delay the following criteria in this paragraph 15.9 must be observed.

15.9.2 A request to call-in a decision may only be made by:

15.9.2.1 two members of the Council (not being members of the Cabinet when the decision being called-in was made)

15.9.2.2 the Chair of the Overview and Scrutiny Committee; or

15.9.2.3 a Neighbourhood Partnership pursuant to 15.8 above

provided that such call-in request complies with the requirements of paragraph 15.9.3 below

15.9.3 A call-in request shall be sent or delivered to the Proper Officer and shall comply with the following requirements:

15.9.3.1 the request must be in such form as the Chief Executive shall from time to time require; and

15.9.3.2 the form must specify the decision to be called-in and the reasons for the call-in which must not be invalid in accordance with paragraph 15.9.4 below;

15.9.4 A reason for call-in shall be invalid if:

15.9.4.1 the reason for call-in does not relate directly to the decision;

15.9.4.2 the reason for call-in is answered by information already found in the report relating to the decision;

15.9.4.3 the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called-in

15.9.4.4 the reason for call-in is repetitious being in respect of a decision taken by Cabinet following call-in of an earlier decision;

15.9.4.5 the reason given is not a substantial reason for such a call-in;

15.9.4.6 it appears that the call-in request is vexatious, frivolous or defamatory, or if it appears the call-in is intended to delay the implementation of the decision rather than to examine its merits.

15.9.5 The Chief Executive or Monitoring Officer in consultation with the Chairman of the Overview and Scrutiny Committee shall determine whether the call-in request meets the requirements of paragraphs 15.9.3 and 15.9.4. The Proper Officer shall not request the Overview and Scrutiny Committee to call-in any decision if the call-in request does not so comply. If a call-in request is rejected as inappropriate, the signatories will be advised of the decision and the reason for it. The Overview and Scrutiny Committee will be informed at its next meeting.

15.9.6 Where the Proper Officer is satisfied that a request complies with this paragraph 15.9 they shall notify the decision taker that a request for call-in has been made to the Overview and Scrutiny Committee.

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. SCRUTINY PANELS

- 18.1 The Overview and Scrutiny Committee will set up three scrutiny panels (which may be referred to as "Scrutiny Panels") to assist the Overview and Scrutiny Committee in carrying out reviews.
- 18.2 The Overview and Scrutiny Committee will in accordance with Article 6 determine and agree the Scrutiny Panels' memberships, terms of reference and work programmes.
- 18.3 Scrutiny Panels will be given briefs for the work they are required to do and each Scrutiny Panel will undertake one scrutiny review at any one time. The Scrutiny Panels will only be able to commence work once a work programme has been approved by the Overview and Scrutiny Committee.
- 18.4 Although the Scrutiny Panels will not carry out the functions of the Overview and Scrutiny Committee and will not have the formal powers of overview and scrutiny committees conferred by the Local Government Act 2000, it is expected that members of the Executive and officers will cooperate with the Scrutiny Panels. To this extent, the provisions of paragraph 17.2 above shall apply (with the necessary modifications) to the meetings of the Scrutiny Panels.

18.5 The Overview and Scrutiny Committee will have the power at any time for any reason to require a particular scrutiny review or piece of work being carried out by one of the Scrutiny Panels to be referred back to the Committee.

19. PRIVATE MATTERS

Where reports, documents or advice have been dealt with by the Cabinet or a Committee in private pursuant to Section 100 (I) 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 the Overview and Scrutiny Committee or the Overview and Scrutiny Panel considering the same.

STANDARDS COMMITTEE

Terms of Reference

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of its Code of Conduct.
4. To monitor the operation and effectiveness of the Members' Code of Conduct.
5. To advise, train or arrange to train members and co-opted members on matters relating to the Members' Code of Conduct and other issues relating to standards and conduct
6. To assess and review complaints alleging breaches of the Code of Conduct by members and co-opted members.
7. To conduct determinations' hearings of complaints alleging breaches of the Code of Conduct.
8. To grant dispensations to members and co-opted members with prejudicial interests.
9. To exercise the same functions as described in 1-8 above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
10. To advise the Council on the adoption or revision of all protocols and/or guidance, insofar as these relate to Standards or ethical conduct issues.
11. To consider any matter referred to it by Standards for England or the Monitoring Officer.
12. To provide an overview of the Council's policies with regard to standards of conduct and ethics and associated costs.
13. To determine applications for exemptions for politically restricted posts.
14. To exercise such other responsibilities as may be prescribed by law.
15. To undertake any action that improves, promotes, safeguards or facilitates the highest standard, of probity and ethical conduct by the Council its members and staff and those with whom it has, or who seek a contractual, financial or other relationship and to advise the Council on the ethical aspects of good governance standards for public service.

16. To establish sub-committees under relevant regulations in force for the discharge of functions prescribed by law and to determine, or make arrangements for determining the composition, membership and terms of reference of such sub-committees.
17. To monitor the registers of Members' interests as required by the statutory code of conduct, and to monitor the interests of any members of staff who, in accordance with any requirements upon them, are required to declare such interests to the Council.
18. To discharge as a full committee or a sub-committee the functions prescribed in relation to grants and supervision of exemptions from political restriction.
19. Responding to national reviews and consultations on governance related issues, in so far as they affect standards or ethical conduct issues.

Article [] - The General Purposes Committee

- 1 The Council will establish a General Purposes Committee:
 - 1.1 **Membership:** The General Purposes Committee will be composed of nine Councillors.
 - 1.2 **Role and Terms of Reference:**
 - 1.2.1 To consider proposals, to make, amend, revoke or re- enact by-laws, to promote or oppose hybrid or personal legislation and to make recommendations to Council and to advise the Council in relation to the making of byelaws in so far as these are not appropriate for consideration by another Committee or body
 - 1.2.2 To approve personnel, employment and training policies and strategies.
 - 1.2.3 To monitor Health and Safety matters in the context of the Council as an employer.
 - 1.2.4 To consider electoral matters not including those subject to Boundary Commission review.
 - 1.2.5 To consider any matter referred to the Committee by Council or by the Council Executive.
 - 1.2.6 To make recommendations to the Council for the adoption or revision of a scheme of allowances for Members.
 - 1.2.7 To exercise the powers relating to the protection of important hedgerows and the preservation of trees set out in the Town and Country Planning Act 1990 and associated regulations and any relevant legislation and to exercise the function of considering objections to tree preservation orders and deciding whether or not to confirm such actions (with or without modification) where any such objections have been made and not withdrawn.
 - 1.2.8 To exercise those functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the "Functions Regulations") or other relevant legislative provision, are not to be the responsibility of a local authority's executive; and which have not been made the responsibility of any other Committee of the Council and are not functions that only the full Council can exercise (whether by law or under any provision of the Constitution or because of a specific direction or election by Council to that effect).
 - 1.2.9 To exercise all other functions referred to in Schedule 2 of the Functions Regulations (ie. "local choice" functions) not specifically allocated.

Article 9 – The Audit Committee

9. The Council will establish an Audit Committee:

9.1 Membership: The Audit Committee will be composed of:

Seven Councillors, 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 Council's Improvement Plan;
- 9.2.10 consider key performance management reports and monitor the effectiveness of performance against the Best Value Performance Plan and key outcomes in the Council's Improvement Plan;
- 9.2.11 promote relevant value for money studies following particular themes or service areas as appropriate; and

9.2.12 approve the Annual Statement of Accounts for submission to the External Auditor and for public consultation and to subsequently approve their adoption.

9.3 Rules of Procedure

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



NORTHAMPTON
BOROUGH COUNCIL

Northampton Borough Council Scheme to Respond to Petitions

Introduction

The council welcomes petitions and recognises that they are one way in which people can let the Council know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt.

This acknowledgement will set out what the Council plans to do with the petition. Subject to the exclusions set out at paragraph 1.3 the Council will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.

Paper petitions can be sent to:

Democratic Services
Northampton Borough Council
St Giles Square
Northampton
NN1 1DE

Or petitions can be created, signed and submitted online by following this link **[This link will be live from December 2010]**.

Petitions can also be presented to a meeting of the Council. These meetings take place on an approximately 6 weekly basis, Dates and times can be found here ww.Northampton.gov.uk

If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact **Democratic Services** on 01604 873101 at least 10 working days before the agenda needs to be published for the meeting and they will talk you through the process. If your petition has received 2000 signatures or more it will also be scheduled for a Council debate and we will let you know when this will take place.

1.1 **What is a petition?**

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Northampton, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities at one of our visitor attractions.

1.2 **What should a petition contain?**

A petition should include –

1.2.1 A clear statement of your concerns and what you want the authority to do. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [www.northampton.gov.uk]

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

1.2.2 The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an email address.

1.2.3 The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this must include an actual signature from each petitioner and their name and address. Where the petition is in electronic form, a list of the names of the petitioners together with a valid email address is required. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see below).

1.3 **What is excluded from this scheme?**

- Petitions in response to a Council consultation on a specific matter. Such petitions should be returned to the person at the address set out in that particular consultation document
- Petitions relating to vexatious, abusive or otherwise inappropriate matters (inappropriate may include matters which are subject to ongoing legal proceedings or those that target individual members of a community)
- Petitions made under other legislation, for example seeking a referendum on an elected Mayor
- Any matter relating to a planning decision including about a development plan document or the community infrastructure levy
- Any matter relating to an alcohol, gambling or sex establishment licensing decision
- Any matter relating to an individual or entity where a right of review or appeal is given by other legislation, such as Council Tax banding
- A petition which raise issues of possible Councillor misconduct. These will be taken as complaints arising under the Local Government Act 2000 and will be reported where appropriate to the Standards Assessments Sub-Committee

- A petition that raises issues of officer competence or misconduct. This will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the Council's Disciplinary Procedures
- Duplicate Petitions - where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting
- Repeat Petitions - a petition will not normally be considered if it is received within 6 months of another petition being considered by the authority on the same matter.

1.4 Who should you send a petition to?

- 1.4.1 The Democratic Services Manager has responsibility for receiving, managing and reporting all petitions sent to the authority. Please refer to the address set out in the Introduction
- 1.4.2 The Democratic Services Manager will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website (<http://Northampton.petitions>) and that the website is regularly up-dated with information on the progress of your petition. The Democratic Services Manager can also provide you with advice about how to petition the authority or the progress of your petition.

1.5 Types of Petition

There are four different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

1.5.1 Ordinary Petitions

These are petitions with signatories or petitioners that number between 10 and 2,000 of the population and which do not fall within any of the following specific types.

1.5.2 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly elected Mayor. Where you submit a petition under such a specific statute, it will be reported to the next available meeting of the Council in accordance with those statutory requirements.

1.5.3 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 2000 signatories or petitioners (1% of the population). In the spirit of promoting participation in the democratic process, the Council will vary the threshold for considering petitions at Full Council on localised issues (where it can be expected to be of interest or concern to less than 1% of the population). For example,

where it receives a petition about anti-social behaviour in a particular street. The threshold for such localised issues, affecting a single ward, will be 250 signatories or petitioners.

1.5.4 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of the Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 1000 signatories or petitioners (0.5% of the population). As in 1.5.3 the Council will vary the threshold for considering petitions to hold an officer to account on localised issues, affecting a single ward, to 250 signatories or petitioners. Such petitions can only call the Chief Executive, a Director or a Head of Service of the authority to attend a meeting of Overview & Scrutiny.

1.6 **E-petitions**

1.6.1 The Council welcomes e-petitions which are created and submitted through our website [this link will be live from December 2010].

1.6.2 The petition organiser will need to provide us with their name, postal address and email address. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for six months, but they can choose a shorter or longer timeframe, up to a maximum of 12 months.

1.6.3 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

1.6.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Section. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services Section on the telephone number detailed above within 10 working days of receipt of the acknowledgement.

1.6.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

1.7 **What happens when a petition is received?**

Whenever a petition is received –

1.7.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the

Council plans to do with the petition and when they can expect to hear from the Council again. It will also be published on the Council's website.

- 1.7.2 In the first instance, the Democratic Services Manager will endeavour to resolve the petitioners' request directly, by asking the relevant Cabinet Member or officer to take appropriate action. For example where the petition relates to fly tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider that the matter is resolved.
- 1.7.3 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member they may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.
- 1.7.4 If the matter can not be resolved in this manner, the Democratic Services Manager will confirm to whom the petition will be reported for consideration. This will include details of when and where that will take place and invite the petition organiser to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.
- 1.7.5 Whilst the Council is committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before the publication of an agenda for a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Democratic Services Manager to decide that the petition will be held over until the following meeting of the relevant body.
- 1.7.6 At the same time as notifying the petition organiser, the Democratic Services Manager will notify the Ward Councillors of the receipt of the petition.
- 1.7.7 At each stage of the consideration of the petition, within 5 working days of any decision, the Democratic Services Manager will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.
- 1.7.8 The process after this stage differs for the various types of petitions – see below.

1.8 **What happens to Petitions for Debate?**

- 1.8.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.
- 1.8.2 As set out below, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition. The petition

organiser may nominate another person to address the meeting and to answer any questions on the matter.

1.9 What happens to a Petition to Hold an Officer to Account?

1.9.1 Petitions to hold an officer to account will be reported to the next convenient meeting of the Overview and Scrutiny Committee.

1.9.2 In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions, which they would like put to the officer at the meeting. These questions will be provided to the Chair of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chair will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chair may invite the petition organiser to suggest questions for them to put to the officer.

1.9.3 After the relevant person has appeared before the Overview and Scrutiny Committee, the Committee must make a report or recommendations to Council (under its existing powers) and send a copy of that report or recommendations to the petitions organiser. If appropriate the report should also be published on the authority's website.

1.10 What happens to an Ordinary Petition?

1.10.1 The Democratic Services Manager will arrange for each Ordinary petition to be reported to the appropriate Cabinet Member, or the next convenient meeting of Cabinet, Council or Committee or Sub-Committee of the Council which has the power to take a decision on the matter.

1.11 What happens at the meeting when the matter to which the petition relates is considered –

1.11.1 Petitions, which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be deferred until the next meeting.¹ In respect of petitions made to Cabinet they may be deferred to the Portfolio Holder for consideration if time does not allow for discussion at Cabinet.

1.11.2 The decision-taker or the Chair of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. The petition organiser may be questioned by the members of the meeting. The

¹ Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit on the time allowed for debating petitions, but it is included here to ensure that the authority can continue to discharge its other functions effectively.

decision taker or the chair may then invite relevant ward councillors to address the meeting on the matter for up to 3 minutes each. Relevant officers will then be invited to advise the meeting after which the matter will be open to debate among members of the meeting. Where the matter is to be determined by a Cabinet Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council, Cabinet or a Committee of the Council for determination.

- 1.11.3 Within 5 working days of the consideration of the petition by the relevant decision-taker or relevant meeting, the Democratic Services Manager will notify the petition organiser of the decision and advise them that if they are not satisfied with that decision, they may request that the matter be reported to the next convenient meeting of the Overview and Scrutiny Committee for review.
- 1.11.4 At each stage, the Democratic Services Manager will enter the relevant information on the website at the same time as it is sent to the petition organiser.

1.12 Appeal to the Overview and Scrutiny Committee

- 1.12.1 If the petition organiser is not satisfied with the outcome of the authority's consideration of their petition, they may appeal to the Overview and Scrutiny Committee by notifying the Democratic Services Manager of their intention to appeal within 20 working days of being notified of the Council's decision on the petition.
- 1.12.2 Within 5 working days of receipt of intention to appeal, the Democratic Services Manager will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 3 minutes on why they considers that the Council's decision on the petition is inadequate.
- 1.12.3 At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why they consider that the response was insufficient. The Overview and Scrutiny Committee may not over-ride the decision, but the relevant decision-maker must consider any recommendations made by the Overview and Scrutiny Committee.



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

20 May 2010

Agenda Status: Public

Directorate: Chief Executive

Report Title	Committee Proportionality
---------------------	----------------------------------

1. Summary

This report seeks Council's approval of the number and Group proportionality of seats on each Committee following the Constitutional changes agreed by Council earlier in the meeting.

2. Recommendations

1. That Council approves the number of seats on each Committee as set in the report.
2. That the representation of the political groups be as set out in this report.

3. Report Background

3.1 The Local Government and Housing Act 1989 and its associated regulations, requires the Council, at its annual meeting, or as soon as practicable afterwards, to review the representation of political groups and determine the allocation of seats (ie proportionality). The rights of the various political groups are specified in relevant regulations. Council last did this on 26 October 2009 in order to reflect the creation of the Independent Group.

3.2 In anticipation of the changes to the Council's Constitution discussed elsewhere on this agenda the leader of the majority group and the leaders of the three other political groups have considered the new situation and an agreed proposal is set out below.

3.3 The following principles need to be applied in allocating Committee places:

3.3.1 that not all seats on any Committee or Sub- Committee are allocated to the same political group;

3.3.2 that the majority of the seats on all Committees and Sub- Committees are allocated to the political group that has a majority of the Council's membership;

3.3.3 that subject to 3.3.1 and 3.3.2 above the number of seats for all main Committees which are allocated to each political group bears the same proportion to the total of all the seats on the main Committees as is borne by the number of members of that group to the membership of the Council; and

3.3.4 subject to 3.3.3 the numbers of seats on the individual Committees and Sub Committees allocated to each political group bears the same proportion to the number of seats of that Committee as is borne by the number of members of that group to their membership of the Council.

3.4 Currently there are 88 allocated Committee places divided as 46 Liberal Democrat, 27 Conservative, 9 Labour and 6 Independent. In order to reflect the new Overview and Scrutiny arrangements and delegating Tree Preservation Order matters to General Purposes Committee it is proposed that there would be 62 Committee places allocated as 33 Liberal Democrat, 18 Conservative, 7 Labour and 4 Independent.

3.5 The allocation of seats between the Committees is as follows:

Committee	Liberal Democrat	Conservative	Labour	Independent	Total
Audit	4	2	1	1	8
O&S	8	4	2	1	15
Planning	6	4	1	1	12
Licensing	6	4	1	0	11
Appoints & Appeals	4	2	1	0	7
GP	5	2	1	1	9
	33	18	7	4	62

4. Implications (including financial implications)

4.1 Resources and Risk

None specifically arising from this report.

4.2 Legal

The Council has legal obligations under the Local Government and Housing Act 1989 and its associated regulations, to review the representation of political groups and determine the allocation of seats.

4.3 Other Implications
None specifically

5. Background Papers
None

Report Author and Title: F. McGown- Democratic Services Manager
Telephone and Email: 837101- fmcgown@northampton.gov.uk



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

20 May 2010

Agenda Status: Public

Directorate: Chief Executive

Report Title	Meetings Cycle 2010/11
---------------------	-------------------------------

1. Summary

This report sets out the Meetings Cycle for 2010/11 for Council to approve.

2. Recommendations

That the Meetings Cycle for 2010/11 be agreed.

3. Report Background

The Meetings Cycle for 2010/11 is attached. The cycle reflects the Constitutional changes agreed by Council earlier in the meeting so that:

- The new Overview and Scrutiny arrangements are accounted for;
- The delegation to Audit Committee to deal with the final accounts is reflected; and
- The new Neighbourhood Management arrangements are not included so as to allow local agreement of dates and venues.

Otherwise, the cycle follows established practice.

Councillors, Directors and Heads of Service have been consulted and any comments made taken account of.

4. Implications (including financial implications)

4.1 Resources and Risk

There are no particular resource implications although the alteration to the final accounts process may lead to a marginal saving.

4.2 Legal

None specifically.

4.3 Other Implications

None

5. Background Papers

None.

Report Author and Title: F. McGown: Democratic Services Manager

Telephone and Email: 837101 fmcgown@northampton.gov.uk

MEETING CYCLE 2010/11

	June	July	August	September	October	November	December	January
Monday						1		
Tuesday	1 PLANNING					2 GP		
Wednesday	2			1		3 CABINET	1	
Thursday	3	1		2		4 SP-E PEN	2	
Friday	4	2		3	1	5	3	
Saturday	5 //	3 //		4 //	2 //	6 //	4 //	1 New Year's Day
Sunday	6 //	4 //	1 //	5 //	3 //	7 //	5 //	2 //
Monday	7 O&S	5	2	6 STANDARDS	4 SP-H	8 AUDIT	6 COUNCIL Pre CL 14:00	3 New Year's Day Bank Holiday
Tuesday	8 GP	6 LICENSING	3	7 GP	5	9 DIS	7 LICENSING	4 DIS
Wednesday	9 CABINET	7 SP-RP	4	8 LGB	6 DIS	10	8 SP-RP LGB	5
Thursday	10 PEN	8	5	9	7	11	9 MD	6
Friday	11	9	6	10	8	12	10	7
Saturday	12 //	10 //	7 //	11 //	9 //	13 //	11 //	8 //
Sunday	13 //	11 //	8 //	12 //	10 //	14 //	12 //	9 //
Monday	14 STANDARDS	12 COUNCIL Pre CL 14:00	9	13 COUNCIL Pre CL 14:00	11	15 O&S	13 STANDARDS	10 AUDIT
Tuesday	15	13	10	14 LICENSING	12	16 PLANNING	14 PLANNING SSNB	11 PLANNING
Wednesday	16 LGB SSNB	14	11	15	13 CABINET	17	15 CABINET	12
Thursday	17	15 DCEF	12	16 PEN	14	18	16 SP-E PEN	13
Friday	18	16	13	17	15	19	17	14
Saturday	19 //	17 //	14 //	18 //	16 //	20 //	18 //	15 //
Sunday	20 //	18 //	15 //	19 //	17 //	21 //	19 //	16 //
Monday	21 SP-H	19	16	20 O&S	18	22 MD	20	17 COUNCIL Pre CL 14:00
Tuesday	22	20 GP	17	21 PLANNING	19 PLANNING	23	21	18 LICENSING
Wednesday	23 DIS	21	18 SSNB	22 CABINET	20 SP-RP SSNB	24 CABINET	22	19 CABINET
Thursday	24	22 SP-E	19	23 MD	21	25 DCEF	23	20 DCEF
Friday	25	23	20	24	22	26	24	21
Saturday	26 //	24 //	21 //	25 //	23 //	27 //	25 Christmas Day	22 //
Sunday	27 //	25 //	22 //	26 //	24 //	28 //	26 Boxing Day	23 //
Monday	28 AUDIT	26 AUDIT	23	27 AUDIT ø	25 COUNCIL Pre CL 14:00	29 SP-H	27 Christmas Bank Holiday	24 O&S
Tuesday	29 PLANNING	27 PLANNING	24 PLANNING	28	26 LICENSING	30	28 Christmas Bank Holiday	25
Wednesday	30 CABINET	28 CABINET	25 MD	29	27 LGB		29	26
Thursday		29	26	30 DCEF	28		30	27
Friday		30	27		29		31	28
Saturday		31 //	28 //		30 //			29 //
Sunday			29 //		31 //			30 //
Monday			30 Late Summer Holiday					31
Tuesday			31					

MEETING CYCLE 2010/11

February	March	April	May	June	July	August	
							Monday
1 GP	1 LICENSING						Tuesday
2	2 CABINET			1			Wednesday
3	3 SP-E			2			Thursday
4	4	1		3	1		Friday
5 //////////////	5 //////////////	2 //////////////		4 //////////////	2 //////////////		Saturday
6 //////////////	6 //////////////	3 //////////////	1 //////////////	5 //////////////	3 //////////////		Sunday
7 SP-H	7 STANDARDS	4	2 May Day	6 O&S	4	1	Monday
8 PLANNING	8 PLANNING	5 PLANNING	3	7 GP	5	2	Tuesday
9 CABINET	9	6	4	8	6 CABINET	3	Wednesday
10 PEN	10	7	5 ELECTIONS	9 PEN	7	4	Thursday
11	11	8	6	10	8	5	Friday
12 //////////////	12 //////////////	9 //////////////	7 //////////////	11 //////////////	9 //////////////	6 //////////////	Saturday
13 //////////////	13 //////////////	10 //////////////	8 //////////////	12 //////////////	10 //////////////	7 //////////////	Sunday
14	14 COUNCIL Pre CL 14:00	11	9	13 STANDARDS	11 COUNCIL Pre CL 14:00	8	Monday
15	15 GP	12	10	14	12	9	Tuesday
16 LGB SP-RP	16	13 CABINET	11	15	13 SP-RP	10	Wednesday
17	17 DCEF	14	12	16 CABINET	14 DCEF	11	Thursday
18	18	15	13	17	15	12	Friday
19 //////////////	19 //////////////	16 //////////////	14 //////////////	18 //////////////	16 //////////////	13 //////////////	Saturday
20 //////////////	20 //////////////	17 //////////////	15 //////////////	19 //////////////	17 //////////////	14 //////////////	Sunday
21	21 AUDIT	18	16	20 SP-H	18	15	Monday
22 DIS	22	19	17	21 PLANNING	19 PLANNING	16	Tuesday
23 CABINET +	23 CABINET	20	18	22 DIS	20	17	Wednesday
24	24	21	19 ANNUAL COUNCIL	23	21 SP-E	18	Thursday
22	22	22 Good Friday	20	24	23	19	Friday
26 //////////////	26 //////////////	23 //////////////	21 //////////////	25 //////////////	23 //////////////	20 //////////////	Saturday
27 //////////////	27 //////////////	24 Easter Day	22 //////////////	26 //////////////	24 //////////////	21 //////////////	Sunday
28 COUNCIL +	28 O&S	25 Easter Monday	23	27 AUDIT ø	25	22	Monday
	29	26	24	28 LICENSING	26 GP	23 PLANNING	Tuesday
	30	27	25 CABINET	29	27 CABINET	24	Wednesday
	31	28	26	30	28	25	Thursday
		29	27		29	26	Friday
		30 //////////////	28 //////////////		30 //////////////	27 //////////////	Saturday
			29 //////////////		31 //////////////	28 //////////////	Sunday
			30 Spring Bank Holiday			29 August Bank Holiday	Monday
			31 PLANNING			30	Tuesday
						31	Wednesday

- * Council Tax Setting
- + Budget/Council
- ø Annual Statement of Accounts
- \$ Final Statement of Accounts

Council 18:30
 Planning 18:00
 Licensing Committee 18:00
 Cabinet 18:00
 Standards 17:00
 Audit 18:00

- SP-H – Scrutiny Panel – Housing 18:00
- SP-RP – Scrutiny Panel – Regeneration & Planning 18:00
- SP-E – Scrutiny Panel – Environment 18:00
- OS – Overview & Scrutiny: Committee 18:00
- NP – Neighbourhood Partnerships all at 19:00
 – (except NP13 at 19:30)
- GP – General Purposes 18:00
- LSP – Local Strategic Partnership
- SSNB – Safer Stronger Northampton Board 14:00
- PEN – Pensioners' Forum 14:00
- LGB – Lesbian, Gay & Bisexual People's Forum 18:30
- DIS – Disabled Forum 17:30
- DCEF – Diverse Communities Equalities Forum 18:30
- MD – Members' Development 17:30

NB
YF – Youth Forum
 Dates to be based around the School Timetable



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

20 May 2010

Agenda Status: Public

Directorate: Chief Executive

Report Title	Appointments to Committees
---------------------	-----------------------------------

1. Summary

To seek approval to the detailed appointments to Committees for 2010/11.

2. Recommendations

2.1 That the appointments to Committees set out in the report be accepted.

3. Report Background

Following on from the earlier report to this meeting on Proportionality (item 10), set out below are the proposed appointments to Committees made by the political groups.

Overview & Scrutiny Committee (15 members)

Councillor Malpas (Chair), Councillor Yates (Deputy Chair), Councillors I. Choudary, Clarke, Flavell, Garlick, Glynane, Hollis, J. Lill, I. Markham, Mason, Matthews, Meredith Reeve and P.M. Varnsvery

Appointments and Appeals Committee (7 members)

Councillor B. Hoare (Chair), Councillor P. D. Varnsvery (Deputy-Chair), Councillors Beardsworth, Crake, Davies, Larratt and Palethorpe

Audit Committee (8 members)

Councillor Woods (Chair), Councillor Collins (Deputy-Chair), Councillors Davies, Hawkins, J Lill, Palethorpe, Wilson and Yates

**General Purposes Committee
(9 members)**

Councillor Garlick (Chair), Councillor Woods (Deputy-Chair), Councillors I. Choudary, J. Conroy, Duncan, Edwards, Glynane, Mildren and Simpson

**Licensing Committee
(11 members)**

Councillor Wilson (Chair), Councillor I Markham (Deputy-Chair), Caswell, S. Chaudhury, I Choudary, R Conroy, Duncan, C Lill, Reeve, P M Varnsvery and Woods

**Planning Committee
(12 members)**

Councillor Collins (Chair), Councillor Meredith (Deputy-Chair), Councillors Church, J Conroy, Davies, Golby, Hawkins, Hill, Lane, Malpas, Matthews, and Woods

**Standards Committee
(9 members)**

Mr Ian Harley (Independent Chair), D Hughes, M Edwards (Parish Council representatives), Mr T Morris, Mrs G Moss (Independent), Councillors Flavell, Hollis, Matthews and Scott

4. Implications (including financial implications)

4.1 Resources and Risk

None specifically.

4.2 Legal

The Council has a legal requirement to formally appoint members to Committees to enable it to operate lawfully.

4.3 Other Implications

None.

5. Background Papers

None.

Report Author and Title: F. McGown, Democratic Services Manager

Telephone and Email: 837101- fmcgown@northampton.gov.uk



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

20 May 2010

Agenda Status: Public

Directorate: Chief Executive

Report Title	Appointments to Outside Bodies
---------------------	---------------------------------------

1. Summary

Council on 23 July 2007 made the attached appointments for the four-year term of the Council. This report updates the list agreed on that occasion and at subsequent Annual Council meetings.

2. Recommendations

That the Appointments to Outside Bodies be confirmed as set out in Appendix A .

3. Report Background

- 3.1 The Council has a number of Councillor representatives on various outside bodies. The nominations to those bodies for the current four-year term of the Council as amended are appended to the report.
- 3.2 It is important for Councillors who represent the Council on these outside bodies to be formally authorised as representatives owing to insurance liability issues. The Council's current insurance provides contingent cover for Councillors representing the Council on these outside bodies; however, the primary line of cover should be from the outside body itself.

4. Implications (including financial implications)

4.1 Resources and Risk

N/A

4.2 Legal

N/A

4.3 Other Implications

N/A

5. Background Papers

Council Nominations to Outside Bodies 23 July 2007.

Report Author and Title: F McGown, Democratic Services Manager

Telephone and Email: 837101- fmcgown@northampton.gov.uk

COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**2010/2011**

NAME OF BODY {Number of representatives required in brackets}	REPRESENTATIVES	Representative/Trustee/Director	Term
Abbey Centre User's Association [2]	Kevin Reeve Judith Lill		
Northamptonshire Rights and Equality Council [1]	Paul Varnsvery	Member	Life of Council
Citizens Advice Bureau Management Committee [2]	David Garlick Penny Flavell	Committee Member	Annual
Northampton Theatres Trust [3]	David Perkins Tony Woods Tim Hadland	Member	Life of Council
Northampton Town Football Supporters Trust [1]	David Garlick	Member	3 years
Council for the Museum of Leather craft [3]	Pam Varnsvery Penny Flavell Ifty Choudary	Member	Life of Council
East Midlands Museums Service [2]	Paul Varnsvery	Representative	Annual
Northamptonshire Councils Association [3]	Brian Hoare David Palethorpe Keith Davies		
Northampton Twinning Association [2]	I. Markham Phil Larratt	Member	Life of Council
Community Law Service [2]	Jenny Conroy Kevin Reeve	Member	Life of Council
Northamptonshire Rape and Incest Crisis Centre [2]	Jane Hollis Joy Capstick	Trustee	1 year
Adult & Social Care & Healthier Communities	David Garlick	Member	Life of Council

Item 9

Scrutiny Committee [1]			
Wildlife Trust for Beds, Cambs, Northants and Peterborough [1]	John Yates	Member	Life of Council
78 Derngate Trust [1]	Trini Crake	Trustee	Life of Council
Town Centre Partnership Board [5]	Brian Hoare Colin Lill Ifty Choudary Richard Church	Representative	Two years
Northamptonshire Enterprise Limited	Brian Hoare	Observer	
West Northants Joint Strategic Planning Committee [4]	Richard Church Tony Woods Brian Markham Brian Hoare Scott Collins (Sub) Sally Beardsworth (Sub) Jenny Conroy (Sub) Dennis Meredith (Sub)	Representative	Three years
WNDC Northampton Planning Committee [3]	Dennis Meredith Penny Flavell ???? Brian Markham (Sub) Don Edwards (Sub)	Nominations by NBC	Until removed by NBC or WNDC Board
Northamptonshire Waste Management Partnership [2]	Trini Crake B. Hoare	Representative	Life of Council
Northampton Safer Stronger Partnership Board [2]	Brian Hoare Paul Varnserry	Representative	Life of Council
LGA General Assembly	B. Hoare	Leader of the Council	
LGA Urban Commission	Richard Church Scott Collins (Sub)		
Northampton Festival Limited	Paul Varnserry	Director	Life of Council
Northamptonshire Overview & Scrutiny Board [2]	John Yates Jamie Lane	Member	Life of Council

East Midlands Councils	B. Hoare	Leader of the Council	
East Midlands Councils: Internal Governance Board	D. Perkins	Nomination	
East Midlands Councils: European and International Board	-	Nomination	
East Midlands Councils: Strategic Migration Board	-	Nomination	
East Midlands Councils: Regional Employers Board	-	Nomination	
East Midlands Councils: Improvement and Efficiency Partnership	D. Perkins	Elected Board Member	
Public Service Board	Leader of the Council	Ex Officio	Term of Office
Local Strategic Partnership	Leader of the Council	Ex Officio	Term of Office

APPOINTMENTS TO CHARITIES

2010/2011

NAME OF BODY {Number of representatives required in brackets}	Trustees
Charity of Hervey & Elizabeth Ekins {1}	Margaret Greenwell
Coles & Rice Charity {1}	Peter Newham
Dallington Raynsford Almhouses Charity {3}	Marjorie Cook Jane Humphrey Mary Christine Musson
Kingsthorpe Manor & Town Charity {2}	Cllr Beardsworth Cllr Hollis
Northampton Municipal Church Charity {3}	Jonathon Church Jean Lineker Tony Sanderson
Northampton Municipal General Charities {10}	Hilary Blackman

Item 9

	Joan Buteel Mary Clarke Michael O’Leary Ruth Williams Rev D Wiseman Cllr J Conroy Cllr Golby Cllr Simpson Cllr Woods
Blue Coat Educational Charity	The Mayor
St John’s Home Trust	The Mayor
Edmund Arnolds Charity	Mr Peter White
Arnolds Educational Foundation	Mr Peter White