

Constitutional Working Party Recommendations in relation to other possible constitutional amendments as part of the Motion from Council referred to Cabinet on 7th January 2008

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| <p>6. Other possible constitutional amendments that the Monitoring Officer, Overview and Scrutiny or the Constitutional Working Party consider worthy of consideration.</p> | <p>1. <u>Motions – Council Procedure Rules</u> The working Party had a discussion of the Council Procedure Rules for Motions and the following was agreed:</p> <p>(A) That the submission deadline for amendments to motions be increased by 2 and half working days. If Council meetings are scheduled for Monday, amendments should be submitted to the Monitoring Officer by 12noon on the Thursday before the meeting. Monitoring Officer to circulate electronically the valid amendments to Political Group Leader’s and Political Assistants by 12noon the following day (Friday).</p> <p>(B) The speaking time for all Councillors be reduced to 5 minutes for Movers and 3 minutes for Seconders and all other Councillor speakers.</p> <p>(C) Clause 6.7 of the Constitution –</p> <ul style="list-style-type: none"> ▪ To give Mayor the discretion to amend a motion on factual or grammatical basis, which did not have an impact on the meaning of the motion. ▪ The full clause would no longer be applicable with recommendation 1 above. ▪ <u>6.7 Clause should be moved to Clause 3.4. (not pursued)</u> <p>(D) <u>Right to Reply –</u></p> <ul style="list-style-type: none"> □ No debate should take place at the time an Amendment is put forward. The Amendment should be voted upon. If the amendment is accepted it would become the substantive Motion and the debate should take place on the substantive Motion. If the Amendment is lost the debate should take place on the Original Motion. The speeches allowed under Amendments would be restricted to the Mover (5minutes) and Secunder (3 minutes) and a right to reply to the Mover of the original motion. □ The Secunder should have a right to speak on a substantive Motion. (amended) <p>(E)(D) Clause 6.11 of the Constitution ‘Closure of Motion’ –</p> <ul style="list-style-type: none"> ▪ A Member who has already spoken on the Motion should not have a right to request closure of the Motion. ▪ Discretion should be given to the Mayor to reject a closure of Motion, if deemed that an adequate debate had not taken place. |
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~~(F) Number of Ordinary Motions – Restriction of three Ordinary Motions per meeting is considered. Discretion should be given to the Mayor to allow additional Motions should a need arise. (not pursued)~~

~~(G)(E) Motions would normally be considered in the order they had been received but at the discretion of the Mayor (in conjunction with the Group Whips) this order could be varied.~~

2. Public Speaking at Planning

(A) That the Public Speaking Protocol be varied to allow the Chair discretion to allow the reallocation of speakers' places where a registered speaker fails to attend the Planning Committee meeting.

(B) That the Public Speaking Protocol is varied to extend the particular Ward Councillor's notification of registration to speak, to the start of the meeting.

~~(C) That the Solicitor to the Council give consideration to changing the order of speaking so that those in favour of an application speak before those against. (not pursued)~~

3. Substitution on Licensing and Planning Committees

~~(A) That a scheme substitution for Licensing and Planning Committees be devised on the basis of one named substitute per group per Committee.~~

~~(B) Each substitute member to go through the appropriate training and to attend at least three meetings of that Committee each municipal year as an observer.~~

~~(C) Substitutes attendance as observers at Planning Committee and Licensing Committee to be shown in the attendance (in the Minutes);~~

~~(D)(A) That these substitution rules would need to be rigorously enforced due to the risk of appeal of decisions if substitutes were not seen to be fully competent. (not pursued)~~

34. Opposition Group Business –

(A) To include an Item 'Opposition Group Business' as a standing item on the Agenda for the Opposition Group Business, which could include Opposition motions.

(B) Time limit of 10 minutes is allocated to the item. The meetings would consider business from only one opposition group per meeting based on the political proportionality. Proportionality would apply over the life of the Council and be reviewed after each election including bi-elections. Currently the proportionality equates to one meeting for Labour Group for every three meetings to the Conservatives.

(C) The administration would not be able to submit amendments on any Motion submitted under this item
(exclusion of all other groups)

(D) The item should only apply to ordinary meetings

(E) Members of the Public should be excluded from speaking on this item.

5. Use of Traffic Light System in Council Chamber

The Constitution includes the use of the traffic light system in the Council Chamber from the first Meeting of Council in May 2007 and that the traffic light system would be strictly adhered to.

6. Re-Order Council Agenda

'Matters of Urgency' item be reordered on the Agenda to take place before the item 'Notices of Motion'.

7. Councillors Speaking at Cabinet

Agreed the alterations to the Access to Information Procedural Rules and the Guidelines for Open Government in respect of the Guidelines for Open Government paragraph 4.2.4.3 that Councillors wishing to speak at Cabinet meetings would only need to inform the Chair prior to the start of the meeting.

8. Planning Protocol

Agreed the following alterations to the Appendix to the Planning Protocol. It was agreed that paragraph 1.1 be clarified in so far as the reference to a representative of a Parish Council "in whose area the application falls" and that it be made clear that Ward Councillors would not be required to pre-register their wishing to address the Committee.

9. Tree Preservation Orders (TPOs) – Delegated Powers

Delegations to Officers in relation to Tree Preservation Orders need to be amended so as to allow the emergency in position of TPOs by officers and subsequent report to be made to the Planning Committee where this delegation had been used.

10. Listed Building Consents

To look into the need/possibility for a Delegation to Officers for the granting of emergency listed building consents and subsequent report to the Planning Committee where this delegation has been used.

11. Contract Procedure Rule

Minor amendments were required to the Contract Procedure Rules, which would be submitted to the Working

Party.

1. Constitutional Proceedings

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1910 ... (the ...)

10. Final Political Goals

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11. Conclusion

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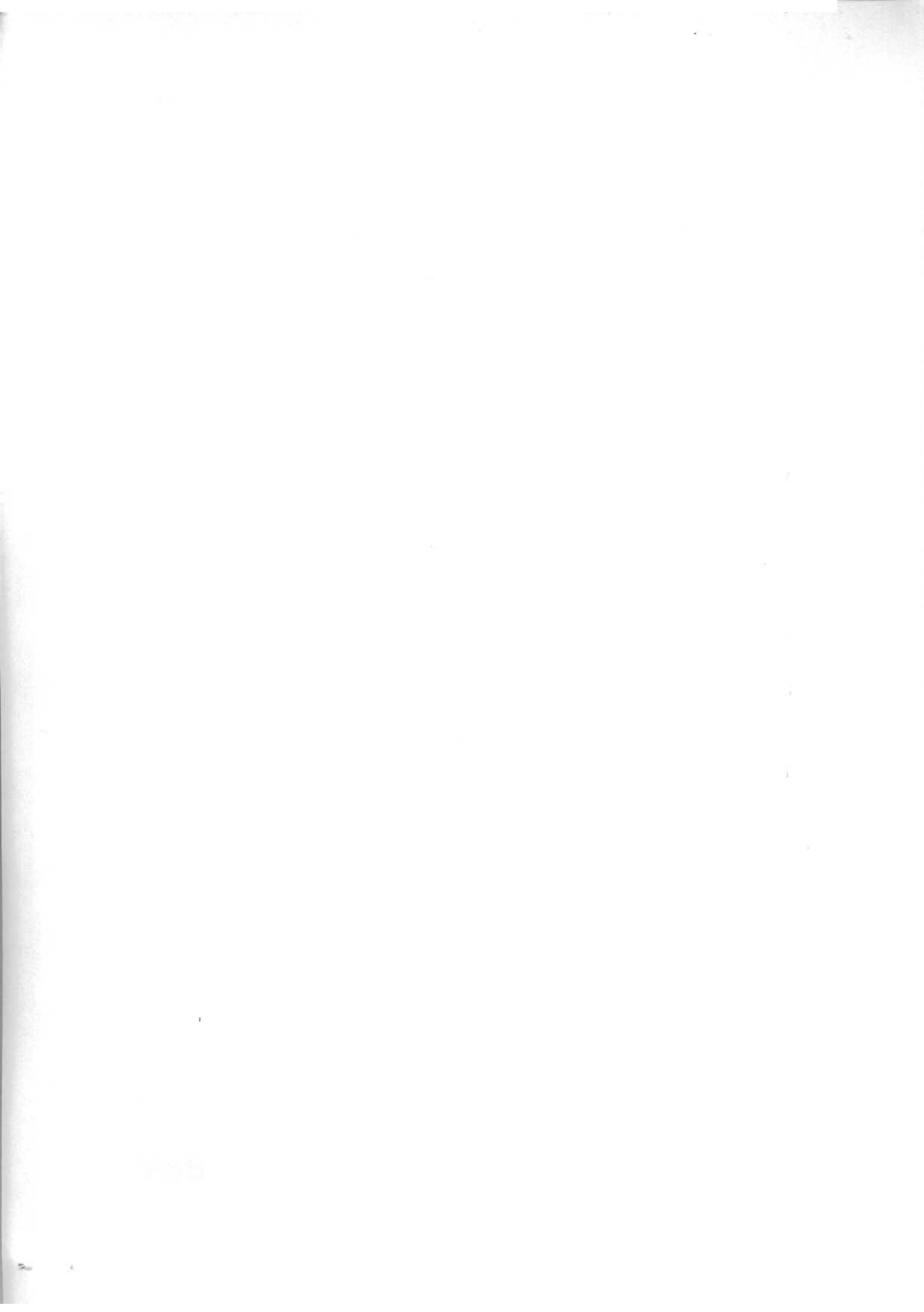
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APPENDIX 3





Part 2

Articles of the Constitution

Articles of the Constitution

PART 2

Race Equality Forum

Objectives

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

(Part 2 Articles of the Constitution)

DIVERSE COMMUNITIES EQUALITY FORUM

OBJECTIVES

1. The Forum seeks to equalise access by people of all ethnic and cultural backgrounds to the services and benefits provided by the Council by:
 - 1.1 providing information about those services and how to access them;
 - 1.2 identifying barriers to access to services which adversely affect groups or individuals of any ethnic, faith or cultural background; and
 - 1.3 promoting two-way dialogue between the Council, its members and senior officers of the Council and representatives of:
 - 1.3.1. ethnic and culturally diverse communities;

- 1.3.2 newly arrived and emerging communities;
- 1.3.3 faith communities.
- 1.4 promoting community cohesion through working in ways which promote and support effective relationships and engagement between the Council and the community.
- 2. To provide a Forum in which:
 - 2.1 The above-mentioned community groups can express their needs for, and their views on, services provided by Northampton Borough Council and its partners through a range of meetings, events and other means.
 - 2.2 the Council can consult representatives of the above-mentioned communities on policy and service delivery issues including in relation to impacts on the above-mentioned communities
 - 2.3 members of the Forum can feed into national and regional consultations
 - 2.4 groups and agencies can exchange information about their own activities and plans
 - 3. For members of the Forum who have internet access, there is the opportunity to keep informed and share information about community events, consultations etc via the group emails.
- 4. The Forum may from time to time
 - 4.1 operate sub-groups or project work groups e.g. to focus on interfaiths work;
 - 4.2 work with other groups including other Forums e.g. to encourage participation in local democracy through supporting work led by Youth Forum in October each year; e.g. to raise awareness of suffering in the past and today in situations of war and discrimination through active involvement with the Holocaust Memorial Working Group.

Part 4

Rules of Procedure

COUNCIL PROCEDURE RULES

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11. Voting on Appointments
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1. BUSINESS PROCEDURE RULES

1.1 Order of Business

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

1.1.1 to choose a person to preside if the Mayor and Deputy Mayor be absent;

1.1.2 to deal with any business required by statute to be done before any other business;

1.1.3 to approve as a correct record and sign the minutes of the last meeting of the Council;

1.1.4 to receive apologies for non-attendance;

1.1.5 Mayor's announcements;

1.1.6 to give directions relating to requests from the public to ask questions of or to address the Council or to present a petition in accordance with the Guidelines for Open Government;

1.1.7 to dispose of business (if any) remaining from the last meeting;

1.1.8 to hear any Cabinet Member Presentations under Rule 5;

1.1.9 to deal with any Opposition Group Business;

1.1.10 other business, if any, specified in the summons; and

1.1.11 to deal with any matter requiring urgent attention which the Mayor with leave of the Council specifically wishes to bring to the attention of the Council.

1.2 Variation of Order of Business

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

1.2.1 at the Mayor's discretion; and

1.2.2 by a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion

1.3 Mayor's Announcements

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

1.4 Guillotine

1.4.1 Interruption of the Meeting

If the business of a Council meeting has not been concluded by 9:10.030 pm, the Mayor will draw the attention of the meeting to the time and to this Rule.

1.4.2 Motions and Recommendations not dealt with

In the case of any motions or recommendations on the agenda that have not been dealt with by 9:3010.00 pm

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

2. MINUTES

2.1 The Mayor shall put the question that the minutes of the previous meeting of the Council be approved as a correct record. No discussion shall take place upon the minutes except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of the Mayor shall sign the minutes.

2.2 Council minutes which would otherwise require to be signed at an Extraordinary meeting may be signed at the next ordinary meeting.

3. MOTIONS

3.1 Notices of Motion

Notice of every motion (other than a motion which under Rules 3.6 or 6.10 may be moved without notice) shall be given in writing, signed by the member or members of the Council giving the notice, and delivered, faxed or e-mailed not later than 5pm eighttwelve working calendar days before the day of the meeting to the office of the Chief Executive. Notices of motion shall be available for inspection at the Chief Executive's Department.

3.2 Motions to be set out in Summons

There shall be set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received (subject to 3.3.3 below), unless the member giving such notice intimated in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

3.3 Order of Motions on Council Agenda

3.3.1 Normally motions will be ordered on the Council summons by the date of receipt by the Chief Executive's office but the Mayor may vary the order following discussion with the Group Whips.

3.34 Motion Not Moved

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

3.4(3.5) Amendments to Motions

Amendments to motions set out in the Council summons will need to be circulated to Group Whips and individual members not in groups at least thirty minutes the latest by 12 noon two working days before the day of the Council meeting before the meeting by the proposer of the amendment. The Mayor will have the discretion to disallow an amendment not complying with this Rule.)

3.5 Scope of Motions

3.5.13.6.2.1 Every motion shall be relevant to some matter in relation to which the Council has powers or duties.

3.5.23.6.2.2 The Monitoring Officer will have the power to disallow a motion if it does not comply with the law or is not within the powers of full Council to consider.

3.6.3 The Mayor will have the discretion to amend a motion in order to correct minor factual or grammatical errors but which will not have an impact on the meaning of the motion.

3.6 Motions and Amendments which may be Moved without Notice

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

3.6.13.4.1 appointment of a Chair of the meeting at which the motion is made;

3.6.23.4.2 motions relating to the accuracy of the minutes;

3.6.33.4.3 that an item of business specified in the summons have precedence;

3.6.43.4.4 reference or reference back to the Cabinet or to a committee;

3.6.43.4.4 reference or reference back to the Cabinet or to a committee;

3.6.53.4.5 appointment of a committee or member thereof occasioned by an item mentioned in the summons to the meeting;

3.6.63.4.6 adoption of minutes and recommendations of the Cabinet, committees and sub-committees and any consequent resolutions;

3.6.73.4.7 that leave be given to withdraw a motion;

3.6.83.4.8 amendments to motions (where notice is not required under this title or where the Mayor's discretion has been exercised under rule 3.5 above);

3.6.93.4.9 that the question be now put;

3.6.103.4.10 that the Council do now adjourn;

3.6.113.4.11 suspending Council Procedure Rules where permissible under Rule 22;

3.6.12 motions under Section 100A of the Local Government Act 1972 as amended to exclude the public;

3.6.123.6.13 that a member named under Rule 8 be not further heard;

3.6.14 giving consent of the Council where the consent of the Council is required by these Council Procedure Rules; and

3.6.15 excepting any item or minute under Rule 6.13 from formal agreement.

4. PUBLIC COMMENTS AND PETITIONS

4.1 Restriction on public comments and petitions

Public comments and petitions shall not be taken at the annual Council meeting or other civic or ceremonial meetings).

4.2 Form and eligibility to make comments or to present a petition

4.2.1 A resident or 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.

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

4.25.2 Scope of Questions

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

4.15.1 Restriction on Question Time

5. MEMBER AND PUBLIC QUESTION TIME

Normally petitions will be taken first and then comments in order of the registration of the speaker, however, the Mayor shall have the discretion to vary the order in favour of people who have either not previously or recently addressed the Council.

4.5 Order of Comments and Petitions

Once a petition has been presented and accepted by the Mayor it will stand referred to the appropriate Cabinet Portfolio Holder or Committee Chair to act upon and respond to the petitioner and Council.

4.4 Reference of a Petition to Cabinet or a Committee

Where an item has substantial public interest and where public representations within rules 4.3.1 and 4.3.2 above are in the opinion of the Mayor insufficient to deal with the matter, the Mayor, with the consent of the Council will be allowed to refer the item to a separate Council meeting.

4.3.3

Each member of the public will have three minutes in total to make comments on any item on the agenda but excluding motions or to present a petition. This provision shall not prejudice the same member of the public from applying to submit a question under these procedural rules or registering to speak to a motion under 'Notices of Motions'.

4.3.2

The time during which public comments and petitions shall be taken will not, ordinarily, exceed thirty minutes except, if in the opinion of the Mayor, the public interest in a matter or matters, merits further time and further speakers being heard.

4.3.1

4.3 Length of Public Comments and Petition Time

No prior notice of the nature of a comment to be made, or a petition to be presented is required save the need to register to speak as set out in the Guidelines for Open Government.

4.2.2

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is repetitious;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- concerns a planning or licensing application;
- raises a grievance for which there are other established processes for resolution; or,
- relates to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as those comments relate to the behaviour or conduct of an individual member or members;
- does not relate to the work of the person to whom the question is addressed.

4.35.3 Form and Eligibility to ask Questions

- 45.3.1** A member may ask questions on any matter in relation to which the Council has powers.
- 45.3.2** A resident or business ratepayer of the borough may ask a maximum of two written questions at each meeting (limited to 50 words) on any matter in relation to which the Council has powers.
- 45.3.3** Each question from the public must provide the name and address of the questioner and name the Cabinet member/committee chair to whom the question should be put.

54.4 Deadlines

- 54.4.1** An application for a question to be considered will be submitted in writing and delivered, faxed or e-mailed to Meeting Services no later than **10.00 am seven calendar five clear working** days before the **day of the** Council meeting.
- 54.4.2** The date and time of receipt of such requests will be recorded in a book kept for that purpose and a copy of the question will immediately be sent to the Mayor and the member to whom it is to be put. Rejected questions will include reasons for rejection.

54.5 Length of Public Question Time

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

45.65 Asking the Question at the Meeting

45.56.1 Copies of all the questions to be dealt with at the meeting, together with written answers, shall be circulated (in a suitable format) at the meeting and copies shall be available for members of the public and the press.

45.65.2 The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

45.76 Supplemental Question

A questioner who has put a question in person may at the discretion of the Mayor also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 45.2 above.

45.87 Form of Answer

An answer will usually be in written form but may be any take the form of:

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

45.98 Written Answers

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

45.910 Reference of Question to the Cabinet or a Committee

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

54.110 **Order of Questions answered**

54.110.1 questions shall be dealt with in the order in which they are received, subject to 45.2 above/below;

54.110.2 questions from Councillors will be considered first, in the order they are received and questions from members of the public will be considered next in the order they are received;

54.110.3 the Mayor will have the discretion to allow questions from members of the public to be considered first and will have the discretion to rearrange the order of presentation of questions to ensure that there is a proper balance between member and public questions.

45.121 **Question Time Guillotine/Length of Question Time**

~~(1) The question time guillotine shall take effect thirty minutes after the commencement of the question time.~~

~~(2) Once the question time guillotine is reached, the Mayor will announce that fact to the meeting upon which the member speaking must immediately sit down, or in the case of a member of the public speaking, the person will immediately cease speaking.~~

~~(3) Any outstanding questions will be responded to in writing and sent to the questioner within seven working days of the Council meeting.~~

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

5.11.2 Once the time limit is reached the Mayor will announce that fact. Any member or member of the public speaking must immediately cease speaking and in the case of a member, sit down.

6. OPPOSITION GROUP BUSINESS

6.1 This Rule applies where there is a majority amongst members of the Council.

6.2 A Minority Group or Individual Member if not part of a group may require, by notice in writing, signed or on behalf of the Leader of the Minority Group or Individual Member, given to the Monitoring Officer not later than the latest time for receipt of notices of Motion for that meeting that any one item of business to be placed on the agenda for any ordinary meeting of the Council to be treated as Opposition Group Business (for the avoidance of doubt a maximum of one item shall be allowed under this head).

6.3 Opposition Group Business shall not be taken at the annual Council meeting nor at civic or ceremonial meetings nor at a meeting called to deal with specific items of business

67. RULES OF DEBATE

set).

56.5 This Rule 5 shall not apply to the Annual Council meeting, nor to Council meetings called to deal with special items of business (including the meeting when the Council Tax is

56.4 In order to keep to the half-hour/forty-five minutes limit and/or maintain fairness between members the Mayor may limit the number of questions (or further questions) to be asked, either in total or by any one member, or to any one Cabinet Member.

56.3 Upon completion of the presentation members may ask questions relating to it. Subject to Rule 5.4 below there is no limit on the number of questions members may ask and there is no requirement for prior notice for questions.

56.2 Such presentations may be presented either in writing or verbally or a combination of the two but in any event the verbal presentation should not exceed three minutes in duration. If a written presentation is made it should be circulated to all Councillors before the start of the meeting, and it should be kept concise.

56.1 A period of up to forty-five minutes half-an-hour will be allowed at Council meetings during which members of the Cabinet will be able to put forward presentations relating to their respective portfolios and upon which Councillors will be able to ask them questions.

66. CABINET MEMBER PRESENTATIONS

- public speaking; or
- amendments
- there shall be only three speakers, each having three minutes, on any such motion which shall be taken in the following order : the Proposer, the Administration and the Seconder.
- For the avoidance of doubt, alterations to motions under this head will be allowed in accordance with the rules 7.7 below

6.7 In respect of any Opposition motions submitted under this item, there shall be no:

6.6 Opposition Group Business shall be restricted to ten minutes duration. Once the time limit is reached the Mayor will announce that fact. Any member speaking must cease and sit down.

6.5 Meeting Services shall indicate on the agenda which (if any) item of business is to be treated as opposition priority business.

6.4 The allocation of Opposition Group Business at each ordinary Council meeting will be allocated by the Monitoring officer to ensure that so far as possible each Minority Group's or individual members share of such notices accepted onto the Council agenda fairly reflects the relative size of those groups or individual Members proportional representation in the period since the last annual meeting of the Council.

67.1 Motions and Amendments

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

67.2 Secunder's Speech

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

67.3 Only one Councillor to Stand at a Time

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

67.4 Content and Length of Speeches

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

7.4.2 at meetings called for particular purposes including that for the Budget the time limit for moving and seconding speeches will be determined by the Mayor in conjunction with the Group Whips at the Pre-Council meeting.

67.5 When a Councillor May Speak Again

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

~~6.5.17.5.1~~ 7.5.1 to speak once on an amendment moved by another Councillor;

7.5.2 ~~6.5.2~~ if the motion has been amended since they last spoke, to move or speak on a further amendment;

~~6.5.27.5.3~~ 7.5.3 if their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they spoke previously was carried;

7.5.4 ~~6.5.4~~ in exercise of a right of reply given by Rules 6.9 or 6.11;

76.7 Alteration to Motion

7.6.2 The only speeches that will be allowed will be from the proposer and second of the amendment and the mover of the original motion and three speakers selected by the Mayor (for the avoidance of doubt, if an amendment is voted upon and becomes the amended motion, the right of reply to any further amendments shall be with the mover of that amended motion).

If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

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

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

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council or otherwise substantially altering it so as to alter its intent and meaning.

words

7.6.4 6.6.4

to insert or add

and insert or add others;

6.6.27.6.1.3

to leave out words

7.6.1.2 6.6.2

to leave out words;

consideration;

debate to the Cabinet or a committee for further consideration or re-

6.6.47.6.1.1

to refer a subject of

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

67.6 Amendments to Motions

explanation.

67.5.7 5.6

by way of a personal

6.5.57.5.6 on a point of order; and

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

~~6.7.17.7.1~~ alter a motion of which they have given notice; or

~~7.7.2~~ ~~6.7.2~~ with the consent of the seconder also alter a motion which they have moved if (in either case) the alteration is one which could be made as an amendment thereto.

76.8 Withdrawal of Motion (once moved or seconded)

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

67.9 Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion immediately before it is put to the vote except where a motion is moved under Rule 6.11 hereof. If an amendment is moved the mover of the original motion shall (so long as it is unamended) separately on each amendment proposed have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on the amendment but if the amendment is carried, shall have the right of reply to any further debate on the original motion as amended in place of the mover of the original motion.

76.10 Motions which may be Moved during Debate

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

~~6.10.17.10.1~~ to amend the motion
(except where notice is required to be given);

~~7.10.2~~ ~~6.10.2~~ to adjourn the meeting;

~~6.10.27.10.3~~ that the question be now put;

~~7.10.4~~ ~~6.10.4~~ that the member be not further heard;

~~6.10.57.10.5~~ by the Mayor under Rule 8.2 that the member do leave the meeting;

employed by the Council such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A) of the Local Government Act 1972 shall be exercised.

98. BEHAVIOUR

98.1 Disorderly Conduct

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

98.2 Continuing Misconduct by a Named MemberCouncillor

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

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

98.3 General Disturbance

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

98.4 Disturbance by Member of the Public

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

98.5 Recording of Council Proceedings

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

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

109. RESCISSION OF PRECEDING RESOLUTION

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

101. VOTING

101.1 The mode of voting at meetings of the Council shall be by show of hands: provided that on the requisition of any member of the Council (made before the vote is taken and supported by four other Councillors who signify their support by rising in their places) the voting on any question shall be by roll-call and shall be recorded so as to show how each Councillor present and voting gave their vote. The name of any Councillor present and not voting shall also be recorded.

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

112. VOTING ON APPOINTMENTS

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

132. CERTAIN MATTERS TO BE CONFIDENTIAL

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

134. SEALING OF DOCUMENTS

134.1 The resolution of

the Council;

the Cabinet; or

- a committee

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

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

145. INSPECTION OF DOCUMENTS

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

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

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

156. INSPECTION OF LANDS, PREMISES ETC.

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

167. COMMITTEES AND SUB-COMMITTEES

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

committees such powers and duties as may be necessary or desirable notwithstanding any derogation from the powers and duties of any of the foregoing committees.

178. SUBSTITUTE MEMBERS (OVERVIEW & SCRUTINY, AUDIT AND GENERAL PURPOSES COMMITTEES) AND THE TREE PANEL)

178.1 Except where the Council determines otherwise, a Member of any Overview & Scrutiny Committee, the Audit Committee or the General Purposes Committee may nominate another Councillor in accordance with Rule 178.2 below to attend one or more meetings of such Committee in his/her place as a substitute with power to vote.

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

18.3 In the case of the Tree Panel the person nominated shall not be a Member of Cabinet or already be a Member of the Panel nor be a Member of the Planning Committee and shall be a Member of the same political group as the Member whose place he takes. The person nominated shall not be entitled to assume any special position or status with respect to that Panel which the nominating Member may possess.

178.34 A nomination under Rule 178.2 and 18.9 shall be delivered, faxed or e-mailed to ~~Meeting Services~~ the Democratic Services Manager, signed by the nominating member, before 12 noon on the day of the meeting(s) or period of time for which the nomination is to have effect.

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

1819. POWERS OF CABINET AND COMMITTEES

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

1920. MEETINGS OF CABINET AND COMMITTEES

1920.1 The Cabinet and each committee shall meet at such times and on such dates as may be prescribed on behalf of the Council.

1920.2 The Leader of the Council may call a special meeting of the Cabinet at any time.

1920.3 The Chair of a committee may call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of at least a quarter of the total number of members of the relevant committee delivered in writing to the Chief Executive but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat.

1920.4 The Chair shall have the power to cancel any meeting if the Chair is of the opinion there is insufficient business to justify it being held.

1920.5 The quorum of each committee shall be not less than one quarter of the Council members of such committee.

1920.6 At every meeting the Chair, if present, shall preside. In the absence of the Chair the Deputy-Chair, if present, shall preside but otherwise the members shall choose someone of their number to preside, or in the event of it not being possible to reach agreement, a member chosen by lot shall preside.

1920.7 All questions shall be determined by a majority of votes of the members present. The votes shall be taken by a show of hands. Where any member so requires immediately after a vote is taken at any meeting, the minutes shall record whether that Member voted for or against the motion or abstained.

20211. ATTENDANCE AT THE CABINET OR COMMITTEE OF OTHER MEMBERS OF THE COUNCIL

22101.1 A member of the Council who has moved a motion which has been referred to the Cabinet or any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion. The member shall have the right to attend the meeting and if so shall have an opportunity of explaining the motion.

2021.2 Members will be permitted to address Cabinet upon any item on that meeting's published agenda (except where the Cabinet is required to follow statutory procedure in relation to that item or exercise thereof would prejudice the Council's duty to act quasi judicially). Such addresses on any one item shall not without the specific consent of Cabinet exceed three minutes and Cabinet will have the discretion to limit the number of members speaking on any one item. Members will have a right to speak on any item in order to declare personal and prejudicial interest in that item.

2021.3 Members of the Council who have instigated a call-in to the Overview and Scrutiny Committee may, for the avoidance of doubt, attend and speak to any such item, and shall not be constrained by the rights as to public participation contained in the Guidelines for Open Government annexed to the Access to Information Rules contained herein, which right shall nevertheless be subject to the normal rules as to the conduct and procedure at meetings herein contained.

2422. RULES APPLICABLE TO MEETINGS OF THE CABINET AND COMMITTEES

245. INTERESTS

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

- the Overview and Scrutiny Committees;
- the Audit Committee;
- the Standards Committee;
- an Area Partnership.

2324.2 Any reference in these Rules to a committee includes a sub-committee and also, for the avoidance of doubt, the following:

2324.1 The ruling of the Mayor as to the construction or application of the Council's Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of the Constitution contained in Article 1 thereof.

2324. INTERPRETATION OF RULES

2223.2 A motion to suspend these Council Procedure Rules shall not be moved without notice under Rule 3.6 unless there shall be present at least half of the whole number of the members of the Council.

2223.1 Subject to paragraph 224.2 of this Rule, any of these Rules (other than Rules 2.2, 101.2, and 4219.6 and the Employment Procedure Rules hereinafter contained which have been made under the provisions of the Local Authorities (Standing Orders) Regulations 1993) may be suspended so far as regards any business at the meeting where the suspension is moved.

2223. SUSPENSION OF RULES

The Rules numbered 2, 7, 8, 9, 11, 12, 13, 22, 23, 24 and 245 respectively shall with any necessary modifications apply to Cabinet and committee meetings.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

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

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

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

7.1.1 the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Cabinet), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose Exempt or Confidential information;

7.1.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

7.1.3 the agenda for the meeting; and

7.1.4 reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

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

8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and

8.1.2 which have been relied on to a material extent in preparing the report

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

8.2 Public inspection of background papers

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

9. SUMMARY OF RIGHTS OF THE PUBLIC

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

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information - requirement to exclude public

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

10.2 Exempt information - discretion to exclude public

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

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

10.3 Meaning of Confidential Information

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

10.4 Meaning of Exempt Information

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

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Rules 12-24 apply to the Cabinet and any committees of the Cabinet. (References to the Cabinet in those rules should be read as including any Committees of the Cabinet unless the context otherwise requires) If the Cabinet meets to take a Key Decision then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Article 14.3 of this Constitution.

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

12. APPLICATION OF RULES TO THE CABINET

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

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

Information which – (a) falls within any of paragraphs 1-7 above; and (b) is not prevented from being exempt by virtue of paragraph (a) or (b) above is Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

Qualifications to the above Exempt Information:

Part 2

- 6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

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

- a notice (called here a Forward Plan) has been published in connection with the matter in question;
- at least ~~three~~ fourteen calendar days have elapsed since the publication of the Forward Plan; and
- where the decision is to be taken at a meeting of the Cabinet and notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

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

14.2 Contents of Forward Plan

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

- 14.2.1 the matter in respect of which a decision is to be made;
- 14.2.2 where the decision taker is an individual (if so delegated by the Council), his/her name and title, if any, and where the decision taker is a body, its name and details of membership;
- 14.2.3 the date on which, or the period within which, the decision will be taken;
- 14.2.4 the identity of any principal groups whom the decision taker proposes to consult before taking the decision;
- 14.2.5 the means by which any such consultation is proposed to be undertaken;
- 14.2.6 the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;

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

15. GENERAL EXCEPTION

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

14.3.9 the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

14.3.8 the procedure for requesting details of documents (if any) as they become available; and

14.3.7 that other documents may be submitted to decision takers;

14.3.6 the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;

14.3.5 that each Forward Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Forward Plan;

14.3.4 that each Forward Plan will be available for inspection at reasonable hours free of charge at the Council's offices;

14.3.3 that the Forward Plan will contain details of the Key Decisions to be made for the four month period following its publication;

14.3.2 that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;

14.3.1 that Key Decisions are to be taken on behalf of the Council;

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

14.2.8 where in relation to any matter the public may be excluded from the meeting, particulars of that item save that no Confidential or Exempt information shall be disclosed.

14.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter; and

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

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

16. SPECIAL URGENCY

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

17. REPORT TO COUNCIL

17.1 When the Overview and Scrutiny Committee can require a report

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

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

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

21.1.1 Notice of private meetings of the Cabinet will be served on the chairs of all the members of the Cabinet. Where an Overview and Scrutiny committee does not have a chair, the notice will be served on all the members of that Committee.

21.1 Overview and Scrutiny Committee Members

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

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

20. NOTICE OF PRIVATE MEETING OF THE CABINET

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

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

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

18. RECORD OF DECISIONS

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

17.3 Quarterly reports on special urgency decisions

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

17.2 Cabinet's report to Council

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

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

21.2 Officers

21.2.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

21.2.2 A private Cabinet meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

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

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

22.1 Reports Intended to be taken into Account

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

22.2 Provision of Copies of Reports to the Overview and Scrutiny Committee

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

22.3 Record of Individual Decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provision of Rules 7 and 8 (inspection of documents after meetings) will also apply to the

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

24.1.2 it contains the advice of a political adviser.

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

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

24.1 Material relating to Previous Business

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

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

23.2.2 any part of a document that contains Exempt or Confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

23.2.1 any document that is in draft form;

An Overview and Scrutiny Committee will not be entitled to:

23.2 Limit on Rights

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

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

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

23.1 Rights to Copies

23. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

making of decisions by individual members of the Cabinet. This does not require the disclosure of Exempt or Confidential information or advice from a political assistant.

24.2 Material relating to Key Decisions

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

24.3 Nature of Rights

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

GUIDELINES FOR OPEN GOVERNMENT

1. OPEN MEETINGS

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

2. CONFIDENTIALITY OF REPORTS

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

3. ACCESS TO REPORTS

Subject to the detailed provisions of the Constitution:

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

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

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

3.3 All reports shall, where possible, be circulated with the agenda as soon as practical after notice of a meeting has been given. Dates for meetings are set up to one year in advance – Agendas are sent out a minimum of five working days before the date of the meeting.

4. ACCESS TO FULL COUNCIL

4.1 The Council shall at an ordinary meeting:

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

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

- (i) a maximum of two individuals or representatives from a deputation will be allowed to speak on any one motion; and
- (ii) such address on any one item shall not exceed three minutes in duration; and
- (iii) ~~no member of the public will be allowed to speak more than once at the same meeting unless there are exceptional circumstances that the Mayor deems relevant~~ a member of the public will be able to ask a question, make a comment, speak to a motion or present a petition at the same meeting; and
- (iv) proposed speakers have given notification, in writing, e-mail or fax to Meeting Services by 12 noon on the working day before the Council meeting of their intention to speak; and
- (v) the Leader, Portfolio Holder or appropriate Chair shall forthwith be given an opportunity to respond to a public question or they may decline to do so.

4.1.3 The right to speak on a motion will be based on the order the motion is received by Meeting Services (subject to the preceding rules).

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

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

4.2.1 Subject to 4.2.2, 4.2.3 and 4.2.4 below the Cabinet, any committee or sub-committee may by a majority of the members then present at any meeting resolve to

4.2.1.1 receive a deputation; and/or

4.2.1.2 permit representatives of any such deputation or any other member of the public to address it upon any item on that meeting's published agenda. Such addresses on any one item shall not without the specific consent of the Committee or other body exceed three minutes in duration. Immediately after such address the Leader, Chair of the committee or sub-committee shall give each of its members an opportunity to question the person who has addressed them provided that the overall period for such questions and any answers shall be kept within a reasonable limit by the Chair.

4.2.2 The procedures set out above shall not apply where a Committee or sub-Committee is required to follow a statutory procedure in relation to an item of business or when to do so would prejudice a duty to act quasi-judicially in relation to any matter.

4.2.3 In respect of Planning Committee the procedures for public speaking in relation to applications are set out in Appendix 3 of the Probity in Planning Protocol, and shall be in place of those set out above.

4.2.4 In respect of meetings of Cabinet the procedures set out above shall be subject to the following restrictions:

4.2.4.1 ~~Persons~~ (other than ~~Members~~Councillors) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting.

Registration can be by:

Telephone (01604) 837101 or 837355

In writing to: Solicitor to the Council, The Guildhall, St Giles Square, Northampton NN1 1DE for the attention of Meeting Services Officer, Cabinet

By e-mail to: mtgsservices@northampton.gov.uk

By fax to: The Solicitor to the Council for the attention of the Meeting Services Officer, Cabinet (01604 838729)

4.2.4.2 Only thirty minutes in total will be allowed for addresses, so that if speakers each take three minutes no more than ten speakers will be heard. ~~Each speaker will be allowed to speak for a maximum of three minutes at each meeting. If it appears that this limit may apply~~ speakers will normally be heard in the order in which they registered to speak. However, the Chair of Cabinet may decide to depart from that order in the interests of hearing a greater diversity of views on an item, or hearing views on a greater number of items. The Chair of Cabinet may also decide to allow a greater number of addresses and a greater total time slot subject still to the maximum three minutes per address for such addresses for items of special public interest.

4.2.4.3 ~~Councillors who wish to address Members who wish to address Cabinet shall notify the Chair prior to the commencement of the meeting, and who have not registered may at the discretion of the Chair still speak at Cabinet although such addresses will be for a maximum of three minutes unless the Chair exercises his or her discretion to allow longer. The time these addresses take will not count towards the thirty minute period referred to above so as to prejudice any other persons who have registered their wish to speak.~~

Access to Officers:

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

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

4.5 Officers receiving an enquiry from a member of the public which is related to another employee shall either seek to transfer the enquiry immediately, or accept it and arrange for the correct officer to contact the enquirer direct. Members of the public should not be passed from one Directorate to another or left to negotiate the Council's organisation unaided.

5. ACCESS TO INFORMATION

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

6. PUBLIC INVOLVEMENT AND PUBLIC MEETINGS

6.1 The Council shall seek to maximise public involvement in decision making, using whatever means seems most appropriate in all the circumstances.

6.2 Directors in consultation with the Leader or Chairs as the case may be, shall have the responsibility for clearly identifying matters appropriate for public consultation, and shall, where necessary, seek the advice of the Chief Executive.

6.3 Where public meetings are used as a means of public consultation, the basic conditions set out in the Appendix shall apply.

6.4 The Council retains the responsibility to make the final decision, having taken into account the views expressed as a result of public consultation.

APPENDIX

PUBLIC MEETINGS

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

provision that reads of minimum amount of time before a meeting can be held and that the meeting must be held at a certain time of day.

provision that reads of minimum amount of time before a meeting can be held and that the meeting must be held at a certain time of day.

COMMITTEE

provision that reads of minimum amount of time before a meeting can be held and that the meeting must be held at a certain time of day.

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

4. Material provided at the meeting itself must be in a form which is visible and understandable to all members of the audience.
5. Council representatives should make it clear how the Council intends to follow up the meeting and how those attending can establish the position regarding the subject matter following the meeting.

CONTRACT PROCEDURE RULES

1. INTRODUCTION

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

- goods
- works
- services

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

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

2. DEFINITIONS

- "Authorised Officer"

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

- "Best Value for Money"

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

- "Framework Agreement"

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

- "ITT"

Invitation to ~~Tender~~ Tender.

- "PQQ"

A Pre-Qualification Questionnaire

- 3.2.2 the relevant European procurement rules (i.e. the EC Treaty, the general principles of EU law and the EU public procurement Directives implemented by the UK Regulations);
 - 3.2.1 all relevant statutory provisions;
- Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

- who supplies goods, services and works irrespective of whether any or all of the more detailed provisions of these Rules are applicable thereto.
- person; or
- company; or
- other organisation

and references to a Contractor shall include any:

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

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

- ensure fair competition,
- observe due propriety, and
- obtain best value for money both in monetary terms and in respect of efficiency and suitability

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

3. COMPLIANCE

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

- "Regulations"
 - "RFQ"
 - Request for Quotations
 - "Supplier"
- The UK regulations implementing the EU Public Procurement Directives

3.2.3 the Constitution, including these Contract Procedure Rules, Financial Procedure Rules and Scheme of Delegations, and

3.2.4 the Council's

- Best Value objectives required by the Local Government Act 1999
- Strategic objectives
- Statement of Procurement Policy
- Procurement Strategy
- Procurement Code of Practice
- Individual policies relevant to the procurement in question

3.3 The highest standards of probity are required of all employees and Members involved in the procurement, award and management of Council Contracts and all Council members, employees and third parties engaged on the Council's behalf must also ensure that any conflicts of interest are avoided and that both employees and Members comply with the Members and Officers Codes of Conduct contained in this Constitution.

3.4 Members and employees must not accept from contractors or potential contractors or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind:-

3.4.1 any gift (other than an inexpensive seasonal gift such as a calendar or diary for use in the office); or

3.4.2 any hospitality without the written authorisation of a Director, Monitoring Officer or Chief Finance Officer, and Members and employees should comply with the Council's Code of Conduct in this respect.

3.5 Employees of the Council must immediately enter in a register kept for this purpose by the Solicitor of the Council particulars of:

3.5.1 any gift (including how it has been returned to the giver or otherwise disposed of e.g. donated for charitable purposes); and

3.5.2 any hospitality

3.6 Hospitality includes drink, meals, entertainment, overnight accommodation, travel and holidays, but does not include a lift in a private or company car or a taxi or refreshments in the course of office duty (e.g. working lunch).

4. DELEGATED AUTHORITY

4.1 Any Procurement carried out on behalf of the Council may only be undertaken by employees with the appropriate delegated authority to carry out such tasks. Such employees shall be informed by his/her Director of the extent of any delegated authority and any applicable financial thresholds for each Procurement.

4.2 Within approved budgets Authorised Officers may authorise other employees to place orders against Framework Agreements which have been entered into by the Council.

4.3 Any Contract Award which constitutes a Key Decision as defined in the Council's Constitution or which otherwise falls above the relevant threshold levels or which involves any potential transfer of the Council's employees to a Supplier shall be referred for a decision from the Cabinet, unless forming part of a previous approval by the Council, Cabinet or other relevant Committee.

5. EXCEPTIONS

5.1 The following Contract Procedure Rules will apply to all contracts made by the Council which are estimated to exceed £50,000 in value (such value taking into account the value or consideration for the same for the whole contract period) except: -

5.1.1 Contracts of Employment.

5.1.2 Contracts relating to dealings in land (including letting of premises).

5.1.3 Contracts where the Council is to be reimbursed through an insurance policy and the requirements of the insurer are complied with.

5.1.4 Contracts where the Council is acting as an agent authority and the requirements of the principal are complied with.

5.1.5 Contracts where the goods, services or works to be procured are:

5.1.5.1 obtained through or on behalf of a consortium, association or other similar body of which the Council is a member or from time to time becomes a member;

5.1.5.2 proprietary or patented goods, services or works sold only at a fixed price from one contractor or being of a specialist nature where no reasonable satisfactory alternative is available;

5.1.5.3 necessary as a result of unforeseen emergencies which the Chief Executive considers would involve immediate risk to persons, property or serious disruption to Council services;

5.1.5.4 the subject of a specific policy decision.

5.1.6 Subject to compliance with Rule 3, the placing of orders by users for goods or services which are negotiated by the Council's Procurement Advisors in accordance with the authority from time to time vested in them by the Council.

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

6. PRE-PROCUREMENT PROCEDURE

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

6.2 Before undertaking a procurement the Authorised Officer shall:

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

6.3 Before commencing any proposed procurement process the Authorised Officer shall

- (a) consult the relevant Portfolio Holder where the procurement impinges significantly and directly on the public or may be considered controversial or is likely to have significant budgetary implications or involve transfer of employees;
- (b) consult the Council's procurement ~~a~~Advisors or Solicitor to the Council where the value of any contract is likely to be in excess of £20,000;
- ~~(c)~~ consult the Council's procurement advisers where the value of any contract is likely to be less than £20,000 to enable maximum use of core supply agreements.
- ~~(e)~~(d) consult with the Solicitor to the Council in respect of any EU Procurement rules and any other legal or related issues;

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

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

9.2 Tenders for High Value Procurement shall be invited in accordance with Rule 25 save where Rule 25 is inappropriate the Council, Cabinet (or Cabinet Member if delegated powers apply) or the Authorised Officer shall invite tenders by way of a Public Notice. Public Notice must be given in at least one local newspaper and/or relevant specialist publication (save where specific circumstances render either requirements inappropriate).

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

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

10. CONTRACTS SUBJECT TO THE EU REGULATIONS

10.1 Where an estimated value of a Contract exceeds the relevant current EU threshold then the Contract shall be tendertendered in accordance with the Regulations. Under the Regulations, the Contract may be tendertendered under the Open, Restricted or, in the exceptional circumstances set out in the Regulations, the Competitive Dialogue or Negotiated Procedure. A Contract Notice in the prescribed form shall be published in the OJEU.

10.2 The Regulations set out the minimum timescales for the receipt of expressions of interest and tendertenders. Where the Council has published a Prior Information Notice, then the Council may rely on reduced timescales if appropriate, the Solicitor to the Council being the determinor of this and any other interpretation or application of the EU Regulations.

11. INVITATION TO TENDERTENDER

11.1 The Council shall only enter into a contract with a Supplier if it is satisfied as to the Supplier's:

11.1.1. eligibility;

11.1.2 financial standing; and

11.1.3 technical capacity.

11.2 Technical capacity includes the Supplier's quality management systems including human resources, health and safety and environmental management systems where relevant to the performance of the Contract.

11.3 Any procurements subject to the Regulations shall comply with the appropriate Regulations.

11.4 The ITT shall include details of the Council's requirements for the particular contract including:

11.4.1 a description of the services, supplier or works being procured;

11.4.2 the procurement timetable, including the return date and time, which shall allow a reasonable period for applicants to prepare their tenders;

11.4.3 a specification and instructions on whether any variants are permissible;

11.4.4 the Council's Terms and Conditions of Contract, which must be approved by the Solicitor to the Council;

11.4.5 the evaluation criteria, including any weightings as considered appropriate;

11.4.6 the pricing mechanism and instructions for completion;

11.4.7 if relevant, whether the Council is of the view that TPE may apply;

11.4.8 the form and content of any method statements to be provided;

11.4.9 rules for submission of tenders;

11.4.10 an assessment whether a Performance Bond and/or Parent Company Guarantee (if applicable) shall be required from the preferred tenderer;

11.4.11 in consultation with the Councils Risk Manager the appropriate type (employee liability, public liability, professional indemnity etc) and level of insurance required for the Contract;

~~11.4.12 any further information which will inform or assist tenders in preparing tenders- tenders in preparing tenders.~~

12. SUBMISSION AND OPENING OF TENDER TENDERS

12.1 Tender Tenders shall be submitted in accordance with the requirements set out in the ITT. Any tender Tenders received shall be addressed to the Solicitor to the Council in a sealed envelope endorsed with the word 'Tender Tenders' followed by the subject matter to which it relates. The envelope shall not be marked in any way that allows the identity of the tender Tenders to be determined. Tender Tenders shall be kept in a safe place by the Solicitor to the Council and remain unopened until the time and date specified for their opening. No tender Tenders received after the specified date and time for receipt of tender Tenders shall be accepted or considered by the Council unless the Solicitor to the Council is satisfied that there is sufficient evidence for the tenderer having been despatched in sufficient time for it to have arrived before the closing date and time.

12.2 Tender Tenders shall be opened by the Authorised Officer and at least one other employee nominated by the Solicitor to the Council. An immediate record should be

made of the tenders received including names, addresses and the date and time of opening.

- 12.3 Tender documents shall state the nature and purpose of the contract for which tenders are invited, specify the last date and time when tenders will be received and state that the Council reserves the right not to accept any tender or to accept a tender other than the lowest where payment is to be made by the Council or the highest where payment is to be received by the Council.

13. **ELECTRONIC TENDERING**

- 13.1 RFQ's, PQQ's and ITTs should wherever practical be issued to tenderers by electronic means.

- 13.2 Tenders may be submitted by electronic means provided that:-

13.2.1 evidence that the transmission was successfully completed is obtained and recorded;

13.2.2 each tender submitted electronically is supplemented by an identical signed hard copy original submitted in the manner prescribed in the advertisement or the ITT documents before the tender return date; and

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

14. **ERRORS IN TENDERS**

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

15. **TENDER EVALUATION**

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

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

16. **BONDS, GUARANTEES AND INSURANCE**

21. CONTRACT TERMS AND CONDITIONS

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

(b) where the Council's form of ~~tenderer~~ tenderer does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a ~~tenderer~~ tenderer shall bind the parties into a contractual relationship;

(a) where a ~~tenderer~~ tenderer is required to provide services, supplies or works prior to formal written acceptance by the Council; or

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

20. LETTERS OF INTENT

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

19. CONTRACT AWARD NOTICE

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

18. DEBRIEFING

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

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

17. POST-TENDERER NEGOTIATION

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

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

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

22. ACCEPTANCE OF TENDERTENDERS

- 22.1 Low Value Contracts may only be accepted by employees with the requisite delegated authority for these purposes after the Authorised Officer has ensured that the relevant budget holder has sufficient funds in place to sustain the Contract.
- 22.2 In the case of High Value Contracts the Chief Executive or the Solicitor to the Council in conjunction with the Director concerned shall have power to accept the lowest tendertender if payment is to be made by the Council **provided that such tendertender does not exceed or fall short of the approved estimate as the case may be.**
- 22.3 In all cases where it is proposed to accept other than the lowest tendertender if payment is to be made by the Council, or the highest tendertender if payment is to be received by the Council save and except in those cases where an award is made under Rule 15 in accordance with predetermined criteria detailed in the tendertender documents, no acceptance shall take place until the Council, Cabinet (or Cabinet Member if delegated powers apply), the committees, sub-committee, or Monitoring Officer and Chief Finance Officer in exercise of their powers under Rule 5.1.7 shall have considered a report from the appropriate employee or other relevant person indicating their recommendation and objectively justifying this, regard being taken in such evaluation both to any EU procurement requirements in respect of the most economically advantageous tendertender in respect of such contract and also the general duty on the Council to procure best value as reflected (if applicable) in any individual conditions of tendertender.
- 22.4 An acceptance letter for all contracts exceeding £50,000 in value shall only be issued by the appropriate ~~Corporate~~ Director.

23. EXECUTION OF CONTRACTS

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

24. RECORDS OF TENDERERS AND CONTRACTS

24.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all ~~tenderers~~ received.

24.2 The Authorised Officer must notify the Council's Procurement Advisors with the details of the award of every Contract above £20,000.

24.3 A contracts register of all Contracts awarded above £20,000 shall be maintained by the ~~Corporate Manager for Head of Finance and Asset Management~~. The contracts register may be maintained electronically.

24.4 For every ~~individual~~ contract a ~~contracts~~ file shall be maintained.

25. APPROVED LISTS

The Council may maintain or have maintained on its behalf approved ~~suppliers~~ ~~database~~ or equivalent arrangements of Suppliers which meet its pre-qualification requirements. Quotations and ~~tenderers~~ for contracts which are not subject to the Regulations ~~may~~ be invited from Suppliers included on such ~~database~~ ~~except in~~ such circumstances referred to in Rule 9.2. ~~Where the Council intends to use such a list for services, supplies or works contracts, the selection of which suppliers should be included on such list should itself be advertised.~~

26. NOMINATED AND NAMED SUB-CONTRACTORS

26.1 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main Supplier quotations or ~~tenderers~~ must be invited in accordance with these Rules and the terms of the invitation shall be compatible with the main Contract. The terms of the invitation shall require an undertaking by the ~~tenderer~~ that, if it is selected, it will be willing to enter into a Contract with the main Supplier on terms which indemnify the main Supplier against its own obligations under the main Contract in relation to the work or goods included in the sub-Contract and enter into an agreement to indemnify the Council in such terms as may be prescribed.

26.2 The relevant Director, or other authorised person, shall nominate to the main Supplier the person whose ~~tenderer~~ it is, in ~~his/her/their~~ opinion, the most satisfactory; provided that, where the ~~tenderer~~ is other than the lowest received ~~(save where an award is made under Rule 15 in accordance with pre-determined criteria detailed in writing)~~, the circumstances shall be reported and recorded as provided by Rule 5.1.7.

27. FRAMEWORK AGREEMENTS

Framework Agreements may be used where the Council wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise. However, the Framework Agreement may include within its terms a requirement for a mini-competitive exercise between those Suppliers who are parties to the Framework Agreements. Any Framework Agreement shall be ~~tendered~~ in accordance with

these Contract Procedure Rules. Where the Council has entered into such a Framework Agreement or is able to call off from existing Framework Agreements procured through joint procurement arrangements, then it may utilise the same without entering into a separate procurement.

28. JOINT PROCUREMENT

28.1 Any joint procurement arrangements with other Local Authorities or public bodies including membership or use of Purchasing Consortia shall require the sanction of the Cabinet (or Cabinet Member if delegated powers apply).

28.2 Approval shall only be given where the joint procurement arrangement assures compliance with these Rules.

29. ~~PROCUREMENT BY CONSULTANTS~~

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

29.2 The Chief Executive must give approval for the appointment of any consultant.

30. STATISTICAL RETURNS

30.1 Each year the Council is required to make a statistical return to the Department for Communities and Local Government (or successor department) for onward transmission to the European Commission concerning the contracts awarded during the year under the EU Rules.

30.2 The Solicitor to the Council shall be responsible for this statistical return and will make the necessary arrangements for information to be collected annually. Directors shall comply with these arrangements and expeditiously provide any information required.

31. CONTRACT EXTENSION

31.1 Any contract may be extended in accordance with its terms. Any other extensions shall require the approval of Cabinet (or Cabinet Member if delegated powers apply), relevant Committee or be otherwise authorised in accordance with these Rules and must also comply with the Regulations if applicable.

31.2 The Authorised Officer shall always be satisfied that extension will achieve Best Value for Money and is reasonable in all the relevant circumstances. Such extension must be approved in writing by the Solicitor to the Council.

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

35. REVIEW AND AMENDMENT OF CONTRACT PROCEDURE RULES

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

34. WAIVERS OF CONTRACT PROCEDURE RULES

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

33. DISPOSAL OF ASSETS

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

32. TERMINATION OF CONTRACT

Part 5

Codes and Protocols

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PROBITY IN PLANNING PROTOCOL

Introduction

The aim of this Protocol: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Local Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Probity in Planning Protocol applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Local Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Protocol to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Code of Conduct for Councillors

- Do apply the rules in the Code of Conduct for Councillors first, which must be always be complied with.
- Do then apply the rules in this Probity in Planning Protocol, which seek to explain and supplement the Code of Conduct for Councillors, for the purposes of planning control. If you do not abide by this Probity in Planning Protocol, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

2. Development Proposals and Interests under the Code of Conduct for Councillors

- Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)
- Do then act accordingly. **Where your interest is personal and prejudicial:-**
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. You may attend the meeting of the Planning Committee, but only for the purpose of

making representations, answering questions or giving evidence relating to the planning application in which you have a prejudicial interest, provided that the public are also allowed to attend that meeting for the same purpose.

Don't try to represent Ward views, get another Ward Member to do so instead.

Don't get involved in the processing of the application.

Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Protocol places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery.)

Do notify the Monitoring Officer in writing in the event of you submitting your own application and note that:

notification to the Monitoring Officer should be made no later than the time of the submission of the application;

the proposal will always be reported to the Planning Committee as a main item and not dealt with by officers under delegated powers; and

it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

3. Fettering Discretion in the Planning Process.

Don't fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the Local Planning Authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the

proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** also be aware that, whilst you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
 - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
 - another local or public authority of which you are a member; or
 - a body to which you have been appointed or nominated by the Council as its representative; or
 - you are a trustee or company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
 - the proposal does not substantially affect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You should also withdraw.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

- Do copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
 - Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 (in accordance with the authority's rules on gifts and hospitality).
 - Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
 - Do explain to those lobbying or attempting to lobby you that, whilst you can listen to the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
 - Do ask relevant questions for the purposes of clarifying your understanding of the proposals.
 - Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, and that this will be carried out by the appropriate Committee of the planning authority.
 - Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- ### 5. Lobbying of Councillors

- Don't attend a planning presentation unless an officer is present and/or it has been organised by officers.
 - Do ask relevant questions for the purposes of clarifying your understanding of the proposals.
 - Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, and that this will be carried out by the appropriate Committee of the planning authority.
 - Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- ### In addition in respect of presentations by applicants/developers:

- Do always refer those who approach you for planning, procedural or technical advice to officers.
 - Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
 - Do otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- ### 4. Contact with Applicants, Developers and Objectors

- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed S106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Probity in Planning Protocol through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** *excessively lobby fellow councillors regarding your concerns or views* nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings must never dictate how Members should vote on a planning issue.

7. Site Inspections

- **Do** try to attend Site Inspections organised by the Council where possible.
- **Don't** request a Site Inspection unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.

- Do ensure that any information which you gained from the Site Inspection is reported back to the Committee, so that all Members have the same information in respect of the material considerations applying to the application

- Do ensure that you treat the Site Inspection only as an opportunity to seek information and to observe the site.
- Do ask the officers at the Site Inspection questions or seek clarification from them on matters which are relevant to the Site Inspection.
- Don't hear representations from any other party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

- Don't express opinions or views to anyone.
- Don't enter a site which is subject to a proposal other than as part of an official Site Inspection, even in response to an invitation, as this may give the impression of bias unless:

- you feel it is essential for you to visit the site other than through attending the official Site Inspection **and**
- you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) **and**
- you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this is likely to give the appearance of bias.
- Do ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- Don't put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- Do recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Corporate Manager (Development, Building Control and Environmental Health), the Development Control Manager or those officers who are authorised by the Corporate Manager to deal with the proposal at a Member level.

- Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Officers' Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer the application.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** ensure that if you request an application to go before the Committee rather be determined by officer delegation that your reasons *on planning grounds* are submitted to officers in writing, preferably within the 21 day consultation period.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of *planning law, regulations, procedures, Codes of Practice and the Development Plans* beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

APPENDIX

1. SPEAKING AT PLANNING COMMITTEE MEETINGS

1.1 THE FOLLOWING CAN SPEAK AT PLANNING COMMITTEE MEETINGS

- Up to two people who wish to object to and up to two people who wish to support an individual planning application, an enforcement recommendation or any other quasi-judicial matter on the Agenda
- Ward Councillors who are not members of the Planning Committee. (If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak).
- Members of Parliament with the whole or part of their constituency within Northampton Borough Council's boundaries

- A representative of a Parish Council in whose area the application relates.

1.2 ARRANGEMENTS FOR SPEAKING

It is necessary to register with the Meeting Services Section at The Guildhall as soon as possible and in any event not later than 12 noon on the day of Committee. Ward Councillors This applies to all speakers, except including Ward Councillors. shall notify the Chair prior to the commencement of the meeting of their intention to speak.

Registration can be by:

Telephone: (01604 837358 or 837355),

In writing to: Solicitor to the Council, The Guildhall, St Giles Square, Northampton NN1 1DE, for the attention of The Meeting Services Officer, Planning Committee

By e-mail to: mtgsservices@northampton.gov.uk,

By fax to: The Solicitor to the Council for the attention of the Meeting Services Officer, Planning Committee (01604 838729).

Late representations will not be heard. The Council will operate a "first come first served" policy. In the event that two people have already registered a person wishing to make their views known to the Committee should contact the Ward Councillor to see if they can put across their points.

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

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

2. PROCEDURE AT THE MEETING

A planning officer may update the written committee report then those objecting to or supporting the application and Ward Councillors will be invited to speak.

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

2.1 TIME

All speakers are allowed to speak for a maximum of three minutes.

2.2 NOTES

- Speakers are only allowed to make statements. They may not ask questions or enter into dialogue with Councillors, officers or other speakers.
- Consideration of an application will not be delayed simply because someone who has registered to speak is unable to attend the meeting.
- Addresses should only be about planning issues and should not refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values.
- Fresh material may not be circulated to the Councillors which has not first been seen by officers of the planning section.

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Part 8

Delegations to Officers by the Council, its Cabinet and Committees

- 10. Implementing the "Right to Buy" legislation and any schemes of voluntary house sales.
- 11. Making of Tree Preservation Orders on the advice of the Corporate Manager, Development, Building Control & Environmental Health.
- 11.2.1 Making of Tree Preservation Orders on the advice of the Corporate Manager, Development, Building Control & Environmental Health.
- 11.2.2 Confirming on the advice of the Corporate Manager, Development, Building Control and Environmental Health, Tree Preservation Orders where there are no outstanding valid objections.
- 12. The power to commence injunctions or any other necessary action or proceedings against the organisers or other relevant persons of acid house parties or raves where it is considered expedient for the promotion or protection of the interests of the inhabitants of the area of Northampton Borough.
- 13. The issuing of Street Collection Permits to registered charities where applications are received for a collection to take place prior to the next meeting of the appropriate committee.
- 14. Determining the grant, renewal or amendment of licences for:-
 - hackney carriages;
 - hackney carriage drivers;
 - private hire operators ;
 - private hire vehicles ;
 - private hire drivers; and
 - (after consultation with any relevant Director)
- 14.2 Determining the grant, renewal or amendment of Orders varying the closing hours for retail trades and businesses at exhibitions and shows
- 15. Appointing Vehicle Inspectors pursuant to Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of hackney carriages and private hire vehicles.

Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, except:

- 2.1.1 Any applications called in for determination by Planning Committee by any Member of the Council, following a written request which gives a planning reason for the call-in. (For this purpose, a list of new applications will be regularly circulated to all Councillors which will specify a date in relation to each application by which any call-in request must be made. A Councillor may subsequently withdraw a call-in request at any time before the application appears on a published Committee agenda.)
- 2.1.2 Any application which would otherwise be delegated to the Corporate Manager but which the Corporate Manager considers should come before the Planning Committee
- 2.1.3 Any application made by a Member or a person who has been a Member within the five years prior to making the application, or a relative or partner of such a person
- 2.1.4 Any application made by an officer/employee of the Council, or a person who has been an officer/employee in the 5 years prior to making the application, or a relative or partner of such a person
- 2.1.5 Any application involving the Borough Council either as applicant or landowner, either on its own, or jointly with another party .

2.2.2 Making responses to the West Northamptonshire Development Corporation on planning applications for which they are the determining authority where this would not prejudice the policies and provisions of the Development Plan or have other strategic consequences, including its impact on or prejudice to the Councils strategic or corporate priorities.

2.3 To advise the Solicitor to the Council to make and confirm a Tree Preservation Order.

- 3.1 To accept and agree minor amendments to planning permissions.
- 3.2 To make application for planning permission on behalf of the Council.
- 3.3 To determine an application for a determination of whether a prior approval of the Council is required to the method of proposed demolition and any proposed restoration.
- 3.4 To determine whether prior approval is required to the siting and appearance of telecommunication apparatus and to determine such

