

- The Audit Committee (Article 9)
- The Standards Committee (Article 10).
- The General Purposes Committee (Article 11).
- ~~Neighbourhood Partnerships~~, Forums and ~~Consultative Committees~~ (Article 12).
- ~~Joint Arrangements (Article 13).~~
- Officers (Article 14).
- Decision Making (Article 15).
- Finance, Contracts and Legal Matters (Article 16).
- Review and Revision of the Constitution (Article 17).
- Interpretation, Publication and Suspension of the Constitution (Article 18).

HOW THE COUNCIL OPERATES

The Council is composed of 45 Councillors (otherwise called Members) elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

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

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

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council, which is responsible for most day-to-day decisions. The Cabinet comprises the Leader, who is elected by the Council, and up to 9 other Councillors whom the Leader appoints. When major decisions (Key Decisions) are to be discussed or made, these are published in the Cabinet's ~~Forward Plan~~ Executive Business List in so far as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are to be discussed. The Cabinet has to make decisions, which are in line with the Council's overall policies and Budget. If it wishes to make a decision, which is outside the Budget and/or Policy Framework, this must be referred to the Council as a whole to decide.

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

OVERVIEW AND SCRUTINY

There is one Overview and Scrutiny Committee supported by three standing Scrutiny Panels. The Panels are appointed by, and report to, the Overview and Scrutiny Committee.

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

~~AREA PARTNERSHIPS &~~ FORUMS

In order to give local citizens a greater say in Council affairs, a number of ~~Neighbourhood Partnerships and~~ Forums exist. These are listed in Article 12, which also indicates their objectives.

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

Article 9 – The Audit Committee

9.1 The Audit Committee

The Council will establish an Audit Committee:

- 9.2 **Membership:** The Audit Committee will be composed of seven Councillors, excluding members of the Cabinet. This will be chaired by an Independent person who has no voting rights.

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

9.3 Role and Terms of Reference

- 9.3.1 To generally consider all relevant processes for risk, control and governance.
- 9.3.2 To approve and influence (but not direct) internal audit's strategy, plan and performance.
- 9.3.3 To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- 9.3.4 To consider the reports of external audit and inspection agencies.
- 9.3.5 To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements and seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- 9.3.6 To be satisfied that the Council's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- 9.3.7 To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

~~* Article 12 has not been reviewed as part of the May 2011 revision of the Constitution. Article 12 will be subject to separate review and revision.~~

~~* Article 12 - Neighbourhood Partnerships, Forums and Consultative Committees~~

~~12.1 Neighbourhood Partnerships and Forums~~

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

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

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

~~12.2 Form, Composition and Function of Neighbourhood Partnerships.~~

~~12.2.1 Table of Neighbourhood Partnerships - The Council will appoint the Area Partnerships as set out in the first column of the Table below, composed as set out in the second column of that Table and with the terms of reference set out in the third column.~~

Scope of Committee	Composition	Terms of Reference
1. Abington, Castle & St Crispin	Ex officio the elected ward Councillors for the respective wards plus such other interested parties as they may consider appropriate from time to time to co-opt, such as the electoral division County Councillor or Parish Council representatives.	To reflect their consultative role the partnerships have a deliberative and advisory capacity on such functions of the Council (whether the responsibility of the Cabinet or Council committees) as affect and are directly relevant to their area. They may from time to time submit reports on matters within their area of operation to the Cabinet, the
2. Billing, Ecton Brook, Lumbertubs and Thorplands		
3. Boughton Green, Kingsthorpe & St Davids		
4. Delapre, St James & Spencer	Non-local Authority co-optees shall be non-voting members.	

5. Eastfield, Headlands and — Weston 6. East Hunsbury, — Nene Valley & — West Hunsbury 7. Kingsley & Parklands 8. New Duston and — Old Duston		Overview and Scrutiny Committee or the Council and may incur such expenditure within their area as may be from time to time allocated within the Council's Budget for these purposes, subject to the prior ratification of any such decision by the Cabinet or the committee to which the relevant function relates.
--	--	---

~~12.2.2 Delegations~~ – Neighbourhood Partnerships will have an advisory role in respect of the functions both of the Cabinet and Council committees, and expenditure on their individual Budgets referred to in 12.2.1 will be by way of recommendation to the Cabinet or committee to which any relevant function relates. Consequently, direct delegation is not involved.

~~12.3 Conflicts of Interest – Membership of Neighbourhood Partnerships and the Overview and Scrutiny Committee~~

~~12.3.1 Conflict of Interest~~ – If the Overview and Scrutiny Committee is scrutinising specific recommendations or proposals in relation to the business of the Neighbourhood Partnership of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.

~~12.3.2 General Policy Reviews~~ – Where the Overview and Scrutiny Committee is reviewing policy generally the Councillor must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

~~12.4 Neighbourhood Partnerships – Access to Information~~

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

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

~~12.5 Cabinet Members on Neighbourhood Partnerships~~

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

12.6 Forums

The Council has appointed the Forums hereinafter listed, having the general objectives itemised against such Forum.

Disabled People's Forum

Objectives

1. To promote and sustain effective communication between the Council and disabled people living or working in the Borough.
2. To monitor the effectiveness of the Council's policy and practice in discharging its duties under the ~~Disability Discrimination Act 1995~~ Equality Act 2010 and its own Equal Opportunities standard.
3. To facilitate equality of access by disabled people to the services, benefits, and employment related opportunities provided by the Council by:
 - 3.1 providing information in appropriately accessible formats about those services and how to access them;
 - 3.2 identifying and removing barriers, which make services and facilities difficult for disabled people to find out about or to use;
 - 3.3 promoting dialogue between disabled people, individually or collectively, the Council, its Members and senior Officers of the Council about issues of concern to both parties; and
 - 3.4 identifying the specific requirements of disabled people.
4. To provide a Forum in which:
 - 4.1 disabled people can express their needs for, and their views on, services provided by the Council;
 - 4.2 the Council can consult disabled people on policy and service delivery issues affecting disabled people in the Borough; and
 - 4.3 the specific requirements of disabled people can be identified.
5. To promote dialogue between Officers of the Council and disabled people in the Borough.

Lesbian, Gay ~~and~~, Bisexual, Transgender & Questioning People's Forum

Objectives

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

5. To provide a Forum in which to discuss issues relevant to lesbian, gay, ~~and~~ bisexual, transgender & questioning-people within the Borough, but outside of the direct remit of the Council, and enable the Forum to comment on such issues.

Women's Forum

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

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

~~No formal terms of reference or constitution—but the general objectives are to provide a Forum for the exchange and dissemination of views on women's issues relevant to the Borough.~~

Article 14 - Officers

14.1 Management Structure

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

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

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all Officers). Provision of professional advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).
Director of Finance & Support	Finance; Human Resources; Revenue & Benefits; Procurement Services; Customer Services and ICT.
Director of Housing	Landlord Services; Strategic Housing.
Director of <u>Regeneration, Enterprise & Planning</u> & Regeneration.	Planning; Regeneration and Development and Asset Management.
Director of Environment <u>Customers & Communities</u> & Culture	Public Protection; Neighbourhood Environmental Services; Cultural Services; Town Centre Operations.

14.1.3 **Management Team** - The foregoing together with the Monitoring Officer, the ~~Assistant Chief Executive and the Head of Human Resources~~ Chief Executive, the Director of Regeneration, Enterprise & Planning, the Chief Finance Officer, and the Director of Customer & Communities shall constitute the Council's Management Team, who are charged with collective responsibility for oversight, supervision and forward planning of the management of the Council and advice to its Councillors.

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

Post	Designation
Chief Executive	Head of Paid Service
Director of Finance & Support <u>Chief Finance Officer</u>	Chief Finance Officer (Section 151 Officer)
Borough Secretary	Monitoring Officer

Such posts will have the functions described in Articles 14.2 - 14.4 below.

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

14.2 Functions of the Head of Paid Service

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

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

Committee	Membership	Functions	Delegation of functions
	voting)		
Audit Committee	7 Members of the Council (excluding members of the Cabinet) <u>and 1 Independent Chair</u>	Generally considering all relevant processes for risk, control and governance set out in Article 9.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.
General Purposes Committee	9 Members of the Council	To exercise all those functions set out in Article 11.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.
Appointments and Appeals Committee	6 Members of the Council to include at least 2 Members of Cabinet	<ul style="list-style-type: none"> (i) To recommend to the Council the appointment of the Chief Executive. (ii) To make appointments of other Chief Officers set out in Article 14 of this Constitution and to make appointments of Deputy Chief Officers (Heads of Service). (iii) To undertake all associated activities including agreeing job descriptions, person specifications, the interview processes generally. (iv) To establish, agree terms of reference and appoint to the 	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.

Formatted: Left

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

4. Powers Delegated to Particular Cabinet Members

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

4.2 Powers Reserved to the Leader of the Council – ~~Partnerships & Improvement Portfolio~~

4.2.1 To vary this Scheme of Delegations of executive functions including the ability to bring Key Decisions within this Scheme of Delegations.

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

4.2.3 To exercise any executive powers and duties not reserved to Cabinet or delegated to an Officer, a Cabinet Member, individual or other body.

4.2.4 To act on behalf of any other Cabinet Member who is absent or unable to act, or to authorise another Cabinet Member to do so.

4.2.5 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated decisions under this Scheme of Delegations.

4.2.6 To make Key Decisions.

4.2.7 To exercise the executive powers and duties of the Council for the areas within the following portfolio:

~~Partnerships & Improvement~~

- ~~Partnerships~~
- ~~Communications~~
- ~~Borough Solicitors~~
- ~~Overall Strategic Direction~~
- ~~Partnership~~

- Organisation
- Council Standing and Profile
- Human Resources
- Legal
- Emergency Planning
- Corporate Risk
- Communications
- SEMLEP

4.3 Powers of the Deputy Leader – ~~Community Engagement Portfolio~~

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

~~Community Engagement~~

- ~~Community Participation~~
- ~~Community Safety~~
- ~~Community Wellbeing~~
- ~~Community Development~~
- ~~Cultural Development~~
- ~~Emergency Planning~~
- ~~Town Centre Operations~~
- ~~Car Parks~~
- ~~Events and Museums~~
- ~~Leisure~~
- ~~Community Grants~~
- ~~Chief Executive’s Office~~
- ~~Democratic Services~~
- ~~Electoral Services~~
- Support the Leader of the Council
- Scrutiny Liason & Follow up
- Democratic Services
- Major Contracts including LGSS
- Joined up working
- Sports Clubs
- Councillor Developmet
- Constitution
- Market Liaison
- Enforcement across the Council

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

Formatted: Font: Bold, Underline, Check spelling and grammar

- Flood Issues
- Tourism

Formatted: Font: Bold, Underline, Check spelling and grammar

4.4 Powers of the ~~Portfolio Holder~~ Cabinet Member – Community Engagement & Safety Performance & Support

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

Performance & Support

- Performance Management
- IT Customer Support
- IT Systems & Infrastructure
- Business Process & Improvement
- Human Resources
- Customer Services
- Councillor & Managerial Support
- Customer Services
- Equalities
- Events, Culture including Museums
- Sport & Leisure, incl. Trust
- Forums
- Voluntary & Community Sector
- Community Safety

Formatted: Font: Bold, Underline

Formatted: Indent: Left: 2.54 cm, No bullets or numbering

4.5 Powers of the ~~Portfolio Holder~~ Cabinet Member – Finance

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

- Finance Management
- Financial Strategy
- Audit
- Insurance & Risk Management
- Asset Management
- Finance/VFM
- Revenue Capital
- Treasury
- Revenue & benefits

- Procurement
- Facilities
- Change & Performance
- ICT

4.6 Powers of the ~~Portfolio Holder~~ Cabinet Member- Housing & Wellbeing

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

Housing & Wellbeing

- ~~Housing Services and Management~~
- ~~Housing Estates~~
- ~~Housing Advice and Homelessness~~
- ~~Housing Allocations~~
- ~~Rents~~
- ~~Revenues and Benefits~~
- ~~Council Tax Collection~~
- Housing options/solutions
- Private Sector housing
- Housing Asset Strategy & management
- Estate Renewal
- Sheltered Housing
- Independent Living
- Northampton Partnership Homes
- Community Wellbeing
- Delivery of appropriate affordable & mobility housing through the Planning process
- Homelessness

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

- 4.6.1 Agreeing to the disposal of dwellings (subject to the terms of any specific or general consent of the Secretary of State) in circumstances or in a manner not covered by the Right to Buy, and in particular under arrangements to enable tenants to finance the purchase of their homes by methods compliant with Islamic law (Sharia).
- 4.6.2 Agreeing to demand less than the maximum amount of discount recoverable on the further disposal of a sold Council dwelling.

4.6.3 Adopting policies, practices or protocols (including arrangements with one or more registered social landlord) to deal with offers of first refusal of sold Council dwellings.

4.7 Powers of the ~~Portfolio Holder~~ Cabinet Member- Environment ~~Portfolio~~

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

Environment

- ~~Street Cleansing & Street Scene~~
- ~~Parks & Open Spaces~~
- ~~Waste Management~~
- ~~Recycling~~
- ~~Environmental Health~~
- ~~Direct Services Organisations~~
- ~~Travellers~~
- ~~Neighbourhood Wardens~~
- ~~Property Maintenance~~
- Environmental Services
- Environmental Health
- Carbon Management
- Cemeteries
- Neighbourhood Wardens
- Park Rangers
- Parks & Open Spaces
- Cleanliness of the Town
- Trees
- Licensing Policy

Formatted: Font: 12 pt

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

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

4.7.3 Agreeing to the disposal or appropriation of areas of public open space of not more than 5,000 square metres, subject to public advertisement and the consideration of any objection by full Cabinet.

4.7.4 Agreeing to accept donations of land for use as public open space or community purposes pursuant to agreements under section 106 of the Town and Country Planning Act 1990 or in similar circumstances.

4.8 Powers of the ~~Portfolio Holder~~ Cabinet Member – Regeneration, Enterprise & Planning & Regeneration

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

Formatted: Indent: Left: 1.25 cm

Planning & Regeneration

- Planning Policy & Conservation
- Regeneration
- Economic Development & Intelligence
- Development and Building Control
- Markets
- Project Development and Co-ordination
- Housing Strategy

Formatted: Indent: Left: 1.27 cm

Formatted: Font: 11 pt

Commented [EP1]:

Formatted: Font: 11 pt, Underline

Formatted: Font: 11 pt, Underline

Formatted: Underline

Formatted: Indent: First line: 1.27 cm, Right: 0 cm

Formatted: Font: Palatino Linotype, 11 pt, Underline

Formatted: Indent: Left: 1.25 cm, Hanging: 1.25 cm, Line spacing: 1.5 lines, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Regeneration Enterprise and Planning

- Major regeneration projects
- Economic partnership
- Business improvement districts
- Town centre inc. Management & operations
- Heritage assets & projects
- Assets
- Community Regeneration
- Planning Policy/Strategic Planning
- Development Control powers
- Building Control
- Conservation

Formatted: Font: 11 pt

Formatted: Indent: First line: 1.27 cm, Right: 0 cm

2.4.2 Motions and Recommendations not dealt with

In the case of any motions or recommendations on the agenda that have not been dealt with by 10.00 pm:

2.4.2.1 The Mayor shall put to the vote without further debate any motion or amendment currently under discussion; and

2.4.2.2 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.

3. MINUTES

3.1 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.

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

4. MOTIONS

For the avoidance of doubt nothing in this Rule shall preclude a Member from proposing a motion or amendment to a motion without notice during the discussion of an ordinary report at a meeting of the Council in which case the provisions of Rule 9 below shall apply.

4.1 Notices of Motion

Notice of every motion (other than a motion which under Rules 4.7 or 9.10 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 eight working 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 (Democratic Services Section).

6.3.3 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.

6.4 Deadlines

An application for a question to be considered must be in writing or submitted in writing and delivered, faxed or e-mailed to Democratic Services no later than 10.00 am seven calendar days before the day of the Council meeting.

6.5 Asking the Question at the Meeting

6.5.1 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.

6.5.2 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.

6.6 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 6.2 above.

6.7 Form of Answer

6.7.1 An answer will usually be in written form but may be:

- a direct oral answer; or
- where the desired information is contained in a publication of the Council, a reference to that publication.

6.7.2 The Leader, Cabinet Member or appropriate Chair may decline to respond to a public or Member question.

inspect or to enter upon any lands or premises which the Council occupies or has the power or duty to inspect or enter.

19. 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 its membership, 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, 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 standing committees.

20. SUBSTITUTE MEMBERS (OVERVIEW AND SCRUTINY, APPOINTMENTS AND APPEALS, AUDIT AND GENERAL PURPOSES COMMITTEES)

20.1 Except where the Council determines otherwise, a member of any Overview and Scrutiny Committee, the Appointments and Appeals Committee, the Audit Committee or the General Purposes Committee may nominate another Councillor in accordance with Rule 20.2 below to attend one or more meetings of such Committee in his/her place as a substitute with power to vote.

20.2 The person nominated shall not be a member of the Cabinet (not applicable to the Appointments and Appeals Committee) nor already be a member of the Committee concerned, and shall be a member of the same political group as the Member whose place they take. 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.

20.3 A nomination under Rule 20.2 shall be delivered, faxed or e-mailed to Democratic Services, signed by the nominating Member or the Political Assistant or Group Whip, before 12 noon on the day of the meeting(s) or period of time for which the nomination is to have effect.

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

21. POWERS OF CABINET AND COMMITTEES

Subject to the overriding statutory requirements of the Local Government Act 2000 and all regulations made thereunder shall be delegated to the Cabinet, the respective committees, and Officers of the Council the functions of the Council specified in the

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These Rules apply to all meetings of the Council, the Overview and Scrutiny Committee, ~~Neighbourhood Partnerships~~, the Standards, the Audit, General Purposes 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, St Giles Square, Northampton, NN1 1DE, (the designated office)~~ on the Council website: www.northampton.gov.uk

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;

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make Executive Decisions?

The arrangements for the discharge of executive functions are set out in the Executive Arrangements adopted by the Council and summarised on page 2-52. The Arrangements may provide for executive functions to be discharged by:

- 1.1.1 the Cabinet as a whole;
- 1.1.2 a committee of the Cabinet;
- 1.1.3 an individual member of the Cabinet. (The Leader's Scheme of Delegations in Part 3 of the Constitution sets out the arrangements in this regard);
- 1.1.4 an Officer;
- 1.1.5 ~~Neighbourhood Management arrangements (within any delegated authority)~~
- 1.1.6 Joint Arrangements; or
- 1.1.7 another Local Authority.

1.2 Sub-delegation of Executive Functions

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

4.4 It will be for Cabinet to specify the extent of a Cabinet committee's powers. The committee may be required to report back to Cabinet or may be authorised to make executive decisions (including Key Decisions).

4.5 References to the Cabinet in Rules 5 – 16 should be read as including any committees of the Cabinet unless the context otherwise requires.

5. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 7 (general exception) and Rule 8 (special urgency) of these Cabinet Procedure Rules, a Key Decision may not be taken unless:

- a notice (called here ~~a Forward Plan~~ the Executive Business List) has been published in connection with the matter in question;
- at least ~~fourteen calendar~~ 28 days have elapsed since the publication of the ~~Forward Plan~~ Executive Business List for the inclusion of key decisions; 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 of the Access to Information Procedure Rules (notice of meetings).

6. ~~THE FORWARD PLAN~~ THE EXECUTIVE BUSINESS LIST

6.1 ~~Period of Forward Plan~~ the Executive Business List

~~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. The~~ executive Business List will be prepared by and on behalf of the Leader of the Council. This will be published on the authority's website at least 28 days prior to Cabinet meetings where it is anticipated key decisions will be made.

6.2 ~~Contents of Forward Plan~~ the Executive Business List

~~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~~

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + Not at 1 cm

~~following particulars in so far as the information is available or might reasonably be obtained:~~

~~The requirement to publish a Key Decision 28 clear days in advance of it being made, applies not only to Key Decisions made at Cabinet but also to any Key Decision to be made by an individual Cabinet Member. Currently, the Leader, (or his deputy acting on his behalf) are the only Councillors who can make Key Decisions individually.~~

Formatted: Indent: Left: 1.25 cm

Formatted: Font: Palatino Linotype

- 6.2.1 the matter in respect of which a decision is to be made;
- 6.2.2 where the decision taker is an individual (if so delegated by the Council), their name and title, if any, and where the decision taker is a body, its name and details of membership;
- 6.2.3 the date on which, or the period within which, it is anticipated that the decision will be taken;
- 6.2.4 the identity of any principal groups whom the decision taker proposes to consult before taking the decision;
- 6.2.5 the means by which any such consultation is proposed to be undertaken;
- 6.2.6 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;
- 6.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter; and
- 6.2.8 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.

6.3 ~~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:~~

~~6.3.1 that Key Decisions are to be taken on behalf of the Council;~~

~~6.3.2 that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;~~

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + Not at 1 cm

Formatted: Indent: Left: 0 cm, Tab stops: 1.25 cm, Left

~~6.3.3 that the Forward Plan will contain details of the Key Decisions to be made for the four month period following its publication;~~

~~6.3.4 that each Forward Plan will be available for inspection at reasonable hours free of charge at the Council's offices;~~

~~6.3.5 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;~~

~~6.3.6 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;~~

~~6.3.7 that other documents may be submitted to decision takers;~~

~~6.3.8 the procedure for requesting details of documents (if any) as they become available; and~~

~~6.3.9 the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.~~

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

Key decisions

~~1) A "key decision" means an executive decision, which is likely –~~

~~(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or~~

~~(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.~~

~~(2) In determining the meaning of "significant" for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).~~

~~(3) A key decision is any decision likely to result in expenditure or savings of £250,000 or above (in a single transaction or a related series of transactions) will be treated as a key decisions. Further information is contained in Article 15 of this Constitution.~~

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, No bullets or numbering, Tab stops: 1.25 cm, Left

Formatted: Indent: Left: 0 cm, Tab stops: 1.25 cm, Left

Formatted: Indent: Left: 0 cm, Tab stops: 1.25 cm, Left + 2.5 cm, Left + Not at 3 cm

Formatted: Indent: Left: 0 cm, Tab stops: 1.25 cm, Left + 3.5 cm, Left

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + 2.5 cm, Left + Not at 3 cm

Formatted: Indent: Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + 2.5 cm, Left

Formatted: Font: Palatino Linotype, 12 pt, Bold

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Indent: Left: 2.5 cm, Hanging: 0.5 cm

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Font: Palatino Linotype, 12 pt

Formatted: Indent: Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + 2.5 cm, Left

Publicity in connection with key decisions

1) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph (2), which states —

(a) that a key decision is to be made on behalf of the relevant local authority;

(b) the matter in respect of which the decision is to be made;

(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

(d) the date on which, or the period within which, the decision is to be made;

(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

(2) At least 28 clear days before a key decision is made, the document referred to in paragraph (1) must be made available for inspection by the public—

(a) at the offices of the relevant local authority; and

(b) on the relevant local authority's website, if it has one.

(3) Where, in relation to any matter—

(a) the public may be excluded under regulation 4(2) from the meeting at which the matter is to be discussed; or

(b) documents relating to the decision need not, because of regulation 20(3), be disclosed to the public, the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

Formatted: Font: Bold

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

Formatted: Indent: First line: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: First line: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 1 cm, Hanging: 2 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

Formatted: legclearfix, Left, Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Font: Palatino Linotype, 11 pt

7. GENERAL EXCEPTION

~~7.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 8 (special urgency), the decision may still be taken if:~~

~~7.1.1 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;~~

~~7.1.2 the Proper Officer has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;~~

~~7.1.3 the Proper Officer has made copies of that notice available to the public at the offices of the Council; and~~

~~7.1.4 at least five clear days have elapsed since the Proper Officer complied with Rules 7.1.2 and 7.1.3.~~

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

~~(1) Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may only be made—~~

~~(a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;~~

~~(b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and~~

~~(c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).~~

~~(2) Where paragraph (1) applies to any matter, regulation 9 need not be complied with in relation to that matter.~~

~~(3) As soon as reasonably practicable after the proper officer has complied with paragraph (1), he or she must—~~

~~(a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with regulation 9 is impracticable; and~~

~~(b) publish that notice on the relevant local authority's website, if it has one.~~

Formatted: Indent: Left: 0.25 cm, Hanging: 1 cm, Tab stops: 1.25 cm, Left + Not at 1 cm

Formatted: Indent: Left: 0.25 cm, Hanging: 1 cm

Formatted: Indent: Left: 0.25 cm, Hanging: 1 cm, Tab stops: 2.5 cm, Left + Not at 3 cm

Formatted: Indent: Hanging: 1 cm

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm

Formatted: Indent: Left: 1.25 cm, Hanging: 0.75 cm

Formatted: Indent: Left: 1.25 cm, Hanging: 0.75 cm

Formatted: Indent: First line: 1.25 cm, Tab stops: 2 cm, Left

Formatted: Indent: Hanging: 1 cm

8. SPECIAL URGENCY

~~If by virtue of the date by which a decision must be taken, Rule 7 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual possessing delegated authority) or the chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.~~

1) ~~Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from—~~

~~(a) the chairman of the relevant overview and scrutiny committee; or~~

~~(b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or~~

~~(c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority.~~

~~that the making of the decision is urgent and cannot reasonably be deferred.~~

~~(2) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—~~

~~(a) make available at the offices of the relevant local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and~~

~~(b) publish that notice on the relevant local authority's website, if it has one.~~

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm

Formatted: Indent: First line: 1.5 cm

Formatted: Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm

Formatted: Indent: Left: 1.5 cm, Hanging: 1.5 cm

Formatted: Indent: First line: 1.5 cm

9. REPORT TO COUNCIL

9.1 When the Overview and Scrutiny Committee can require a report

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

9.1.1 included in the ~~Forward Plan;~~Executive Business List or

9.1.2 the subject of the general exception procedure; or

9.1.3 the subject of an agreement with the Overview and Scrutiny Committee Chair, or the Mayor/Deputy Mayor of the Council under Rule 8; or

9.1.4 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 Chair or any two Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

9.2 — Cabinet's report to Council

~~The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven 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.~~

9.3 Quarterly reports on special urgency decisions

In any event, the Leader will cause to be submitted, quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 8 (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.

10. RECORD OF EXECUTIVE DECISIONS MADE AT MEETINGS

~~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.~~

(1) As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in paragraph (2).

(2) The statement referred to in paragraph (1) must include—

Formatted: Indent: Left: 1.25 cm, Hanging: 1.25 cm, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25 cm + Indent at: 1.89 cm

Formatted: Font: Palatino Linotype, 11 pt

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;

(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

Formatted: Font: Palatino Linotype, 11 pt

Formatted: Font: Palatino Linotype, 11 pt

(3) For the purposes of paragraph (1) "person presiding" means the person actually presiding or the person nominated to preside at that meeting.

(4) Executive decisions made by decision-making bodies are prescribed decisions for the purposes of section 9G(3) of the 2000 Act (duty to keep written records of private meetings).

Formatted: Font: Bold

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

Normally Cabinet meetings will be held in public save and except in respect of those matters covered by Appendix B of the Guidelines for Open Government or other exceptional circumstances.

12. NOTICE AND PROCEDURES PRIOR OF TO 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.~~

(1) A decision made by a decision-making body to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the 2000 Act (regulations requiring prescribed information about prescribed decisions).

(2) At least 28 clear days before a private meeting, the decision-making body must—

(a) make available at the offices of the relevant local authority a notice of its intention to hold the meeting in private; and

(b) publish that notice on the relevant local authority's website, if it has one.

(3) A notice under paragraph (2) must include a statement of the reasons for the meeting to be held in private.

(4) At least five clear days before a private meeting, the decision-making body must—

Formatted: Indent: Left: 1 cm

(a) make available at the offices of the relevant local authority a further notice of its intention to hold the meeting in private; and

Formatted: Indent: Left: 1 cm, First line: 0 cm, Tab stops: 1.5 cm, Left + 1.75 cm, Left

(b) publish that notice on the relevant local authority's website, if it has one.

Formatted: Indent: First line: 0.5 cm

(5) A notice under paragraph (4) must include—

(a) a statement of the reasons for the meeting to be held in private;

(b) details of any representations received by the decision-making body about why the meeting should be open to the public; and

(c) a statement of its response to any such representations.

(6) Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

(a) the chairman of the relevant overview and scrutiny committee; or

Formatted: Indent: Left: 1 cm

(b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or

Formatted: Indent: Left: 1 cm, Hanging: 0.5 cm

(c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority.

Formatted: Indent: Left: 1 cm

that the meeting is urgent and cannot reasonably be deferred.

(7) As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph (6) to hold a private meeting, it must—

(a) make available at the offices of the relevant local authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

Formatted: Indent: Left: 1 cm

(b) publish that notice on the relevant local authority's website, if it has one.

13. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

13.1 Overview and Scrutiny Committee Members

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

13.1.2 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



Northampton Borough Council

Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

1. Context

Formatted: Font: Palatino Linotype

These "Arrangements" set out how you may make a complaint that an elected or co-opted Member of this Council has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with it. These Arrangements also apply to Parish Councils within the Borough of Northampton. You may make a complaint under these Arrangements that a Parish Councillor has failed to comply with the Code of Conduct adopted by the Parish Council. A complaint about a Parish Councillor will be dealt with by Northampton Borough Council in accordance with these Arrangements. References to "Member" in these Arrangements should therefore be read to include reference to a Parish Councillor.

These Arrangements include the appointment of at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on the authority's website [https://www.northampton.gov.uk/downloads/file/5450/arrangements] and on request from the One Stop Shop at the Guildhall

If you wish to make a complaint, please

write to:

The Monitoring Officer

Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

or e-mail the Monitoring

Officer at:

monitoringofficer@northampton.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the One Stop Shop at the Guildhall.

You are required to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint as soon as possible after receiving it and will keep you informed of the progress of your complaint.

4. Initial Assessment of Complaints Received

The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person (see section 11 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action.

Formatted: Right: 9.97 cm

Formatted: Font: Palatino Linotype

Formatted: Line spacing: single

For the complaint to be admissible it must be in a legible format and relate to an existing Member of the authority.

Formatted: Line spacing: single

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer (and Independent Person if involved at this point) will have regard to a range of factors including the following:-

Formatted: Line spacing: single

i) Whether there is sufficient information upon which to base a decision.

ii) How serious is the alleged complaint.

Formatted: Font: Palatino Linotype

iii) Is the complaint politically motivated, vexatious or tit for tat;

iv) Did the action complained about occur recently or not;

Formatted: Line spacing: single, Tab stops: 2.5 cm, Left

Formatted: Indent: Left: 1.5 cm, Hanging: 1.04 cm, Tab stops: 2.5 cm, Left

Formatted: Font: Palatino Linotype

v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;

Formatted: Line spacing: single, Tab stops: 2.5 cm, Left

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Line spacing: single, Tab stops: 2.5 cm, Left + Not at 2.72 cm + 14.75 cm

vi) Whether the matter is considered suitable for alternative resolution and either the Member concerned or the complainant is not prepared to accept this as a solution.

Formatted: Line spacing: single, Tab stops: 2.5 cm, Left

Formatted: Indent: Left: 1.5 cm, Hanging: 1.04 cm, Right: 0.11 cm, Line spacing: single, Tab stops: 2.5 cm, Left

Formatted: Font: Palatino Linotype

The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer. You will be informed on progress throughout the process.

Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

Alternative Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer may consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the

authority. Where the Member or the authority makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person, if appropriate) will take account of this in deciding whether the complaint warrants a formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5. If the Complaint is referred for Investigation how is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer may consult with the Independent Person about the need for a formal investigation.

The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel made up of Councillors from the Council's Standards Committee and any appropriate co-optees or seek an alternative resolution.

7.1 Local Resolution

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

7.2 Local Hearing

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

If the Member wishes to make representations to the Panel and/or consult with the Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Person, the decision of the Panel will stand as announced.

8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

The Hearings Panel may:

8.1 Publish its findings in respect of the Member's conduct;

8.2 Report its findings to Council for information

8.3 Recommend that Council remove the Member from any or all Committees or Sub- Committees of the Council for a specified period of time;

8.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities for a specified period of time;

8.5 Instruct the Monitoring Officer to arrange training for the Member;

8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;

8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the authority where the complaint relates to that appointment and for a specified period of time;

8.8 Withdraw any facilities provided to the Member by the Council that may have been abused or improperly used; or

8.9 Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There are no powers that allow Council or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although removing a Member from Cabinet or a Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension.)

9. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter and subject to any adjournment as set out in 7.2 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Council.

10. Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

11. Who are the Hearings Panel?

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee. If the conduct of a Parish

Councillor is to be considered a Parish Council Member will form an additional Member of the Panel.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

12. Who is the Independent Person?

Council has appointed three Independent Persons.

* A person cannot be "independent" if they:

12.1 are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish council within the authority's area;

12.2 Is a relative or close friend, of a person within paragraph 12/1. For this purpose, "relative" means:

2.1 Spouse or civil partner;

12.2.2 Living with the other person as husband and wife or as if they were civil partners;

12.2.3 Grandparent of the other person;

12.2.4 A lineal descendent of a grandparent of the other person;

12.2.5 A parent, sibling or child of a person within paragraphs 12.2.1 or 12.2.2;

12.2.6 A spouse or civil partner of a person within paragraphs 12.2.3, 12.2.4 or 12.2.5; or

12.2.7 Living with a person within paragraphs 12.2.3, 12.2.4 or 12.2.5 as husband and wife or as if they were civil partners.

* Note: This definition applies post the Transitional Arrangements period.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix A The authority's Members Code of Conduct

Members' Allowances Scheme

1. Citation

The Northampton Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following Scheme:

This Scheme may be cited as the Northampton Borough Council Members' Allowance Scheme, and took effect from ~~1st April 2003~~^{18th Septemeber 2017}

Formatted: Superscript

2. Interpretation

In this Scheme,

"Councillor" means a Member of the Northampton Borough Council who is a Councillor;

"year" means the 12 months ending on 31st March.

3. Independent Remuneration Panel

The Council shall set up and maintain an Independent Remuneration Panel under the Local Government Act 2000 and associated regulations.

4. Basic Allowance

Subject to paragraph 9, for each year, a Basic Allowance specified by the Council upon advice from the Independent Remuneration Panel shall be paid to each Councillor.

5. Special Responsibility Allowances

5.1 For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council as specified in Schedule 1, or any subsequent scheme approved by the Full Council following recommendations made by the Independent Remuneration Panel.

5.2 Subject to paragraph 9, the amount of each such allowance shall be the amount specified by the Council upon advice from the Independent

SCHEDULE 2

1. Dependant Carer's Allowance

Approved Duties

For the purposes of claiming Dependant Carer's Allowance the following are regarded as Approved Duties:

- meetings of the Cabinet, committees of the Cabinet (if any), Council, or committees and sub-committees of Council, ~~and~~ Forums, ~~and~~ ~~Neighbourhood Partnerships (including Managed Areas);~~
- meetings of some other body to which the Council makes appointments or nominations, or meetings of a committee or sub-committee of some other body to which the Council makes appointments or nominations;
- meetings which have both been authorised by the Council (or by a committee or sub-committee or a Joint Committee with one or more other authorities or a sub-committee thereof) and to which representatives of more than one political group have been invited (or two or more Councillors have been invited if the Council is not divided into political groups); and
- meetings of a Local Authority Association of which the Council is a member.

Any enquiries as to entitlement to allowances should be referred to the Chief Executive; and the ~~Director of Finance & Support~~ Chief Finance Officer will be pleased to deal with enquiries of a financial or taxation nature.

CHIEF EXECUTIVE/DIRECTORS/STATUTORY OFFICERS

