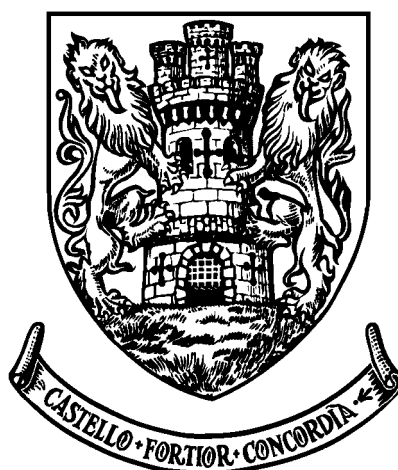


NORTHAMPTON BOROUGH COUNCIL



COUNCIL

Monday, 9 July 2018

YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON MONDAY, 9 JULY 2018 AT 6:30 PM WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED

1. DECLARATIONS OF INTEREST

2. MINUTES.

(Copy herewith)

3. APOLOGIES.

4. MAYOR'S ANNOUNCEMENTS.

5. PUBLIC COMMENTS AND PETITIONS

6. MEMBER AND PUBLIC QUESTION TIME

7. CABINET MEMBER PRESENTATIONS

(Copy herewith)

8. OPPOSITION GROUP BUSINESS

Councillor Birch to make a statement on "Crime and the Fear of Crime".

9. OVERVIEW & SCRUTINY ANNUAL REPORT - 2017/2018

(Copy herewith)

10. HEALTH AND SAFETY POLICY

(Copy herewith)

11. CHANGES TO COMMITTEE PLACES

(Copy herewith)

12. PROPOSED AMENDMENTS TO THE CONSTITUTION

(Copy herewith)

13. COMMUNITY GOVERNANCE REVIEW

(Copy herewith)

14. CHIEF FINANCE OFFICER FOR THE COUNCIL

(Copy herewith)

15. NOTICES OF MOTION

i) Councillor Beardsworth to propose and Councillor Meredith to second:

“Whatever the boundaries of the new Unitary Councils, for Northamptonshire, those councils will take on responsibility for the care of older people in our community, from 2020.

A recent study estimated that 35% of inpatients in local hospitals were there simply waiting for suitable after care to be available (so called Bed Blocking).

We ask that this council, working with partners carry out an audit of Adult Social Care facilities in the area and future demand patterns, in order that the new Unitary Council is able to better plan for the needs of older people in the future”.

ii) Councillor G Eales to propose and Councillor Stone to second:

“Our town is famous for the boot and shoe industry and for leather works. The Central Museum hosts our famous shoe collection and we have a wonderful leather collection.

We note recent announcements on retail closures and the Northampton Chronicle’s current campaign. We know as a council we need to support the regeneration of our town, to increase footfall and to stimulate tourism. Leather and our world renowned shoe makers can play a key role in this.

This council therefore resolves to:

Invite interest from shoe manufacturers and leather good producers around the county to be included in a retail shoe and leather goods outlet in Northampton Town Centre. This plan would see the development of one of the vacant sites in the middle of town to show case and sell shoes and leather goods from our world class manufacturers. The vision being that the demand for our high quality shoes & leather, will make Northampton Town Centre an attraction for visitors into the town. This will aid regeneration and increase footfall.

To make this offer viable for the businesses concerned, this council will make whatever concessionary offers are within our gift for a defined period and play an active role in the deployment of what will be a mutual heritage and commercial concern.

This council will seek to include the University of Northampton to play a part in this initiative”.

iii) Councillor Joyce to propose and Councillor Ashraf to second:

There are four community libraries in the town that are under threat of closure. We recognise the value of libraries as community hubs and we therefore resolve to work with the friends of the libraries to insure the libraries remain open for community use”.

iv) Councillor King to propose and Councillor Hibbert to second:

“This motion calls for the Council to continue to promote mental health awareness and support to the Government’s Prevention Concordat for Better Mental Health. The Concordat is intended to provide a focus for cross-sector action to deliver a tangible increase in the adoption of public mental health approaches across local authorities, the NHS, public, private and voluntary, community and social enterprise (VCSE) sector organisations and others.

This Council is proud to actively support the campaign to make Northampton a ‘happy town’, including the launch of Northampton’s first ‘Happy Café’ in June. ‘Happy Cafés’ are being set up by supporters of the Action for Happiness movement in local communities, as a friendly and welcoming place to meet others with a shared interest in promoting happiness and well-being.

As well as the ‘Happy Café’ launch, there was also be a celebration of the publication of ‘50 Ways to Feel Happy’, a new illustrated children’s book which helps children build skills and develop healthy habits for their daily lives, promoting resilience, well-being, self-confidence and emotional stability.

This motion calls on the Council to further promote a prevention-focused approach to improving the public’s mental health, which makes a valuable contribution to achieving a fairer and more equitable society”.

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

George Candler – Chief Executive
The Guildhall
Northampton

1. Comments and Petitions

- 1.1 A member of the public (or an accredited representative of a business ratepayer of the Borough) may make a comment or present a petition on any matter in relation to which the Council has powers. A comment or presentation of a petition shall be for no more than three minutes. No notice of the nature of the comment to be made or of the petition is required except for the need to register to speak by 12 noon on the day of the meeting.

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

NOTES

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

2. Member and Public Questions

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

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

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

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

NOTES

In respect of paragraph 2.1 above, questions may be rejected on certain grounds that are set out on page 4-12 of the Council's Constitution and which may be viewed at www.northampton.gov.uk/site/scripts/download_info.php?fileID=1919 or by seeking advice using the contact details below.

3. Motions

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

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

4. General

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

5. Contacts

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

Tel 01604 837722

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

MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON Monday, 4 June 2018 AT SIX THIRTY O'CLOCK IN THE EVENING

PRESENT: HIS WORSHIP THE MAYOR Councillor Ansell (in the Chair).

COUNCILLORS: Malpas, Ashraf, Aziz, Beardsworth, Birch, Bottwood, Caswell, Choudary, Chunga, Culbard, Davenport, Duffy, G Eales, T Eales, Eldred, Flavell, Golby, Graystone, Hallam, Haque, Hibbert, J Hill, Joyce, Kilbride, King, Lane, Larratt, B Markham, M Markham, McCutcheon, Meredith, Nunn, Oldham, Parekh, Patel, Russell, Sargeant, Kilby-Shaw, Stone and Walker

1. DECLARATIONS OF INTEREST

Councillors Kilbride, Bottwood, Markham and Ashraf declared personal interests as NPH Board members.

Councillor Davenport declared a personal interest as a Ward Councillor, affected by the recent floods.

2. MINUTES.

The minutes of the proceedings of the Meetings of the Council held on 23rd April, 14th May and 17th May 2018 were agreed.

3. APOLOGIES.

Apologies were received from Councillors Cali, Marriott, Hadland and Smith.

4. MAYOR'S ANNOUNCEMENTS.

The Mayor announced that he had attended a tree planting event which had been undertaken to celebrate the Royal Wedding between Prince Harry and Meghan Markle. He announced that Oak Apple Day had been successful with Earl Spencer having been in attendance. He further announced that he and Councillor Meredith had attended the Queens Royal Garden Party at Buckingham Palace on the 31st May 2018 which had been a privilege. The Mayor announced that his Summer Ball would be held at the Guildhall on 24th August and the Speedy Cup would be held at the Swan and Helmet on the 23rd June 2018 and urged people to contact the Civic and Mayoralty Officer for further information.

5. PUBLIC COMMENTS AND PETITIONS

Mr Brian Hoare spoke in favour of a Unitary Authority and noted the importance of gathering the views of the general public specifically relating to geographical representation. He stated that the Secretary of State wanted a locally led proposal and the proposals should not be considered as a fait accompli.

Mr Arthur Newbury commented that he would like the Council to offer assurances that section 106 (S106) monies be brought into the Town Centre and are included in all future plans. He questioned the viability of having no parking for students at the new Waterside campus (for the University) and commented that additional park and ride schemes would only lead to increased traffic and suggested that a car park be built on the eastern side of the Town.

Mr David Huffadine-Smith questioned the feasibility of undertaking a Community Governance Review and suggested that it would result in having a single Town Council for the whole of Northampton Town but with such limited powers it would be comparable to that of a Parish Council which could give communities a real and effective structure.

Mr Daniel Soan stated that commented that he would be in support of the establishment of a Town Council and thus ensuring that there provisions be in place to protect the Civic role of the current Borough Council. J

Mr Tony Mallard commented that he had empathy with the position the Council were currently in, having received an instruction from Government, He stated that best efforts needed to be made to protect the Town and noted that pride of the history and heritage of the Town and the need to protect greens spaces and Northampton Partnership Homes to ensure established tenants are offered some security.

6. MEMBER AND PUBLIC QUESTION TIME

The Mayor advised that 28 questions had been received from Councillors and members of the public and that the answers had been tabled in accordance with the Constitution.

Questions and answers were given as tabled (included in an updated agenda on the Council's website) unless where stated, supplementary questions were asked as detailed below.

In response to a supplementary questions relating to question 1, Councillor Hallam stated that recycle boxes collected from residents would not end up in landfill.

In response to a supplementary questions relating to question 2, Councillor Nunn stated that the total revenue deficit was not known but as soon as it was, he would happily share the information.

In response to a supplementary questions relating to question 5, Councillor Hill noted that although there had been increased parking charges, there had also been an increase in footfall.

In response to a supplementary questions relating to question 7, Councillor Larratt commented that there was ongoing work with Sports Clubs in the Borough and licenses being drawn up.

In response to a supplementary questions relating to question 11, Councillor Hallam

stated the environmental services contact between January and April 2018 had received positive feedback.

In response to a supplementary questions relating to question 23, Councillor Nunn commented that he did not share the disappointment of the costs of opening up Abington Street to traffic.

In response to a supplementary questions relating to question 26, Councillor Hallam stated that Air Quality was being measured and that statistics had shown an improvement.

In response to a supplementary questions relating to question 28, Councillor Hallam that technical work required ahead of formal declaration of an AQMA was being progress and was on target and welcomed future input from Mr Sawyer.

7. CABINET MEMBER PRESENTATIONS

Councillor Nunn, as the Leader of the Council elaborated on his Cabinet Member report and explained that with regards to Unitary Status, vast amounts of work had been undertaken and noted that fast paced environment and time frame that had been imposed. He explained that there was a commitment to continue with voluntary sectors and noted the opportunities for local representations to be heard through various means including from Parish Councils. The Leader noted the appointment of the Independent Chair of the Audit Committee and welcomed his future contributions.

In response to questions asked, the Leader explained that the Administration had a commitment to consultation with on Unitary Status and this would be demonstrated in the future weeks.

Councillor Larratt elaborated on his Cabinet Member and updated Councillors on the training that was being offered and noted that the street lighting meeting with Officer and Member working group had taken place and that the finances would soon be signed off prior to a survey being carried out.

In response questions relating asked, Councillor Larratt explained that a public survey had been developed with regards to Northampton Market which was anticipated would demonstrate what young people and traders would like to see happen to the market and noted that requests had been made for involvement from the Youth forum and the Universities.

Councillor Hallam elaborated on his Cabinet Member report and thanked all of the Officers who had played a part in the transitional process and launch of the transfer of the Environmental Services providers and noted the success of the first day of the new contract.

In response to questions asked, Councillor Hallam commented that work was due to be undertaken on grass cutting near to dual carriageways and other highways. He explained that robust plans had been put in place to ensure that bins in parks would be emptied in a timely manner and that improvements were being made. Councillor Hallam further reminded Council that it was day one of the new contract and that

there were robust plans in place but that there was a need for patience before real results would be seen and asked that people reassess and judge the contract in 6 to 9 months, not on the first day of the contract. He further reported that street cleansing would be carried out more frequently and that there would be 2 extra street cleaning officers. Councillor Hallam explained that efforts were currently being made to clean-up the town centre and to apprehend people who were caught littering by way of issuing them with Fixed Penalty Notice, 4,500 of which had been issued.

Councillor King elaborated on her Cabinet Member report and noted the success of the LGBTQ pride event and flag raising which took place at the Guildhall in May 2018. She further referred to the IDAHOBIT celebrations which took place on the 17th May 2018. Councillor King offered her condolences to the family of a young person who had been fatally stabbed in Northampton and noted the Council's commitment to assisting the police in reducing knife crime and noted she was due to attend a conference on knife crime.

In response to questions asked, Councillor King explained that refugees would be involved in 'Refugee Week' through the Colours of the Words competition. She further responded to questions relating to crime figures and noted that they were supplied to her by the Police and that it was up to each individual Councillor to explore the figures further. She noted that tenders for work on the museum would soon be received and that future reports would include a business case.

At this juncture of the meeting, the Mayor advised that the time limit had been reached and no further Cabinet Member would elaborate on their reports.

8. OPPOSITION GROUP BUSINESS

Councillor Ashraf thanked Northampton Partnership Homes (NPH) for their hard work and noted their progress over the years. However, she stated that there was still a need for affordable homes to be provided and noted the amount of boarded-up and empty homes in the Borough. She reported that there was a growing number of homeless people and that some landlords were increasing rents to generate quick cash. She commented that few people made a choice to be homeless and noted that increased number of people living in overcrowded premises. She congratulated the work of the Landlords Forum but stated that there was a need for more to be done to ensure that the rogue landlords did not thrive in the current economic climate and called for a 'Northampton Standard' to be introduced. She reported that there were over 3,000 people on the housing register in Northampton and that there were 387 children who were currently in temporary accommodation and urged the Council to encourage developers to adhere to the allocation percentage with regards to the building of affordable homes.

In response, Councillor Hibbert stated that he was not in disagreement with the opinions of Councillor Ashraf through the provision and delivery of more affordable housing. He stated that the Council had a very good enforcement team who were tackling rogue landlords. He further reported that homelessness was being tackled through various measures which included the Night shelter. He explained that the authority had reduced the number of people who were being housed in temporary accommodation outside of the Borough and noted the administrations commitment to

providing housing for everyone.

Councillor Ashraf responded stating that she was proud to be on the NPH Board and hoped that her and her fellow board members were making a positive contribution in addressing housing issues.

9. LOCAL GOVERNMENT REORGANISATION IN NORTHAMPTONSHIRE

Councillor Nunn proposed a report which updated Members on the current situation with regards to the potential Local Government reorganisation within Northampton. It sought Council's approval to work with the other county, district and borough Councils on a draft unitary proposal for consultation and for an agreed budget to finance the work.

Councillor Stone commented that Councils were being put under pressure by the Government and being starved of resources; she questioned how a new unitary authority would manage when starting out with a budget deficit.

Councillor Beardsworth stated that she was not in support of the recommendations and was displeased with the Government's decision to pursue the limited options and noted that the creation of a unitary authority would be with a number of difficulties including a lack of commonality. She emphasised the need for a consultation to involve, collaborate with and empower members of the public

Councillor B Markham commented that he considered the recommendations would pre-empt the proposed consultation with businesses and residents.

Councillor Duffy reported that her ward bordered that of Daventry District Council and noted her concerns that there had been a lack of cohesion with them over matters affecting both areas. Councillor Meredith stated that the proposal was motivated by the 7 Conservative MPs for the area and to agree to the report would be an extension of the MPs approach.

Members raised concerns about asset stripping and called the Council to establish a register in order to preserve the Towns assets. Further concerns were raised about the litter, the cuts to public services and issues with the recovery of loan money to NTFC, which was currently decaying the Council and the Town.

Councillor Golby offered his support for the recommendations and stated that the move to a Unitary Authority was encourage by the Government as they could see the overall benefits that it would bring.

Councillor Oldham reported that he had initially been in support of a Unitary Northampton but as this concept had been dismissed by the Government it was considered a necessity to work with their proposals.

The Deputy Leader commented that he had serious reservations about joining South Northants and Daventry but noted that they had been to the Government with the proposal for a Unitary Northampton on a number of occasions and this had not been fruitful; therefore it was necessary to reconsider the options offered. He explained that

the assets of the Borough were of great importance and every effort would be made to protect them.

Upon a requisition for a recorded vote, there voted for the recommendations:

Councillors Aziz, Bottwood, Choudary, Eldred, Flavell, Golby, Graystone, Hallam, Hibbert, Hill, Kilbride, King, Lane, Larratt, Malpas, M Markham, Nunn, Oldham, Parekh, Patel, Sargeant, Kilby-Shaw and Walker.

There voted against the recommendations:

Councillors Ashraf, Beardsworth, Birch, Chunga, Culbard, Davenport, Duffy, G Eales, T Eales, Joyce, B Markham, McCutcheon, Meredith, Russel and Stone

There abstained the Mayor:

RESOLVED:

- 2.1 That Northampton Borough Council (NBC) acknowledge the recent invitation from the Secretary of State to submit a proposal for a single tier of Local Government in Northamptonshire
- 2.2 That the Council continue to work with the other county, districts and borough councils on a draft unitary proposal for consultation, suitable for submission to the Secretary of State, set against the criteria as detailed in the formal invitation letter and attached schedule, to submit a proposal for a single tier of local government in Northamptonshire
- 2.3 That it be agreed to a working budget of up to £100,000 (in addition to any internal resources consumed within existing budgets) with delegated authority to the Chief Executive in consultation with the Leader, that would fund any necessary work required in relation to local government reorganisation.
- 2.4 That a further report be received on the 29th August 2018 which will detail the final proposal to be submitted to the Secretary of State and the outcomes from the consultation, prior to the final submission deadline of 31st August 2018
- 2.5 That Council's resolution on the motion on Unitary Government dated 23rd January 2017 has been superseded following the later resolution of Council dated 14th May 2018 be noted and affirmed

10. INDEPENDENT CHAIR OF THE AUDIT COMMITTEE

Councillor Nunn proposed a report which called upon Council to note that Mr Ian Orrell, having been selected as the successful candidate, be appointed as the Independent Chair of the Audit Committee.

Councillor Larratt seconded the report.

Councillor Stone commented that it was good to have a more robust challenge to the accounts and expressed concern that the Statement of Accounts was still to be signed off.

RESOLVED:

That Council notes the appointment of Mr Ian Orrell as the Independent Chair of the Audit Committee

11. NOTICES OF MOTION

Mr Huffadine-Smith addressed motion i) and commented that some residents of Northamptonshire did not want a co-mingling of Towns but stated that it was essential to recognise that an instruction had been given by the Government and therefore there was a need to proceed. He suggested that the Council examine and learn from the roles of Parish Councils.

i) Councillor Beardsworth proposed and Councillor Stone seconded:

“The letter from the Ministry of Housing, Communities & Local Government regarding submission for unitary authorities stated that they wanted “locally led proposals for establishing unitary authorities across the county which will be right for communities and people they serve”.

This Council acknowledges these requirements and will try and fulfil them on behalf of the residents in the Borough of Northampton.

To achieve this end the Council commits to undertake consultation with local residents to explain the changes that are being proposed and to seek resident’s views on the geography of the new Unitary Council to serve Northampton residents and their views on combining with other local districts.

This is the most important decision regarding local government reorganisation since 1974 and all Councillor should make their best effort to help with the consultation so that the Ministry of Housing, Communities & Local Governments call for proposals is delivered”.

Councillor Nunn proposed and Councillor Larratt seconded an amendment.

Amended motion to read:

“The letter from the Ministry of Housing, Communities & Local Government regarding submission for unitary authorities stated that they wanted “locally led proposals for establishing unitary authorities across the county which will be right for communities

and people they serve”.

This Council acknowledges these requirements and will try and fulfil them on behalf of the residents in the Borough of Northampton. It is essential that Residents participate in the formal, county-wide consultation, because this will ensure that their views are taken into account, and this council will encourage them to do that.

To achieve this end the Council commits to undertake consultation with local residents to explain the changes that are being proposed and to seek resident’s views on the key issues and requirements of a new unitary council to serve Northampton residents

This is the most important decision regarding local government reorganisation since 1974 and all Councillor should make their best effort to help with the consultation so that the Ministry of Housing, Communities & Local Governments call for proposals is delivered”.

Council debated the amendment.

Upon a vote, the amendment was agreed and became the substantive motion.

The motion was debated.

Upon a vote, the substantive motion was carried.

- ii) Councillor Culbard accepted an alteration to the original motion as published on the agenda. The altered motion was seconded by Councillor Stone.

“Obesity in Childhood is a growing problem. There are many causes of obesity. One is an issue that can be addressed by planning conditions.

Tower Hamlets and other Local Authorities are leading the way by not allowing fast food outlets within a 400 metre radius of schools. Some authorities are additionally providing healthy food awards for local retailers to encourage healthier food choices.

This council therefore commits to proposing, through the local plan process, a policy that there will be no new fast food outlets that fall within a 400 metre radius of schools.

We will additionally consider creating a healthy food award for local retailers to encourage healthier food choices”.

Council debated the motion.

Upon a vote, the motion was carried.

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

The Mayor reported to Council that a matter of urgency had arisen and needed to be considered at the meeting. The Mayor explained that a motion had been circulated to them and a tabled in front of them. The Mayor explained that he had consented to the motion being placed on the agenda as a matter of urgency.

A motion was proposed and seconded "That Council Procedural Rules be suspended so as to allow the debate on the motion to continue beyond the 10.00pm guillotine."

Upon a vote the motion was carried.

Ms Jade Jones addressed Council on the urgent motion and commented that as a resident of Briar Hill she had lost everything in the floods. She empathised with her neighbours who had young children and stated that they had received limited support.

Mr Peter Marsh commented that the response of the Council had been very disappointing and urged the Council to reconsider future responses to similar incidents.

Ms Jenny Renshaw questioned why there had been no warning sirens and commented that there had been nowhere safe for disabled residents or young children. She further commented that she had received no help and had been left destitute as the floods had ruined her home and belongings. She reported that the Council needed to respond more quickly in the future and offer assistance to those who were affected by such events.

Councillor Davenport proposed and Councillor Beardsworth seconded:

"We call upon this Council to do a full investigation into the response of the recent flooding in Northampton. We need to consult with residents to find out if their expectations were met by this authority and look to how this authority can make sure that things are in place if such an event ever happens again".

Councillor Davenport commented that the flooding could have been a more serious incident and stated that she felt let down by the response of the administration.

Councillor Beardsworth questioned what lessons had been learnt and noted that after the severe floods in 1998, the response from the Council had been commendable, but suggested that the latest response to the floods had been inadequate.

Councillor G Eales noted that 50 % of the homes that had been affected by the recent flooding had not had insurance which was due to the fact that some residents weren't able to get insurance due to the increased risks and asked that the Government intervene and provide some assurances to residents who were not able to purchase insurance.

Councillor Meredith offered his sympathy to all of those who had been affected by the

recent flooding and reported that the Councils response to the requests of an 80 year old man who had suffered from flooding, had been disgraceful. He stated that more needed to be done to assist residents and lessons needed to be learned and future response improved.

Upon a vote, the motion was carried.

The meeting concluded at 10.33pm

Question for Full Council Monday 9th July 2018

Question 1

Question to Cllr Nunn from Cllr Beardsworth

On the 5th August a new Park and Ride Facility opens at Sixfields. I understand that this comes as the result of detailed discussions between The University, County Council Highways and this council.

Can the leader tell me if at any time during those discussions the possibility of a bid to the Government Office for Low Emissions Vehicles (OLEV), under their grant scheme for vehicle charging infrastructure, was raised?

Can the Leader tell me how many charging points for Electric Vehicles (EV) or Plug in Hybrids (PHEV) there are in council car parks and have the Administration had any discussion with partners (e.g County Highways, Network Rail, Our University, Northampton BID or Taxi operators) about the future provision of charging infrastructure for EVs in the town or the possibility of making a bid to OLEV?

Response

In the particular case mentioned an application for OLEV grant funding was not considered as the car park at the park and ride facility does not meet the eligibility criteria for funding under the scheme. However opportunities for the installation of electric vehicle charge points are being considered at a number of locations. Officers are involved in ongoing discussions with colleagues in NCC Highways and other partner agencies, both about the installation of charging points on NBC land as part of the Smart Corridor project and in respect to opportunities to install charging points within NBC Car Parks. Market research has been carried out with a number of potential providers and procurement processes have been commenced. In addition EV charging points are being installed by developers at a number of locations through the Planning process.

Councillor Nunn
Leader of the Council

Question for Full Council Monday 9th July 2018

Question 2

Question to Cllr Nunn from Cllr Malpas

Is the leader or any member of his cabinet aware of the upset caused by a Councillor visiting Bellinge on 14 April this year and posting, as far as I am aware, an untrue, derogatory and misleading video regarding the area whilst at the same time pleading for casework in an area for which he has not been elected?

The video posted mentioned a fly tipping epidemic that had been there for years, an increase in violence, antisocial behaviour and went on to imply gang warfare with no evidence given whatsoever.

Is the leader also aware that in 1999 the then Leader of this Council reported to the Chronicle that

“At a residents’ meeting last month people angrily condemned police and council chiefs over what they saw as a lack of action to combat the growing drugs and vice problem on the estate” and then went on to say “Caspar, which stands for crime and anti-social behaviour partnership, was originally begun in Bellinge in 1999 when the area was rife with drug dealing, nuisance teenagers and vandalism. Since then steel fencing has been erected to block off the rat runs, used as escape routes for criminals, and spy cameras were installed in the estate’s main square to monitor criminal activity.”

And this was under the long time ran Labour administration where the councillors representing the area were also members of the Labour group within the council.

Would the leader agree with me that since being elected in 2003 with David Palethorpe and subsequently with Councillor Kilbride, together with the community we have made Bellinge an area to be proud of and can celebrate many achievements such as

1. We have multi agency meetings that we established at Bellinge Community House, inclusive of all interested parties that have or are going to be working in the area. These are well attended by key services and serve the community well. Knowledge and ideas are exchanged and experiences discussed before agreeing a joint plan of action that avoids duplication of services and has gained the respect of external agencies through our community focused approach.

2. The young people have developed considerably and are now role models for young people not just on Bellinge but across the whole of Northampton East. There are now 11 young volunteers who have led 9 social action projects in the community. They have contributed over 340 hours of volunteering and we have more young community minded young people aspiring to follow in their peer’s footsteps.

3. Last Year the community entered into two schemes Northampton Partnership Homes – Community Garden and created a Green Space for residents to enjoy, it was so impressive that residents were coming around on the Bus to view and use this. Such a great achievement in our community, so much so we were Gold Winners for “NPH Community Garden” and Gold Winners for our first year in Northampton in Bloom”

4. The community is proactive in trying to support each other and there is a real positive feeling that has come from spending hours working with residents and empowering them to have ownership and be proud of their own achievements.

Is the leader and his cabinet pleased that long gone are the days of Riots and anti-social behaviour in the area and the only glow is of positive people working as a community.

Personally, I thank all of the professionals, agencies and volunteers who have done so much over the years for their dedication without which we would not have such a thriving community and perhaps one day you may consider visiting Bellinge and seeing all the good works for yourself?

Response

I'm sure we would all congratulate both the residents of Bellinge, and their elected representatives, for the transformation that has taken place since 2003. This council remains committed to enhance the quality of life in all parts of the town, including Bellinge, and I am aware that, following their success in improving the area, many residents of Bellinge are unhappy that others might seek to run their area down.

I would hope that all members of the council would work to improve the town and talk our town up, not seek to run an area down for their own purposes.

I shall be taking up your offer of a tour of the area.

Councillor Nunn
Leader of the Council

Question 3

Question to Cllr Hibbert from Cllr Ashraf

What is the sum total of rent arrears that NPH are currently carrying?

Response

At the end of June 2018, the arrears amounted to £1,471,295 (2.93% of the debit).

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 4

Question to Cllr Hibbert from Cllr Ashraf

What is the future of NPH when a unitary is established?

Response

There is no change to NPH.

NPH has a 15 year Management Agreement with NBC which is a legally binding contract. The contract therefore is novated from the Borough Council to the new Unitary Council. There are no changes to the agreement, services delivered, staffing or conditions of service.

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 5

Question to Cllr Hibbert from Cllr Ashraf

Has NPH found another site to locate to?

Response

NPH's board are considering a number of options which Cllr Ashraf, as a NPH board member is aware of.

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 6

Question to Cllr Hibbert from Cllr Haque

Who are the contractors (ground and internal) for NPH?

Response

Grounds maintenance – Continental Landscapes

Estate Services – Just Ask

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 7

Question to Cllr Hibbert from Cllr Haque

How many complaints to NPH through the contact centre are received in a 12 month period?

Response

In 2017/18, NPH received 207 complaints and, during Quarter 1 of 2018/9, it received 30 complaints.

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 8

Question to Cllr Hibbert from Cllr Haque

With complaints to NPH, is there an agreed timescale for response and resolution?

Response

The timescale for response and resolution is 10 working days.

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing

Question for Full Council Monday 9th July 2018

Question 9

Question to Cllr Hallam from Cllr Stone

What are the vacancies of the current contractors (Veolia and Idverdi)?

Response

In total employed on the contract between Idverde and Veolia in the future there will be 220 in the summer months and this will reduce to 200 in the winter months. Currently the workforces on both companies are higher than this due to the amount of work that is required to bring the Borough back to standard.

Idverde has currently 81 full term equivalents on the contract.
Veolia has currently 163 full term equivalents on the contract

Total employed headcount 244

There is also in addition to this 68 supplementary agency staff being used on the contract (please see below for more information)

Idverde has one contract management vacancy for a Tree Surveyor - currently being recruited - (No frontline operational vacancies)

Veolia has two contract management vacancies - Operations Manager (recruited - candidate starts on the 10th July) Engagement Officer (recruitment advert closed Friday 29th June - candidates being interviewed this week). (No front line operational vacancies)

Councillor Mike Hallam
Cabinet Member for Environment

Question for Full Council Monday 9th July 2018

Question 10

Question to Cllr Hallam from Cllr Stone

What are the numbers of temporary (Agency) staff they currently employ (% of total staff)?

What re their timescales for full permanent staff?

Response

As detailed the contract is fully manned - agency staff is supplementing the transformation work being undertaken in the Borough.

Idverde is not using Agency but has employed summer staff on fixed term contracts.

Although daily count varies Veolia is using approximately 68 agency weekly. (Circa 48 covering the rolling Monday to Saturday collection schedule, and additional 20 to headcount on street cleansing services. Where collection schedules allow more agency is diverted to the street scene to assist in the transformation project.)

Regarding timescales for permanent staff - Please see information above regarding contract management vacancies - the contract has no operational frontline vacancies.

Councillor Mike Hallam
Cabinet Member for Environment

Question for Full Council Monday 9th July 2018

Question 11

Question to Cllr Hadland from Cllr Birch

- a) On the business incentive scheme, how much has been paid out?
- b) On the business incentive scheme, how much has this brought in?
- c) On the business incentive scheme, what is the % of success?

Response

- a) £1,087,886 (£1,213,134 total committed including spent). All the figures are published regularly in my reports.
- b) £6,232,808 private sector leverage.
- c) 144 businesses supported of which only 4 have breached their funding agreement therefore we are looking at over 97% success rate. Businesses failures in the early years are as high as 50% nationally.

Councillor Tim Hadland

Cabinet Member for Regeneration, Enterprise and Planning

Agenda Item 7

Report of the Leader of the Council

Northampton Borough Council

Monday 9th July 2018



Since my last report to Council, I have continued to work with the Cabinet, Members, the Chief Executive, and Officers across all areas of the council. Many of these activities and issues are referred to in Cabinet colleagues' reports.

Unitary Status

The Cross-Party Working Group, to ensure we achieve the best for Northampton from the local government reorganisation to unitary, has continued to meet regularly, and has given consideration to such subjects as:

- 'Key Asks and Red Lines' for Northampton in a unitary proposal, including looking at ways that other towns have kept what matters most to them as they enter a new unitary.
- A Community Governance Review to consider the role of a Town Council
- The pros and cons of the Committee system rather than the Cabinet system in a new unitary council
- The important role of the Overview & Scrutiny Committee's work on civic pride and tradition.

Our own local, Northampton consultation has gone live now, to compliment the formal consultation, asking residents for their views on such key things as civic matters, the name of a new council, level of representation, infrastructure priorities, local area working, continued support for the Voluntary Sector, a Town and further Parish Councils, etc. Please encourage residents to take part and complete the brief questionnaire, so we can really be clear what matters to the people of Northampton in terms of events and activities but also the wider traditions that we celebrate here in the town.

This questionnaire and can be found at: www.surveymonkey.co.uk/r/NorthamptonLife

The official consultation document and questionnaire for the unitary proposal can be found at: www.futurenorthants.gov.uk

Thank you to those Members who attended the briefing sessions on unitary and on the consultation process. As a reminder, the following two dates are important to have in your diary:

1. Workshop with elected members on the outcomes of the consultation and final proposal of a unitary council

Preferred date Monday 20th August at 6pm (second date Tuesday 21st August).

This will be an opportunity for elected members of NBC to meet with ORS (Opinion Research Services) who are undertaking the consultation on unitary proposals and hear the outcomes of the consultation. Members will also hear from PWC who will be presenting the final draft proposal on unitary councils and to seek feedback from members before finalising the report.

2. Council meeting to approve (or not) the proposal:

- *Weds 29th August at 6.30pm*

This will be a full council meeting to consider the final proposal on unitary government alongside a covering report

In addition to the Member briefings that have taken place, a further set of Staff briefings were delivered on 25th & 26th June, giving all staff a full update on the current situation and an opportunity to ask any questions.

In order to keep this work progressing well, all eight of the council Chief Executives continue to meet weekly, with all eight Leaders joining those meetings fortnightly.

The Chief Executive and I are also holding a series of meeting with NCC Cabinet Members and Senior Officers, focused on our place-shaping ambitions, and aimed at ensuring the right balance is struck between the services and NCC owned properties that are important to the town, versus NCC's financial pressures.

Economic development

Meetings with key businesses have recently included a discussion with Metro Bank, who anticipate their Abington Street branch opening in the late autumn, bringing what seems to be a very popular customer offer to the town, as well as smart new premises.

Along with the Chief Executive and Head of Economic Development, the Mayor and I were very pleased to welcome the new owners of the BHS building to the Guildhall for a very constructive discussion that I believe has set the tone for a positive partnership to look at the most beneficial future use of this site.

In a meeting with M&S, with support from Andrew Lewer MP, we were unfortunately unable to convince M&S not to close their Northampton town centre branch. Whilst we were glad to hear of the success of their Sixfields food outlet, and of their three filling station outlets in the town, the thorough way in which they presented their overall plans for their business, and the difficulty in making their Northampton store fit that strategy, made it clear that this decision was not being taken lightly, and had been considered very carefully.

The Chief Executive and I met with the Chamber of Commerce to discuss NBC's ongoing role in supporting the Chamber and local businesses, and separately attended a Roundtable Event hosted by the Chamber of Commerce and Legal & General, also attended by key local businesses. Arranged by the British Chambers of Commerce, Legal & General are visiting a number of UK towns and cities, exchanging ideas and views on the future of town centres, and sharing their experience through their £1 trillion of institutional and retail investments.

Growth Agenda

A great deal continues to progress in relation to the Regional Growth Agenda, and I have attended a further meeting of the Central Area Growth Board, along with Leaders from across the central area of the Oxford – Cambridge corridor.

In addition, I was asked to take part in a panel discussion regarding the Government's Industrial Strategy at the Built Environment Event, attended by an audience of 500+ from the public and private sector.

Councillor Jonathan Nunn
Leader of the Council



Report of the Deputy Leader of the Council

Northampton Borough Council

Monday 9th July 2018

As Deputy Leader of the Council, I have been continuing to support the Leader and Cabinet colleagues across a variety of areas within the council, and can report on some of my specific responsibilities as below.

Market

While the market is still struggling in the same way as High Street retailing generally, I am pleased to report that occupancy rate of stalls is up 8% for the quarter so far.

The new refuse charge is not popular, but it is being paid by nearly all traders.

The public survey regarding the future of Northampton Market and its offer has been launched. See <https://www.northampton.gov.uk/news/article/2765/help-shape-the-future-of-northampton-s-market>

So far nearly 500 people have taken part in the survey.

It is hoped that a Cabinet paper with regard to the MAG and its future will come to the July meeting of the Cabinet.

Constitution

Work is still being done to produce a Pre-application Planning Protocol. Once this is prepared it will be put before the Constitution Working Group.

This and other revisions will be brought to this Council for final consideration and approval following consideration by the Constitution Working Group.

Cabinet has revised the procedure for speakers at meetings, bringing it into line with other Committees with reports being presented before speakers are heard.

Councillor Training

Recent training sessions have included Data Protection, Advanced Safeguarding, Personal Safety, and Local Government Finance.

Attendance has been very disappointing at some sessions. There were eight Members who failed to turn up for the Personal Safety training despite booking to attend and who neither cancelled nor offered apologies. This event was provided by an external organisation at cost to the Council. The session was well received by those who attended.

Three Councillors have indicated that they'd like to attend this training in the future. Anyone still interested in doing so should contact Tracy Tiff as soon as possible.

A briefing on Procurement was postponed due to lack of attendance. Whips have been asked when would be best to stage this event and Tracy Tiff is awaiting their responses.

While the CaseWorker system is up and running, there remain some teething issues that are being addressed. In particular, it still appears that the Electoral Register hasn't loaded onto the system. This matter is being pursued with the provider.

Councillor Development and Briefing Sessions already scheduled are as follows:

- **16/07/2018 - Councillor Briefing - FGM Awareness** - Two sessions. Delivered by an external trainer. Open to all Councillors. 2pm and 6pm in the Jeffery Room.
- **24/07/2018 – HIMO Briefing** - Two sessions. Delivered by relevant staff. Open to all Councillors. 2pm and 6pm in the Jeffery Room.

- **25/07/2018 – Housing Options & Advice Briefing** - Two sessions. Delivered by the Head of Housing & Wellbeing. Open to all Councillors. 2pm and 5.30pm in the Jeffery Room.
- **02/08/2018 – Environmental Services Update** – Two sessions. Delivered by relevant staff. 2pm and 5.30pm in the Jeffery Room.

Further details regarding all these sessions can be obtained from Tracy Tiff.

Members are asked to register to attend these events with Tracy Tiff as soon as possible. Those who book to attend an event and subsequently become unable to do so are asked to let Tracy Tiff know as soon as they become aware of the fact.

No further requests for IT Training have been received other than the one response previously reported. The best way to meet this training request is being considered.

A training session in two modules has been arranged for Members of the Standards Committee. Module 1 on 09/10/2018 at 6pm. Module 2 on 22/10/2018 at 6pm. This training is also open to Members of other Council's in Northamptonshire.

Web Casting

Provider Public-I came into The Guildhall on 24th April to survey the relevant parts of the building with a view to providing a quote for a web-casting facility. Following their visit they had several more questions and further technical information. This was provided on 8th June. We are now awaiting the formal quote.

Street Lighting

The Officer / Member Working Group met on 4th June 2018, and will meet again on 31st July 2018.

All the finance issues have been resolved and the survey of our lighting stock is starting. As each light is surveyed it will be electronically plotted and this data will be used to plot each column on the Interactive Mapping System. When surveyed each column will be have a label placed upon it with a unique identification number. The label will indicate that the light is an NBC light and have a contact number for faults to be reported.

Once the survey is complete and all the lights have a unique identification number and are plotted on the Interactive Mapping Service, they will be incorporated into the Report It app, to enable fault reporting electronically.

The survey will be undertaken by Thorn Electrical who will work on a two weekly basis. They will inform us where they will be working over each two week period and meet with officers to provide a report on what they have established over the preceding two weeks. It is expected to take 16 weeks to complete the survey. The Working Group hopes to get a feel as to what the survey is establishing when it next meets on 31st July.

The Working Group is giving consideration as to how to take forward the recommendations of the survey and how to get the lights onto an ongoing maintenance contract. A meeting has already been held with Balfour Beatty to discuss this and the possibility of including them within NCC's maintenance contract.

Work to replace the lights on South Bridge is continuing.

Councillor Phil Larratt
Deputy Leader of the Council



Cabinet Member Report for Environment

Northampton Borough Council

9 July 2018

Environmental Services Re-Provision

Week four of the new contract and the contract continues to go well, all refuse and recycling is being collected and other services, such as street cleansing and grass cutting, are all scheduled, underway and starting to make an impact. Other services such as tree maintenance, cemeteries, allotments and public conveniences are also settling in well.

Green Flag Awards – May 2018

Abington Park – The Green Flag Judges visited the park in May and carried out a full inspection. The consensus from those that joined them on the park tour said that their comments were very positive.

Delapre Park – The Green Flag Judges carried out a “Mystery Shopper” visit to the park, date isn’t disclosed, to ensure that standards had not dropped since their full inspection in 2017.

The results for both parks will be published on 17th July 2018.

Neighbourhood Wardens – May 2018

May was a busy week for the Neighbourhood Wardens, as they supported and assisted residents that had suffered the loss of furniture and personal possessions in the flash floods.

They were also busy carrying out enforcement action against those that persist on committing environmental crimes. They issued 72 x Section 46 Notices to people that put their refuse out early – They issued 17 x Community Protection Warnings to those that failed to comply with the Section 46 Notices. They issued 49 x Fixed Penalty Notices (fines) for littering offences and 3 Fixed Penalty Notices (fines) for fly-tipping.

Environmental Health

The Environmental Enforcement team continue to issue significant numbers of fixed penalty notices with over 10,000 fixed penalty notices now being issued since the start of the contract.

Officers from the Food and Safety Team in Environmental Health worked to provide advice and support to businesses which had been affected by the recent flooding. Officers from the team have also dealt with a number of incidents including the aftermath of a fire in a food shop and a number of investigations of pest control issues.

Park Management Committees

Planning underway for Love Parks Week – 14 – 22 July, activity is being coordinated, to promote all the events and work that is happening in the parks during the week, including:

Saturday 14	Racecourse	10-12 Litter pick/tidy up PM – Teddy bear's picnic (prize for best dressed teddy)
Sunday 15	Becket's	Litter Pick and BOB's boulders
Wednesday 18	Eastfield	Kite flying on the park
Saturday 21	Bradlaugh Fields	10-12 Litter pick/tidy up PM – Teddy bear's picnic (prize for best dressed teddy)

Councillor Mike Hallam
Cabinet Member for Environment



Cabinet Member Report for Housing and Wellbeing

Northampton Borough Council

9th July 2018

Northampton's Emergency Nightshelter

I am very pleased to report that the Nightshelter has now been open for more than 500 nights and that, during this time, it has accommodated more than 200 people who might otherwise have spent, between them, a total of more than 5,000 nights sleeping rough in Northampton.

At Full Council in April 2018, Members approved a motion on homelessness that committed the Council to exploring the options for establishing a permanent emergency nightshelter that has the capacity and facilities to provide men and women with shelter and support. This work is underway and a Nightshelter Business Case will be considered by Cabinet in September 2018.

Severe Weather Emergency Protocol (SWEP)

As I have explained in previous reports, special arrangements were put in place, in 2017/18, to provide homeless people with emergency shelter, in the Hope Centre, during severe weather.

During the winter of 2017/18, SWEP was activated on three occasions and emergency shelter was provided for a total of 24 nights. As well as playing a co-ordinating role and assisting with the recruitment of volunteers, the Council provided the Hope Centre with funding of £9,100 to ensure that everything ran smoothly when emergency shelter was needed.

It is envisaged that, during the winter of 2018/19, SWEP will once again be managed and resourced by the Council with the support of a team of volunteers it has recruited and trained.

Additional Housing Revenue Account Borrowing Programme

On 26th June 2018, the Government invited local authorities to bid for a share of a £1 billion additional borrowing programme, designed to help local authorities build new council homes.

Local authorities in areas of high affordability pressure – including Northampton – will be able to bid for increases in their HRA borrowing caps in 2019-20, 2020-21 and 2021-22. The deadline for submitting bids for the additional borrowing programme is 7th September 2018.

The Government has also invited local authorities and housing associations in areas of high affordability pressure to bid for a share of a £1.67 billion affordable homes programme, including investment for social rented homes.

Council Officers will be working closely with Northampton Partnership Homes and housing associations to develop and submit strong bids for the additional borrowing programme and the grant funding that is being made available through the affordable homes programme.

Northampton Partnership Homes

Building new council homes

I am delighted to report that, in addition to the 63 new council homes that are being built at Lakeview House and Little Cross Street, Northampton Partnership Homes is continuing to grow its pipeline of new development opportunities.

Planning permission has been secured for the construction of 30 new homes in Toms Close, Nene Drive, Eastfield / Northfield and Eden Close and, in addition to these homes, planning applications have been submitted for another 52 new homes.

Implementation of the Council Garage Sites Strategy is going well and a number of redundant garage sites have been evaluated for potential redevelopment with new family homes. These are being taken through the formal planning approval process and consultation is now taking place.

Neighbourhood regeneration

Work to regenerate Kings Heath and Spring Boroughs is progressing well.

The works include new play provision, raised vegetable beds for people to grow food, new drying and seating areas, increased and upgraded parking, new communal security doors, new bin and bike stores, upgrades to balconies, decoration of communal areas and the provision of CCTV.

The next neighbourhood to benefit from the 'whole neighbourhood' approach to regeneration is Thorplands. Planning permission has been secured to enable works to be carried out on 54 blocks of apartments, including new windows, roofline works and landscaping.

Councillor Stephen Hibbert
Cabinet Member for Housing and Wellbeing



Cabinet Member Report for Finance

Northampton Borough Council

9th July 2018

Finance

The Finance team continue to be focussed on producing the Council's Statement of Accounts for 2016/17 and 2017/18. The Audit committee met on 18th June 2018 and were provided with updates on progressing the Accounts for 2016/17 from officers and the Auditor. They also received the last report from PWC as our Internal Auditors, as we are in the process of tendering for the re-provision of our Internal Audit services going forward.

The public inspection of the draft 2017/18 Accounts has been extended so as to provide a minimum of 6 weeks of public inspection when the draft Accounts are published, as agreed with our Auditor. The formal audit is to be conducted in September 2018. Elements of the Accounts, with agreement from both officers and the Auditor, which can be completed and reviewed prior to September, will be actioned.

The end of year position for 2017/18 was considered by Cabinet at its meeting on 13th June and continues to show the Council is in a positive financial position. The provisional General Fund outturn position as an underspend of over £1m, of which £0.432M is proposed to be carry forward for specific service requirements, with £0.592M added to reserves to provide the Council with resources to deploy in ensuring its financial sustainability over the medium term.

The Service will shortly commence work on reviewing and refreshing the Northampton Borough Council Medium Term Financial Plan, despite the work being done on Local Government Reorganisation in Northamptonshire, there is still a need to ensure that Northampton Borough Council has a balanced and financially viable 3-5 year plan.

Revenues & Benefits

The Service has had positive start to the new financial and performance year. They continue to monitor changes in circumstances in the economy, particularly media reporting in respect of retailers changes in circumstances, which might impact on their ability to pay Business Rates.

The Service is working closely with colleagues in Customers & Communities to provide alleviation support through Council Tax and Business rates for those affected by the flooding.

The service is continuing to review any impacts of the 2018/19 CTRS scheme to ensure there is the right balance between recovery and customer support.

Councillor Brandon Eldred
Cabinet Member for Finance



Cabinet Member Report for Community Engagement & Community Safety

Northampton Borough Council

9 July 2018

Councillor Community Fund

Since 1 April 2018, a total of £37,133.87 has been spent by councillors on supporting the delivery of positive outcomes in their wards.

Partnership Support

Service Level Agreements and monitoring is being agreed for the 2018-19 partnership grants. Including funding to support the Museum of Leathercraft, Festive Road and Voluntary Impact Northamptonshire.

On Thursday 21st June we supported an information stall in the One Stop Shop for Motor Neurone Disease Awareness Day, following our commitment by motion to adopting the charter last year.

Forums

Carnival: forums float – NBC forums worked with partner agencies The Lowdown and St Andrews to have a decorated float for the carnival parade.

Tuesday 19 June – Notre Dame Cemetery restoration works have begun after money fundraised by NBC and Northampton Notre Dame Association.

Monday 2 July – I'm Still Me Conference: As part of LGBT Partnership the annual conference has been arranged tackling homophobic, biphobic and transphobic bullying. The Youth Forum will also be facilitating a workshop along with Lowdown youth group.

Events

The Bands in the Park programme is proving very popular with large crowds enjoying the music in Abington Park every week.

On Saturday 9th June the annual Northampton Carnival took place with thousands watching the parade as it went past and made its way around the town centre.

On Sunday 17th June the annual Music365 Festival took place with various genres of music taking place in many locations across the town centre including the market square and All Saints Plaza.

The Speedy Cup event held on the Racecourse on 23rd June was very successful. Armed Forces Day in the town centre on Saturday 30 June was very well attended and feedback has been very positive. The Northampton Festival on the Racecourse was held on the 7th & 8th July.

Coming up on the 14th & 15th July we have Funtopia on Abington Park for the children and families and the Fun Colour Run on the 22 July in the same park.

Culture & Heritage

The refurbishment of galleries at Abington Park Museum re-opened to the public at an event on 29 June. The new 'Abington Galleries' are made up of five themed displays and include stories of Abington from the Domesday Book to the present day and includes a changing display showcasing works from Northampton Museums and Art Gallery's collection, as well as work by local artists and photography groups.

Abington Park Museum continues to be popular with visitors and over the summer there will be 8 days of workshops for children and an Edwardian themed family day entitled 'Edwardian Extravaganza' with craft activities, fancy dress, music, Punch & Judy and other activities. Over the summer holidays, an exhibition for all the family opens at the Grosvenor Centre entitled 'Nasty Northampton'. Entry is free and with lots of things to see and do, the exhibition looks at the hysterical and hideous histories of Northampton and brings Northampton's odd history to life.

The Masque Theatre returns to Abington Park Museum with its ever popular annual outdoor Shakespeare production in the courtyard.

A craft fair took place in July which attracted over 40 crafters and was well attended.

During June & July, the museum was hired out for a funeral wake, a wedding, the Masque Theatre and filming sessions by a local film production company.

Museum Expansion Project

Tenders for main contractor appointment have been received following a 2 week extension at the request of contractors. Initial tender analysis has been completed, final queries and clarifications have been sent and received and are being analysed to make a recommendation for appointment.

Asbestos removal works have now finished across the site in preparation for main contractor.

Exhibition design work continues on detailed technical design.

Customer Services

Customer Services have introduced a new customer relationship management system within the Contact Centre. This has introduced cost and performance efficiencies enabling the agents to view service requests completed by customers online and actions completed by contactors. This has reduced transaction times and increasing service delivery at the first point of contact. Further improvements due this month will enable us to offer more services online 24/7, offering customers a more efficient way to request a service, track their request and received confirmation once the request has been completed.

Community Safety

St James week of action delivered, residents donated flowers to be planted in the area. Pay-back did clean ups and cut backs throughout St James. The Wardens also had the alleyways cleared. The week was finished with a Fun Day where we had all public services, including fire and police, attend as well as other information stalls including Solve it and Northampton guide dogs. There was free ice cream, bouncy castle, free face painting, petting zoo, cake competition, mini Olympics and lawn games. There was also a Walter Tull "no barriers" football match after the tree and plaque unveiling by the deputy lieutenant and Father Oliver from the church. The whole week was very well attended and we had lots of volunteers help out throughout the week.

Northampton was awarded a Purple Flag, after judges from the Association of Town and City Management (ATCM), who found our town to offer an entertaining, diverse, safe and enjoyable nightlife. The flag was collected on 27th June.

Councillor Anna King
Cabinet Member for Community Engagement & Community Safety



Cabinet Member Report for Regeneration, Enterprise & Planning

Northampton Borough Council

Monday 9th July 2018

Town Centre Operations

The two-hour free parking figures for May are 79,780 which is 10,000 less than the 2017 figures.

The total parking numbers across all council car parks for May was 201,925,

The footfall figures for May 2018 show 1,399,426 visitors, workers and shoppers in Abington Street and the Market Square.

Regeneration

The June Enterprise Zone Board meeting looked at 'Phase 2' of the EZ, and agreed new Terms of Reference, a revised Risk Register and an updated Marketing Strategy. We continue to receive a number of enquiries which we are currently working through.

Good progress is being made on our SEMLEP funded projects.

St James' Mill Link Road

We are currently engaging with business residents now that a plan is available, and working through the costings

Vulcan works

We are anticipating a decision from Government on the European Funding application by mid-July. The first gateway has been approved. We are anticipating a March 19 start on site. The Contract Notice has also been published with a deadline of 12 July. Final design work is underway, and works are in progress to discharge pre-commencement planning conditions.

Business Incentive Scheme

3 businesses supported under the, creating 4 new jobs and unlocking £60k private sector investment

Four Waterside

Enquiries are increasing and a number of alternative scenarios for the site are under consideration

Asset Management

A number of maintenance and improvement projects are in hand across the Council's extensive asset portfolio

- External decoration works tendered to 8 community centres.
- Completion of the refurbishment of two lifts to Mayorhold MSCP.
- Recovering of lift 3&4 motor room roof, Mayorhold MSCP.
- Completion of the first phase of concrete deck repairs, Mayorhold MSCP.
- Flood related repairs to Pleydell Road depot doors.

- Installation of LED lamps and sub-meter to Camp Hill community centre car park.
- Defibrillator installed to Bellinge Community House. Equipment provided via the centre.
- Extensive pump repairs to the Guildhall plant room.
- Duston Mill flood reservoir. Large scale landscaping maintenance to clear spillways.
- New fire alarm installed to Jackson MOT centre, Westbridge.
- Central Museum. One-off plant servicing in conjunction with refurbishment scheme.

Councillor Tim Hadland
Cabinet Member for Regeneration, Enterprise & Planning

Planning

Major Planning Applications

Since our last Full Council meeting the Council have received and granted several key planning applications which include:

- Planning application N/2018/0741 for the extension and conversion of upper floors at 55-57 Abington Street to provide 64 serviced apartments (Use Class C1) was received on 5th June 2018.
- Reserved matters application N/2018/0688 for the development of 147 dwellings at the University of Northampton Park Campus Boughton Green Road site was received on 9th May 2018.
- Planning application N/2018/0700 for the conversion and extension of Overslade House, Overslade Close to form 40 apartments was received 21st May 2018.
- Planning application N/2018/0774 for the development of 118 dwellings on land west of St Crispin Drive was received on 23rd May 2018.
- Planning application N/2018/0782 for the creation of wetland habitat areas, reed beds and new islands and associated works at Kingfisher Lake, Cygnet Lake and Dragonfly Lake off Crestwood Road and Billing Brook Road was received on 23rd May 2018.
- Planning application N/2018/0364 for the repairs and landscaping of open space at Castle Mound including the provision of footpath, fencing and heritage boards was approved by the Planning Committee on 7th June 2018.
- Planning application N/2018/0658 for the erection of a multi-use games area at Upper Bath Street was approved by the Planning Committee on 7th June 2018.

I am also delighted to report that Development Management has once again maintained 100% performance standard in terms of major, minor and other applications in both March and May 2018.

Local Plan Part 2

Work continues on the evidence base to support the production of the Local Plan Part 2. Stakeholder meetings have been held in connection with a number of pieces of evidence that will inform policies in the Plan.

Heritage

Pleased to confirm consultation on Article 4 Directions for Great Billing and Great Houghton Conservation Areas has commenced. If the Council proceeds with the Article

4 Directions, extra planning restrictions will be introduced on alterations affecting the external appearance of houses in those areas.

We are looking to establish a panel in order to update the Local Heritage List for Northampton. Letters of invitation have been sent out.

Building Control

Along with 45 other teams on the LABC QMS Pilot phase, Northampton Borough Council Building Control have been awarded UKAS Accredited ISO 9001 Certification.

Councillor James Hill

Deputy Cabinet Member for Planning

OVERVIEW & SCRUTINY ANNUAL REPORT 2017/2018

Council - 9 July 2018

Report Title	OVERVIEW & SCRUTINY ANNUAL REPORT 2017/2018
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Agenda Status: PUBLIC

1. Purpose

- 1.1 To receive the Overview and Scrutiny Annual Report 2017/2018, as attached at Appendix A.

2. Recommendations

- 2.1 That Council notes the Overview and Scrutiny Annual Report 2017/2018.

3. Background and Issues

- 3.1 Part 2, Article 6 of the Council's Constitution, requires the Overview and Scrutiny Committee to report annually to Council on its workings and make recommendations for further work programmes, and amended working methods if appropriate. Attached at Appendix A is the twelfth Overview and Scrutiny Annual Report to Council, covering the Municipal year 2017/2018. It aims to provide a succinct summary of the work of the Scrutiny Panels appointed, as well as the main issues scrutinised by the Overview and Scrutiny Committee during the course of the year.

4. Options

- 4.1 This report is for information and therefore there are no options for decision.

5. Implications (including financial implications)

5.1 Priorities

- 5.1.1 Effective Overview and Scrutiny arrangements leading to improvements in service design and delivery contribute to achieving the ambition of being a well managed Council where the customer is at the heart of what we do.

5.2 Policy Framework

5.2.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework. This is identified in the Annual Report.

5.3 Resources and Risk

5.3.1 Not applicable.

5.4 Legal

5.4.1 Statutory power to undertake the proposals as set out in the report

5.4.1.1 The duties to undertake Overview and Scrutiny are set out in the Local Government Act 2000.

5.5 Equality

5.5.1 Overview and Scrutiny carries out Community Impact Assessments for its Reviews.

5.6 Consultees (Internal and External)

5.6.1 The Overview and Scrutiny Committee for 2017/2018 has been consulted on the content of the Annual Report.

6. Background Papers

Key background information: -

- Overview and Scrutiny Committee agendas and minutes
- Overview and Scrutiny Review reports

Report Author and Title: Tracy Tiff, Scrutiny Officer, on behalf of Councillor Jamie Lane , Chair, Overview and Scrutiny Committee

Telephone: : 0300 330 7000



Report of the
Overview & Scrutiny
Committee

Annual Report
2017/2018

Overview and Scrutiny Annual Report 2017/2018

A Message from Councillor Jamie Lane, Chair, Overview and Scrutiny Committee

This Annual Report is a summary of just some of the work Overview and Scrutiny (O&S) has done this year, what has worked well and what issues we need to concentrate more on next year.

It has been another very busy and interesting year for O&S with three comprehensive reviews being undertaken:

- Cemeteries
- Tourism and Culture
- Dementia Friendly Town

The Scrutiny Panels reported their findings and recommendations to the Overview and Scrutiny Committee at its April 2018 meeting.

The O&S Committee set up a Working Group that undertook a short, sharp review – O&S Re-provision of the Environmental Services Contract Working Group.

The Working Group reported its conclusions and recommendations to the Overview and Scrutiny Committee at its April 2018 meeting.

Overview and Scrutiny work is member-led and evidence-based. It is fundamental that the work of scrutiny adds value and improvement and I feel the conclusions and recommendations from the in-depth Reviews undertaken this year have really demonstrated that. I will be pleased to present all four reports from 2017/2018 to Cabinet in the spring 2018.

Once again, we asked the citizens of Northampton to suggest topics for Scrutiny reviews. There were around seventy five suggestions from the public. I would add that Overview and Scrutiny values and encourages the input of the public into its Work Programming. Non-Executives carefully considered the suggestions at a workshop held in April 2018. From these suggestions, Cabinet's priorities for the year and ideas put forward by Councillors, the Overview and Scrutiny Committee approved its Work Programme 2018/2019 at its April 2018 meeting.

The Committee scrutinised the Council's budget proposals by delegating work to its Reporting and Monitoring Working Group who identified three budget proposals for the Committee to scrutinise in-depth. This Working Group will continue to meet during the Municipal year 2018/2019. This is a process that has previously been noted as best practice.

I would like to thank all those who have been involved in and have supported Scrutiny over the past year. I would also like to convey my thanks to the many witnesses, the three Co-Optees and members of the public that have that have contributed to scrutiny's work this year. Their participation brings knowledge, ideas and enthusiasm to the work of Scrutiny.

Overview and Scrutiny welcomes and encourages members of the public who live or work in the borough to get involved in Scrutiny. If you have any suggestions for the work of scrutiny we would welcome your comments by post or [email](mailto:scrutiny@northampton.gov.uk). For more information about scrutiny and to view current and past reports, please visit our website at www.northampton.gov.uk/scrutiny.

Instead of a complete commentary of all that O&S has achieved over the year this Annual Report provides a summary of the key highlights of the work O&S has been engaged in during 2017/2018. I hope it reflects what I feel has been a very productive year in Overview and Scrutiny. I do hope that you find this report informative and interesting.



Councillor Jamie Lane
Chair, Overview and Scrutiny Committee

Overview and Scrutiny Annual Report 2017/2018

Achievements

How was this impact made during 2017 -2018?

The Scrutiny Panels carry out in-depth Scrutiny reviews, whilst the Overview and Scrutiny (O&S) Committee concentrates on strategic issues, including holding the Cabinet to account, performance management and scrutiny of crime and disorder. This structure attracts increased public participation and the involvement of non-Executives in Scrutiny reviews.

Involvement of Non- Executives (not Scrutiny Members) in Overview and Scrutiny

The O&S structure enables non-Executives, who are not members of the O&S Committee, to be fully involved in the O&S process.

Two of the three Scrutiny Panels this year had non-Executive Councillors who were not O&S Councillors as members of the Panels. There was not an opportunity for other non-Executives, to join the Scrutiny Panel – Dementia Friendly Town as seven Councillors from the O&S Committee conveyed their interest in the topic and the membership was closed to other non-Executives.

Membership of the Scrutiny Panels was closed when it reached seven Councillors; this enabled the option of appointing a co-optee.

Key Example: The Scrutiny Panel that investigated how Northampton's heritage could be promoted, how visitor numbers could be increased, jobs and spending linked to tourism increased and how the vehicle of tourism could be used to provide learning about Northampton was made up of seven non-Executives, of which two were not O&S Councillors, demonstrating involvement of non-Executives in the O&S process.

Co Optees to Scrutiny Panels

All of the Scrutiny Panels this year benefitted from the expertise and knowledge of co optees. A representative from Northants Carers sat on the Scrutiny Panel (Dementia Friendly Town), a Funeral Director sat on the Scrutiny Panel (Cemeteries) and the Chief Executive of the local theatres, who sat on the Scrutiny Panel (Culture and Tourism.)

“Being co-opted was an interesting and enlightening experience for someone, such as myself who has had no previous experience in this area. The opportunity to express both the opinion of my industry as well as my own and to have such opinions recognised was appreciated. Moreover was the panel's interest and acceptance of the opinions of external groups and individuals, all of which were considered seriously. The discussions and evidence presented will help in the development of a plan going forward to ensure that the maintenance and availability of cemeteries as well as the ongoing provision of grave space in Northampton will remain an important consideration for the council. “

Simon Hollowell
Hollowells Funeral Directors –
Co-Optee Scrutiny Panel 1, Cemeteries.

Overview and Scrutiny Annual Report 2017/2018

“It was a privilege to be co-opted onto Northampton Borough Council scrutiny panel regarding achieving Dementia Friendly Town status for the town. It was clear that there was a true commitment from councillors and officers alike to understand dementia on its impact on families and enabling residents to live well with dementia.

It was encouraging to hear councillors bring their experiences and that of other residents to meetings as well as not being afraid to listen to outside experts.

I have come out of the meetings with actions about how our organisation can better support families living with dementia and I hope that a successful implementation of Northampton becoming Dementia Friendly will further improve the situation for residents.”

Gwyn Roberts
Deputy Chief Executive
Northamptonshire Carers

Crime and Disorder Scrutiny

Key Example: Crime and Disorder Scrutiny is an example of excellent working relationships between non-Executives and partners.

The scrutiny of crime and disorder was formalised in 2010, putting in place clear working arrangements between the Chair of the Community Safety Partnership (CSP) and the Committee. An annual report from the CSP informs the O&S Committee of work undertaken; non-Executives decide whether further review or scrutiny is required. This report focuses on the levels of performance in the light of reduced resources, if so what measures have been taken to meet any shortfall in performance. This demonstrates excellent working relationships between non-Executives and partners.

The work and commitment of Overview and Scrutiny is greatly valued, it helps to shape, drive and support the delivery of the priorities of the Community Safety Partnership.

Vicky Rockall
Community Safety Partnership Manager

The O&S Committee has also looked at:

- Neighbourhood Policing
- Safety in the Town Centre
- Trips and fall
- Enforcement Contract
- Purple Flag

Performance Management Scrutiny

A process enabling the Committee to identify key performance measures earlier on was introduced in 2013/14. The Committee informs the Chair prior to a meeting of the O&S Committee of performance measures that it feels warrant future scrutiny.

The scrutiny of specifically identified measures is included on the agenda of meetings of the O&S Committee. This results in measures being reviewed on an exception basis with relevant Cabinet

Overview and Scrutiny Annual Report 2017/2018

Members being called to present information to the Committee. Cabinet Members are scrutinised on performance, the causes of underperformance and the corrective actions being taken. Active debate is undertaken and support and challenge is offered to the recommendations being made to deliver service improvements.

Key example: Performance management scrutiny of:-

- HML07 – Homeless Households
- PP16 – Off Licence Checks
- PP06 - %age change in serious acquisitive crime from the baseline (m)

Critical Friend to Cabinet

Call-In

At Northampton call-in is used sparingly. During 2017/2018 there was one Call-In Hearing which was not upheld by the Overview and Scrutiny Committee.

Influencing Policy Development

Three in-depth Scrutiny reviews were undertaken during 2017/2018:

Cemeteries
Culture and Tourism
Dementia Friendly Town

Review work of 2016/2017 has received Cabinet's response. Almost all of the recommendations were accepted, which highlights that Overview and Scrutiny is continuing to make significant influence of Council policy, both in terms of holding the Cabinet to account and contributing to policy development, and the well-being of the citizens of Northampton.

Raising the profile of Overview and Scrutiny at Northampton

The profile of O&S has continued to be raised with a number of important and successful reviews carried out during 2016/2017. O&S is keen to keep this up and invites suggestions for the work programme from various partners, Agencies and members of the public.

The Scrutiny review process at Northampton is widely recognised both within the Council and amongst the citizens of Northampton.

The O&S Work Programme received extensive press coverage, locally, which just under 50 individuals responded to, suggesting over 75 ideas for future Scrutiny review.

Overview and Scrutiny Annual Report 2017/2018

Paperless Overview and Scrutiny

As reported in last three year's Annual Reports, the innovation attracted national interest. External interest in the innovation has again continued this year, with a number of enquiries regarding the success of the paperless Committee.

Public engagement within the Overview and Scrutiny process at Northampton

O&S has included various issues referred to it from the public onto its Work Programme. The details below provide key points of how O&S work has reflected the concerns of service users.

Key Example of review work during 2017/2018:

Cemeteries

The report of the Cemeteries Scrutiny Review was presented to Cabinet in the Municipal year 2017/2018. The O&S Committee will begin monitoring of the accepted recommendations early in 2019.

The purpose of the Scrutiny Panel was to review cemeteries in the Borough, concentrating on:

- Maintenance and health and safety requirements
- Amenities and facilities
- Financial implications

The Overview and Scrutiny Committee, at its work programming event in April 2017, agreed to include a review of cemeteries onto its work programme for the year. The Overview and Scrutiny Committee commissioned Scrutiny Panel 1 to undertake the review. An in-depth review commenced in June 2017 and concluded in March 2018.

"The Scrutiny Panel was made up from members of the Overview and Scrutiny Committee – together with other non-Executive Councillors. The Scrutiny Panel benefitted from the expertise of the co optee, Simon Hollowell of Hollowell's Funeral Services.

The Scrutiny Panel received both written and spoken evidence from a wide variety of expert advisors. Desktop research was carried out by the Scrutiny Officer. Representatives undertook site visits to various cemeteries around the borough and also visited the cemetery at Kettering. All of which produced a wealth of information that informed the evidence base of this high profile Scrutiny review.

Following the collation of the evidence, the Scrutiny Panel drew various conclusion and recommendations that are contained in the report."

Councillor Brian Sargeant

Chair, Scrutiny Panel 1 - Cemeteries

Overview and Scrutiny Annual Report 2017/2018

Co-Opted Members

This year, the Scrutiny process chose to engage the expertise and knowledge of co-optees in its review process for all of its in-depth reviews. It also fully utilised expert advisors in the witness evidence process. Further details are contained at page 2 of this Annual Report.

Review work 2017/2018

O&S at Northampton has undertaken some excellent review work again this year.

The best practice Scrutiny review work has continued to be built upon. Over the last year, Scrutiny reviews have attracted interest from both external organisations and the public.

Overview and Scrutiny at Northampton continues to be Councillor-led and focuses on the major issues affecting the town. It has therefore carried out some very high profile reviews this year, the impact of which will be reported in next year's O&S Annual Report:

Scrutiny Panels

The Scrutiny Panels obtain information to inform the Review through a variety of methods, including:

- Research and briefings commissioned from officers
- Select committee-style meetings with external experts and relevant officers
- Informal interviews
- Site visits
- Surveys

Some meetings of the Scrutiny Panels are often held in a 'Select Committee' format, with the Scrutiny Panels seeking evidence through a question and answer session with senior officers, Cabinet Members, external experts, representatives of interested groups or members of the public who have relevant experience.

Culture and Tourism

The purpose of the Scrutiny Panel was:

- To promote Northampton's heritage and culture on a national and global platform.
- To increase visitor numbers to Northampton through its diverse heritage and cultural offering.
- To increase jobs and spending linked to tourism.
- To use the vehicle of tourism to provide learning about Northampton.

Overview and Scrutiny Annual Report 2017/2018

Key Lines of Enquiry

- To gain an understanding of the culture and heritage within the Borough of Northampton
- To gain an understanding of how Northampton's tourism, heritage and culture offer is marketed and to identify any gaps that can be developed
- To receive an overview of Northampton's heritage assets
- To review the extent to which an holistic image of Northampton as an attractive cultural, heritage and tourism place to visit
- To understand the roles of both Northampton Borough Council and other partners in promoting the town of Northampton

The recommendations were around:

An Action Plan for Culture and Tourism

Vision

Definitions

Promotion

Education and Heritage Talks

Tourist Information Centre

Signage

The report will be presented to Cabinet in the Municipal year 2017/2018.

The Scrutiny Panel was made up from members of the Overview and Scrutiny Committee together with other another non-Executive Councillor. The Scrutiny Panel benefitted from the expertise of the co optee, Martin Sutherland, Chief Executive, Royal and Derngate Theatres.

From its evidence gathering the Scrutiny Panel realised there are a lot of events organised and there is a need to build on this success to attract visitors from across the country. The Scrutiny Panel held its meetings in a number of various locations around the town, including the Doddridge Centre, Delapre Abbey and the Great Hall at the Guildhall, noting the history of these venues. The Scrutiny Panel received both written and spoken evidence from a wide variety of expert advisors. Desktop research was carried out by the Scrutiny Officer. There was a very good response to the survey of the Scrutiny Panel; comments received have informed the evidence base of this Review. Representatives of the Scrutiny Panel undertook site visits to Market Harborough and Rugby, valuable information was gathered from these towns; all of which informed the evidence base of this important Scrutiny review. The Scrutiny Panel was also pleased to have benefitted from a site visit to Delapre Abbey. Following the collation of the evidence, the Scrutiny Panel drew various key conclusion and recommendations that are contained in the report. The Review took place between June 2017 and April 2018.

I would like to thank all those acknowledged below who gave up their time and contributed to this Review.

Councillor Jamie Lane
Chair, Scrutiny Panel 2 – Culture and Tourism

Dementia Friendly Town

The purpose of the Scrutiny Panel was to investigate the town of Northampton can become a Dementia Friendly Town.

Overview and Scrutiny Annual Report 2017/2018

Key Lines of Enquiry

- To gain an understanding of what Dementia is, and its symptoms
- To gain an understanding of the Dementia Friendly Communities Programme, Dementia Friendly Communities Recognition Process, the BSI Code of Practice for Dementia Friendly Communities (and the foundation criteria),
- To gain an understanding of the Dementia Friends Programme and Dementia Friends Champion
- To gain an understanding of the effect on the health, wellbeing and the safety of people with dementia and their carers/families
- To gain an understanding of current and potential partnership working
- To gain an understanding of the causes and barriers to supporting people with Dementia
- Identify any specific groups that are not accessing services

Following approval of its work programme for 2017/2018, the Overview and Scrutiny Committee, at its meeting in April 2017 commissioned Scrutiny Panel 3 to undertake the review – Dementia Friendly Town. An in-depth review commenced in June 2017 and concluded in April 2018.

A Scrutiny Panel was established. Gwyn Roberts, CEO, Northamptonshire Carers was co-opted to the review.

The recommendations were around Northampton becoming a Dementia Friendly Town.

The report will be presented to Cabinet in the Municipal year 2017/2018.

This was a very interesting and informative Review; with clear evidence which was received in a variety of ways. I thank all those who gave up their time to attend a meeting of the Scrutiny Panel to provide this information and all those who took the time to send comprehensive written evidence. I would particularly like to convey my thanks to the Lutterworth Care and Share Group that made the Scrutiny Panel feel so welcome when we visited in the autumn.

The Scrutiny Panel held interviews with Cabinet Members, Senior Staff at Northampton Borough Council and a number of expert external witnesses. Desktop research was carried out by Tracy Tiff, Scrutiny Officer.

After each meeting the Scrutiny Panel were able to watch a short film, such as a TED film, on research into dementia, assistance provided to those living with dementia and their carers and films around dementia friendly towns. These short films proved invaluable and very useful in providing the Panel additional information using a different media.

The Scrutiny Panel was offered Dementia Friends training, which I can only commend.

The result is a piece of work which recommends to Cabinet a number of key recommendations aimed at how Northampton can become a dementia friendly town and fulfilling the requirements of our original specification.

I think the Panel should be very proud of this report and would like to thank everyone who participated and contributed to this very important piece of work.

Councillor Cathrine Russell

Chair, Scrutiny Panel 3- Dementia Friendly Town

Cemeteries

Please refer to page 5 for a precis of this review.

Overview and Scrutiny Annual Report 2017/2018

O&S Re-provision of the Environmental Services Contract Working Group

The purpose of this Scrutiny activity was to:

- Help non-Executives understand the re provision process and the legal framework around the re-provision of the contract.
- Enable non-Executives to meaningfully challenge the rigour and robustness of the process.

Two non-Executive Councillors called in the decision of Cabinet of 16 November 2016, (item 11 – Re-Provision of the Environmental Services Contract). A Call In Hearing was held on 29 November 2016. During the deliberation session, the Overview and Committee concluded that there was a need for wider consultation, the recommendations were ill-informed, based on assumptions regarding costs, before quality; the areas of methodology used were flawed; and the contracting out option had been based on a failing contract. The Committee further concluded that there was a need for Overview and Scrutiny involvement at the relevant stages of the process.

Upon a majority vote it was resolved that:

- (1) That after all the evidence had been heard that the Call-In be accepted on the grounds that:
 - (i) there is the need for wider consultation;
 - (ii) the recommendations were ill-informed, based on assumptions regarding costs, before quality;
 - (iii) the areas of methodology used were flawed;
 - (iv) the contracting out option had been based on a failing contract.
- (2) That there is Overview and Scrutiny involvement in the relevant stages of the process.

The Overview and Scrutiny Committee then convened a Working Group

A series of meetings were held that provided key information to the Scrutiny Working Group. Further meetings will be held during the process. An interim report of the Working Group was Cabinet ion 18 October 2017. Within this report the Working Group highlighted that:

From the information provided to the Working Group to date, the Overview and Scrutiny Committee is satisfied that the right processes have taken place to date. From the information provided so far the processes to date have been robust and carried out with due diligence.

From the information received, the Overview and Scrutiny Committee is satisfied that the procurement process has been robust.

The final report of the Working Group firmed up its conclusions and recommendations contained within its Interim Report.

Overview and Scrutiny Annual Report 2017/2018

This Scrutiny activity took place between March 2017 and April 2018.

It was a very interesting and informative piece of Scrutiny activity, with clear evidence received. The Working Group presented its interim report to Cabinet in October 2017, its key findings at that stage being that Overview and Scrutiny Committee was satisfied that the right processes have taken place. The processes to date had been robust and carried out with due diligence. The procurement process had been robust.

The Working Group was very pleased to note that the new contractor will have both an Engagement Manager and Officer that will work on community engagement projects and liaise regulator with local groups and forums.

The final report mirrors the findings of the interim report with additional conclusions and recommendations. I would like to thank everyone who took part in this detailed piece of Scrutiny activity

Councillor Dennis Meredith

Chair, O&S Re-provision of the Environmental Services Contract Working Group

How has the work of the Scrutiny Panels made a difference to the Council and our residents?

Accepted recommendations from previous Scrutiny reviews, undertaken during the previous year, are being monitored by the O&S Committee.

Key examples

Scrutiny Panel 1 - Child Sexual Exploitation

The purpose of the Scrutiny Panel was to ensure Northampton Borough Council (NBC) plays an active role in tackling Child Sexual Exploitation (CSE)

Key lines of Inquiry:

- To gain an understanding of the work currently being undertaken by partnerships, statutory and voluntary organisations, and the Police to address these issues
- To investigate how NBC contributes to the above work
- To raise awareness of CSE, human trafficking and domestic slavery of children in Northampton
- To explore best practice elsewhere in identifying and providing support to victims of CSE
- To understand what NBC is doing outside the Scrutiny process in relation to human trafficking and domestic slavery of children

Recommendations were around:

Making Public Spaces Safer
Communication and E- Safety
Training and Awareness Raising

Overview and Scrutiny Annual Report 2017/2018

The report was presented to Cabinet and its response is awaited.

Scrutiny Panel 2 – Homelessness (pre decision Scrutiny)

The purpose of the pre-decision scrutiny review was to review how the Borough Council and its partners prevent homelessness and to respond to those without homes in the borough.

Key Lines of Enquiry

- To gain an understanding of the work currently being undertaken by Northampton Borough Council (NBC), partnerships, statutory and voluntary organisations to address homelessness
- To assess the extent of homelessness and rough sleeping in the borough assess the initiatives currently in place to tackle homelessness
- To examine the Council's Severe Weather Provision
- To gain an understanding of the effect on the health, wellbeing and the safety of homelessness people, including rough sleepers
- To gain an understanding of the causes and barriers to support homelessness
- Identify any specific groups that are not accessing services

The Overview and Scrutiny Committee, at its work programming event in April 2016, agreed to include a review around how the Borough Council and its partners prevent homelessness. An in-depth review commenced in May 2016 and concluded in March 2017.

This review links to the Council's corporate priorities, particularly corporate priority 3 - Housing for Everyone - Helping those that need it to have a safe and secure home.

Recommendations were around:

- Multi Agency Working
- Improving access to homelessness services
- Improving access to health services
- Temporary accommodation

Cabinet received the report in June 2017 and the Overview and Scrutiny Committee is busy monitoring the impact of the accepted recommendations.

Museum Trust

The purpose of the Scrutiny Panel was to undertake pre-decision Scrutiny - Scrutiny of the establishment of the Museum Trust to ensure the best outcome for the future of the Museum Service and Cultural Quarter.

The Cabinet Member with responsibility for Museums had advised the Overview and Scrutiny Work Programming event in March 2016 that work was underway regarding investigating the feasibility and benefits of establishing a Museum Trust. The Overview and Scrutiny Committee

Overview and Scrutiny Annual Report 2017/2018

agreed to include a review of Museum Trust (Pre-decision Scrutiny) in its Work Programme 2016/2017 and commissioned Scrutiny Panel 2 to undertake the review. A short, sharp review commenced in May 2016 and concluded in July 2016.

This review links to the Council's corporate priorities, particularly corporate priority 1 – Northampton Alive - A vibrant town for now and the future.

Following conclusion of this short, sharp review, the recommendations of the Scrutiny Panel included:

The Overview and Scrutiny Committee is satisfied that further investigation into the establishment of a Museum Trust including a full options appraisal will ensure the best outcome for the future of the Museum Service and Cultural Quarter.

The Overview and Scrutiny Committee is satisfied that the commissioning of detailed planning including a full business plan and a 5 – 10 year financial plan should be undertaken to establish a Museum Trust.

The Overview and Scrutiny Committee supports the hybrid model of a Museum Trust. (A hybrid is where responsibility is devolved to a trust but assets are retained by the Council)

Overview and Scrutiny has received updates to its meetings.

Emissions Strategy (Action Plan)

The objective of the Scrutiny Review was to provide Scrutiny input into the Action Plan for the Council's Emissions Strategy

Key lines of Inquiry:

- To increase Councillor and public understanding of air quality issues in Northampton
- To understand the causes and impact of air pollution
- To understand the actions being taken to reduce air pollution in Northampton
- To understand the actions being taken by partners to reduce air pollution in Northampton
- To provide recommendations for the production of the Action Plan for the Council's Emissions Strategy, which will identify ways of improving air quality in Northampton
- Examine all current air quality management areas to ensure they are performing.

Overview and Scrutiny Annual Report 2017/2018

- To see if they can be improved and consider all other factors and future factors in moving forward

The Overview and Scrutiny Committee considered a briefing note regarding the Emissions Strategy, including hotspots, at its meeting held on 15 August 2016. Following consideration of this information it was agreed that a Scrutiny Review would commence to investigate the Air Quality Action Plan and how Scrutiny could provide input into this. An in-depth review commenced in October 2016 and concluded in April 2017.

This review links to the Council's corporate priorities, particularly corporate priority Protecting Our Environment - A clean and attractive town for residents and visitors.

Recommendations were around:

Emissions Strategy Action Plan
Councillor and Public Awareness of Air Quality Issues
Partner Agencies

The Overview and Scrutiny Committee has started to monitor the impact of the accepted recommendations contained within this report.

Budget Scrutiny

Each year, the Overview and Scrutiny Committee sets up the Reporting and Monitoring Working Group to:

- Review the revenue budget proposals and the Council's medium term financial plans.
- Recommend a short list to Overview and Scrutiny for detailed consideration.
- Consider suggestions from the public and other Councillors for items to be included in the short list for scrutiny.

Overview and Scrutiny finds it helpful for a small Working Group of Councillors to take a brief overview of all the budget proposals and bring a small selection to the Committee for detailed scrutiny.

This year the Working Group comprised eight Councillors from the Overview and Scrutiny Committee.

The Overview and Scrutiny Committee, at its meeting in January 2018, undertook budget scrutiny of the following issues:

- Increased income – Car parking
- Reduction in events programme
- Environmental Services Contract – Net budget stream for the Environmental

Overview and Scrutiny Annual Report 2017/2018

Services vehicles

- Challenges on temporary accommodation and homelessness budgets
- HRA stock loss and mitigation through a new build programme

Looking ahead

The Work Programme for 2018/2019 was approved by the Overview and Scrutiny Committee in the spring 2018. Three Scrutiny Panels will be set up and will scope the reviews:

- Homelessness and Rough Sleepers
- The impact of the move of the University of Northampton
- Northampton Post Unitary
- Evaluation of Overview and Scrutiny (Working Group)

Details of the Overview and Scrutiny Work Programme for 2018/2019 will be published on the Overview and Scrutiny [webpage](#) as soon as it is finalised.

What are our Challenges for 2018/2019?

- To build on Overview and Scrutiny's achievements by setting stretching targets to broaden our impact. An example would be to ensure the Committee continues to undertake pre-decision scrutiny activities.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the O&S work programme reflects concerns of service users, community and public – ensuring that a wide range of organisations, partners and the public are consulted with for suggestions for scrutiny review and then on the actual work programme.
- To ensure O&S is able to respond effectively to legislative requirements, such as the new powers, for example, wider powers to influence policy and public service delivery in their area – for example investigated issues beyond its traditional remit but affect local people.
- To continue to ensure O&S works with the community and key partners to respond to concerns.
- To continue to ensure that the work of O&S has a positive effect on decision-makers and provide evidence that it has made a real difference.
- To continue to increase public participation in O&S at Northampton by increased public suggestions for scrutiny review and increased attendance at O&S Committee and Panel meetings. This process has continued to increase year on year.

Glossary of Terms

Call-In

The process by which the O&S Committee considers whether a decision is properly taken or is the right decision.

Cabinet (Executive)

The Executive body responsible for the day-to-day running of the Council and the development of policy. Cabinet Members have portfolios or areas of responsibility (e.g. Housing) for which they take executive decisions.

Councillor (Member)

An elected local representative on the Council, a Councillor represents the interests of the people who live in their ward and Northampton as a whole

Pre-decision Scrutiny:

O&S may inform Executive decisions on topics on the Forward Plan by making evidence based recommendations or advice prior to formal decision by the Executive.

Review

A study led by Scrutiny Councillors on a current issue, selected by the Committee. It aims to identify areas of good as well as poor practice, compare performance with other Councils' countrywide, and challenge existing practice where relevant.

The review will lead to recommendations for improvements to relevant Cabinet Members as well as outside agencies, such as health trusts. While these are not obliged to support the recommendations, effective consultation has been proven to lead to consensus and to Cabinet support for reviews undertaken.

Overview and Scrutiny Annual Report 2017/2018

Contact details for more information

Tracy Tiff, Scrutiny Officer, is always very happy to speak to local people about the activities of the Overview and Scrutiny Committee. If you have any comments or queries, or would like to suggest areas which may be appropriate topics for future work, you can speak to her by calling 0300 330 7000 or by [email](#).

You can view recent agendas and minutes on the Council's website at www.northampton.gov.uk or by contacting [Democratic Services](#)

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Suggest an item for Overview and Scrutiny to investigate?

Do you have any suggestions for issues for inclusion onto the Overview and Scrutiny future Work Programme? If so please complete the form overleaf and return to: -

Overview and Scrutiny
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Email: [Scrutiny](#)

Suggest an item for Overview and Scrutiny to investigate

Do you have any suggestions for issues for inclusion onto the Overview and Scrutiny future Work Programme? If so please complete the form opposite and return to: -

Overview and Scrutiny
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Email: [Scrutiny](mailto:Scrutiny@northampton.gov.uk)

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Overview and Scrutiny cannot help in the following areas:

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The conduct or behaviour of a councillor or officer - this is the responsibility of the Standards Committee - for information, contact 01604 837408.

It cannot be guaranteed that items raised in this way will actually be considered by Overview and Scrutiny.

Suggested Issue for Overview and Scrutiny

Name:

Email:

Telephone

Issues suggested for inclusion on the Overview and Scrutiny Work Programme

Overview and Scrutiny Annual Report 2017/2018

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kowaad oo aad u baahan-tahay in laga caawiyo
turjumidda warqaddan fadlan kala xidhidh Tracy
Tiff tilifoonka 01604 837408

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<p>Appendices: 1</p>



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL
Thursday 5th July 2018

Agenda Status: Public

Directorate: Borough Secretary and
Monitoring Officer

Report Title	CORPORATE HEALTH, SAFETY AND WELLBEING POLICY
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1. Purpose

1.1 To accept the Corporate, Health Safety and Wellbeing Policy

2. Recommendations

2.1 Council is recommended by the Chief Executive and Corporate Health, Safety and Wellbeing Manager to accept this reviewed and revised version of the Corporate Health, Safety and Wellbeing Policy (“the policy”).

2.2 Any further, or final amendments, shall be delegated to the Corporate Health, Safety and Wellbeing Manager in consultation with the leader of the Council, to action, prior to the Chief Executive signing and dating the policy statement of intent and going live to communicate out to all employees and being made publically available.

3. Issues and Choices

3.1 Report Background

3.1.1 The Council is legally required under section 2 (3) of the Health and Safety at Work etc. Act 1974 to review and revise its general Health and Safety Policy on an appropriate and regular basis. The policy has undergone review and revision with consultation with our recognised trade unions, to ensure this is legally compliant, relevant and updated.

3.1.2 This policy was last reviewed back in September 2015. Since 2015 the policy has required to be reviewed and refreshed. Corporate Health, Safety and

Wellbeing services have since transferred back in house from LGSS, our Chief Executive Officer (responsible person) has changed several times, our Corporate Health, Safety and Wellbeing team (HSW team) members are all new and now also focus on employee wellbeing, as a key element to reduce staff absenteeism.

It is vital our Council's Health and Safety policy is recognised as being modern and current, is signed and dated by our new Chief Executive, who leads on health and safety demonstrating leadership and commitment at a senior level within the organisation.

3.1 Decision details

- 3.2.1 The purpose of the attached Corporate Health, Safety and Wellbeing Policy is to present the Council's organisational governance and safety framework; where Health, safety and wellbeing is put into the heart of its management arrangements and wider culture of the organisation. This fully embeds and integrates safety into operations across all council functions.
- 3.2.2 A 'statement of intent' sets out our principle Council objectives. The Council's organisational governance structure has been created to show clear lines of responsibility, accountability and compliance. All Council employees' have been identified and health and safety responsibilities allocated according to position.
- 3.2.3 The policy is reviewed every two years after full Council accept this policy. The policy meets and satisfies the Council's interim and preparatory position, until unitary status is formulated.
- 3.2.4 It is recommended that Council recognised this policy and makes finances and resources available to effectively implement this policy.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This policy is the legal document that represents the Council's written and primary health, safety and wellbeing document under S.2 (3) of the Health and Safety at Work etc. Act 1974. All and every other health, safety and wellbeing document whether strategy, policy, or procedure is subordinate and comes under this policy.
- 4.1.2 All organisational health, safety and wellbeing governance and management arrangements will be set out, directed and dictated by this policy.

4.2 Resources and Risk

- 4.2.1 The Council has a statutory duty and obligation to ensure the policy is effectively delivered, implemented, properly managed and monitored on an ongoing basis, to avoid formal action by the Health and Safety Executive. It is paramount that finances and resources are allocated into a health and safety

cost centre budget, to ensure the existing team is properly resourced, so safeguarding all NBC, NPH and other investments.

- 4.2.2 Currently, the budget allocated to the Council's health, safety and Wellbeing team sits within the Human Resources budget which may be enhanced.
- 4.2.3 Current corporate health and safety impact risk rating is moderate and the likelihood possible.
- 4.2.4 Corporate Health, Safety and Wellbeing Team are responsible for delivering the policy and ensuring health and safety management is effective and conducting a monitoring regime. Team consists of a 0.5 FTE Health, Safety and Wellbeing Manager, 1 FTE Health and Safety Assistant and 1 FTE contractor (Health and Safety Advisor), due to finish August 2018.
- 4.2.5 There is a need to ensure the Health and Safety Advisor's post is filled (in some manner) after August 2018, to ensure the Council continues to fulfil its health and safety duties effectively. This vacant position will be given careful consideration once a new and proposed management structure is approved and a Head of Service is appointed into position.

4.3 Legal

- 4.3.1 The Council has a general duty to prepare and revise its written policy and statement, with respect to the health and safety at work of its employees, its organisation and arrangements. The policy also refers to the Council conducting its undertaking in such a way that non employees will not be exposed to health and safety risks.
- 4.3.2 This policy is key to delivering its duty of care and comply with section 2 (3) of the Health and Safety at Work etc. Act 1974, and all secondary legislation made under this.

4.4 Equality

- 4.4.1 The Policy reflects the Council's commitment to work in an equal and non-discriminatory manner. The Council's equality strategy and monitoring underpins this commitment.

4.5 Consultees

- 4.5.1 The Chief Executive, Legal Services and both GMB and UNISON have been consulted through Management and Trade Union Consultation Meeting (MTUCM).

4.6 Other implications

- 4.6.1 None

5. Background Papers

- 5.1 None

Julian WILKS
Borough Secretaries
0300 330 7000



NORTHAMPTON
BOROUGH COUNCIL

Corporate Health, Safety and Wellbeing Policy

Equality Impact Assessment

The Council strives to ensure equality of opportunity for all both as a major employer and as a service provider.

The Corporate Health and Safety Policy has been equality impact assessed to ensure fairness and consistency for all.

Version Control Schedule Corporate Health and Safety Policy

Author (Post Holder Title)	Health, Safety and Wellbeing Manager
Type of Document	POLICY
Version Number	V11.1
Document File Name	Corporate Health, Safety and Wellbeing Policy
Issue date	
Document Held by (name section)	Health, Safety and Wellbeing Team
For internal publication only or external also	Internal and Public
Document stored on council website	Yes
Next Review	4th July 2020
Approved by	FULL COUNCIL

Change History	Date	Comments
0.2 (Final)	October 2006	Reviewed
0.2 (Draft)	August 2009	Changes to include Wellbeing
0.3 (Final)	August 2009	Equality Impact Assessment tool included
Version 4	September 2011	Health and Wellbeing Statement included
Version 5/6	November 2011	Amended
Version 7	October 2014	Revised
Version 8	November 2014	Amended with comments
Version 9	August 2015	Amended in line with org changes
Version 10	1 st Aug 2017	Review and Revision
Version 11	23 rd April 2018	Update
Version 11.1	26 th June 2018	Increased trade union inclusion

Table of Contents

1.	Introduction	4
1.1	Purpose.....	4
1.2	Scope.....	4
1.3	Review	4
2.	Policy.....	4
3.	Responsibility, Accountability and Compliance.....	4
4.	Authority and Responsibilities.....	5
4.1	Councillor's (Elected members).....	5
4.2	The Chief Executive.....	5
4.3	The NBC Health, Safety & Wellbeing Team	5
4.4	Senior Responsible Officers (Management Board Members)	6
4.5	Heads of Service and the Borough Secretary & Monitoring Officer.....	7
4.6	Managers/Supervisors/Team Leaders.....	9
4.7	Employees	11
5.	The Organisation of Health, Safety and Wellbeing.....	12
5.1	General	12
5.2	The Management Board	12
5.3	Directorates.....	12
5.4	The Health and Safety Board Meeting.....	12
5.5	Health and Safety Representatives	13
6.	Procedures for The Implementation of the Corporate Health And Safety Policy. ...	14
6.1	Safety Management System - Directorate and Divisional Plans.....	14
7.	Legal Implications	14
8.	Technical Advice	15
9.	Monitoring	15
10.	Related Material.....	15
	APPENDIX 1 - STATEMENT OF INTENT	16
	APPENDIX 2 - RESPONSIBILITY, ACCOUNTABILITY AND COMPLIANCE.....	18

1. INTRODUCTION

1.1 Purpose

This Policy is for use as the definitive guide and compliance tool for all Directorates operating on behalf of the Northampton Borough Council (NBC).

1.2 Scope

This Health, Safety and Wellbeing Policy will apply to all employees and contractors working on behalf of, or within the Northampton Borough Council areas of responsibility and it has been prepared to support the various Directorates of the Borough.

1.3 Review

Northampton Borough Council takes its Health and Safety responsibilities very seriously and this document will be revised and implemented in accordance with NBC's Health and Safety Management System.

This policy will also be formally reviewed 2 years after approval, or earlier depending on:

- Any significant changes to practice which require a change in policy
- It is deemed appropriate by the author (i.e. after changes to legislation or guidance)
- A significant incident, or a series of incidents concerning the operations of the policy occurring.

2.0 POLICY

This policy and its 'statement of intent' sets out NBC's commitment to ensure relevant primary and secondary health and safety legislation, guidance and its codes of practice will be complied with, and explains how this will be achieved to ensure its occupational health and safety and implementation of suitable and sufficient safety arrangements are effective and in place.

The Health and Safety Policy 'statement of Intent' is in **Appendix 1**

3.0 RESPONSIBILITY, ACCOUNTABILITY AND COMPLIANCE

The compliance of Health and Safety is critical to any organisation and in this respect, NBC take their responsibilities seriously.

The flow chart in appendix 2, shows from, top down, and bottom up, the path for responsibility, accountability and compliance within NBC.

In addition, the NBC corporate Health, Safety and Wellbeing team have responsibility and accountability to ensure the compliance to health and safety by all Directorates and their employees and contractors working on behalf of NBC.

The Responsibilities, Accountabilities and Compliance flow chart is in **Appendix 2**

“Responsibility can be delegated to others. Accountability cannot”!

4. AUTHORITY AND RESPONSIBILITIES

Everyone within the Council, including Councillors, have responsibility for Health, Safety and Wellbeing at work. The Chief Executive, Directors, Borough Secretary & Monitoring Officer, Heads of Service must ensure that all employees, within their service areas are fully aware of their particular responsibilities, which should be incorporated within job descriptions.

Whilst responsibility can be appointed to others, specific accountabilities cannot be evaded by delegation to someone else. The authorisation and executive direction of the Council's policy for health, safety and wellbeing matters, in general, will follow the lines of the organisational structure of the Authority.

Health and safety issues will be consulted and supported by our recognised trade unions.

The following paragraphs outline the responsibilities of specific persons and groups.

4.1 Councillors (Elected members)

The Council, as an incorporated body, is ultimately responsible and accountable for the application of health and safety legislation, for achieving the objectives of its health and safety policy and for ensuring that adequate resources are made available to cater for the needs of safety, health, and welfare.

4.2 The Chief Executive

The Chief Executive has the overall responsibility for ensuring that the Council's Health Safety & Wellbeing Policy is applied throughout the Council and for ensuring that all relevant and appropriate matters are brought to the attention of, and considered by the Council, at the Management Board. In addition, the Management Team has the same specific responsibility in respect to his/her own department, as do the Directors and the Borough Secretary and Monitoring Officer in relation to their Directorates.

4.3 The NBC Health, Safety & Wellbeing Team

The NBC Health, Safety & Wellbeing Team, (NBC HSWT) are located within the Borough Secretary's Department, alongside HR, and are responsible for advising the Northampton Borough Council, its management and employees on all aspects of health, safety and wellbeing, including risk assessment, accident prevention, health related absences and the implementation of health, safety and welfare legislation, statutory regulations and codes of practice. In so doing, the HSWT set and maintain the Health and Safety policy for all staff and anyone working on behalf of the Borough Council to adhere to.

The NBC HSWT also have a responsibility to ensure that all Directorates are compliant to the health and safety policy and procedures by all staff and anyone working on behalf of the Borough Council.

The NBC Health, Safety & Wellbeing team will include the following duties:

- To promote the effective management of health, safety & wellbeing in council buildings, operations and events, for staff, visitors and anyone affected by the Council's activities;

- To ensure the delivery of an effective programme of training to staff in health, safety & wellbeing.
- To bring to the attention of senior management any significant failings, non-conformances or breaches of Health and Safety legislation or NBC arrangements.
- To conduct periodic health and safety audits and inspections with the assistance of any relevant person (i.e. trade union health and safety representatives), to ensure the compliance of health and safety systems, policies and procedures by all Directives and anyone working on behalf of NBC.
- To monitor the Council's performance in ensuring health, safety & wellbeing, and ensure that prompt and effective action is taken where shortcomings are identified.
- To work effectively with the Emergency Planning Officer to develop and maintain business plans to ensure continuity of essential council activities in the event of a major disruptive incident.
- To work effectively with HR on referral and medical advice matters.
- To consult and work alongside recognised trade unions in all health and safety matters and request their assistance on policy developments.

4.4 Senior Responsible Officers (Management Board Members)

The senior responsible officers, i.e. the Management Board are the officers responsible for ensuring the implementation of the Council's Health, Safety and Wellbeing Policy (via their Directorate arrangements) must;

- a. Senior officers will demonstrate leadership and commitment by setting personal example and fostering positive attitudes towards health, safety and wellbeing throughout their Directorates, such that their beliefs and commitment to health, safety and wellbeing become the shared "common knowledge" of all.
- b. Ensure so far as is reasonably practicable that their managers know, understand, fulfil their individual responsibilities and accept their accountabilities regarding health and safety, that they receive relevant information and training so they can be competent to carry out whatever tasks they are assigned and given adequate information and support, that the requirements of all relevant health and safety legislation and codes of practice are met, and that health and safety responsibilities of all employees within the Directorates are incorporated into the job descriptions of those employees.

- c. Give advice, on the resources required to comply with statutory requirements or of any difficulties, which might arise.
- d. Ensure adequate consultation with the appropriate specialist support services and employee representatives prior to the introduction of any change, which may affect the health and safety of employees at work.
- e. Make the necessary arrangements to ensure that safety representatives who may be appointed under statutory regulations can effectively carry out their duties as required by such regulations.
- f. Ensure the establishment, maintenance, monitoring and review of a suitable, planned and systematic health and safety programme, including a programme of routine health and safety audits for premises and activities involving their Directorates to:
 - i. Identify the hazards present, evaluate the extent of the risks involved, record the significant findings of the risk assessment and adopt appropriate preventive and protective measures so far as is reasonably practicable;
 - ii. Comply with statutory regulations and codes of practice;
 - iii. Ensure through suitable training, the provision and maintenance of appropriate communication channels that all employees within the Directorates are fully aware of, understand, and actively work in accordance with all relevant health and safety procedures and guidance, and are competent in the tasks they are assigned.
- g. Make the necessary representation and arrangements to seek adequate financial resources to cater for the needs of health, safety, and wellbeing.

4.5 Heads of Service and the Borough Secretary & Monitoring Officer

Heads of Service and the Borough Secretary & Monitoring Officer are responsible for the detailed implementation of the Safety Management System (Directorate arrangements and Divisional Plans) within their area of control.

To achieve this they will so far as is reasonably practicable:

- a. Foster positive attitudes towards health, safety and wellbeing throughout their service areas by leadership and personal example.
- b. Ensure that all persons reporting to them know and accept their responsibilities and accountabilities under the divisional plan (Safety Management System) and are adequately trained to enable the successful implementation of the health and safety programme.
- c. Undertake and/or arrange, with the assistance of appropriate advisory officers, including any safety representatives where appointed, risk assessments to determine the health, safety and wellbeing risk to which employees and others

may be exposed whilst at work. Such assessments are to be recorded. Agree and implement appropriate planned and prioritised risk control strategies and techniques to achieve compliance with the requirements of the relevant statutory provisions.

- d. Review the effectiveness of health and safety management (divisional plans) within their service areas and take appropriate corrective action.
- e. Ensure safe working practices are at all times maintained to ensure the health and safety of employees and others who may be affected. A specific risk assessment will be required for employees with a particular health need e.g. pregnant workers.
- f. Ensure that at all times work areas are maintained to a level of housekeeping, which is acceptable to management and consistent with appropriate health and safety requirements and needs.
- g. Ensure that adequate supervision is made available especially to those considered "young and inexperienced".
- h. Ensure that all statutory regulations and codes of practice are adhered to and that all statutory registers are maintained. (Seek advice and guidance from the NBC HSWT where required)
- i. Ensure that their respective service area health and safety programme, is coordinated and organised to ensure its effectiveness.
- j. Ensure that any matter brought to their attention by employees, unionised Health and Safety Representatives, Health and Safety Advisors or the HSE Executive, or other appropriate persons, is given prompt and appropriate attention.
- k. Ensure that adequate consultation takes place with specialist support services and unionised Health and Safety Representatives on all matters affecting health and safety.
- l. Ensure that appropriate personal protective equipment (PPE) and clothing is made available to all persons under their control, as identified as control measures under risk assessments.
- m. So far as is reasonably practicable ensure that all contractors/sub- contractors employed by the service areas conduct their work in accordance with:
 - i. The terms of the contract so far as these relate to health and safety matters.
 - ii. All relevant legislation, statutory regulations, etc., are complied with, safeguarding the position of the council.
 - iii. Not to endanger Council employees or other persons.
- n. Ensure the provision of adequate first aid, fire-fighting equipment and welfare facilities at every workplace under their control.

- o. Ensure that effective emergency evacuation procedures exist for all areas under their control, that these are clearly communicated to all personnel (especially new starters, temporary and agency workers) and that planned practice evacuations take place at least once every 6 months, and that such practices are evaluated and recorded.
- p. Ensure that all plant and equipment provided for safe working, is effectively maintained to a safe standard, including statutory inspections of lifting gear, electrical equipment, pressure vessels, etc.
- q. Ensure that all persons reporting to them are carrying out their health and safety responsibilities by means of regular management audits of the workplace and work activities.
- r. Ensure that any breach of statutory requirements or failure to comply with the Council's Health, Safety & Wellbeing Policy, which cannot be effectively dealt with at their own level is drawn to the attention of senior management.

4.6 Managers/ Supervisors/ Team Leaders

All management/supervisory and team leaders must ensure that the health and safety of their employees is not adversely affected by their work.

Managers/Supervisors/Team Leaders are responsible for the detailed implementation of the divisional plan, (Safety Management System) for their areas of responsibility, and for assisting senior management by ensuring so far as is reasonably practicable:

- a. That all personnel under their control, including temporary or agency workers, know and understand their responsibilities under the health, safety and wellbeing policy and that they are adequately equipped to play their part.
- b. That all personnel under their control are adequately trained and competent to perform the tasks required, and are made fully aware of all known hazards.
- c. This applies particularly to new employees, temporary and agency workers.
- d. That complete and up to date risk assessment records are maintained of all potentially hazardous substances processes, activities, systems or equipment. That these records are available to all employees and that they are aware of their contents, and have signed a record "Sign off", sheet to confirm their understanding and that they will operate accordingly to relevant information on risks and on preventive and protective measures which are provided to ensure their health and safety.

That a safe and healthy work environment is maintained at all times and that all work is carried out in accordance with appropriate statutory regulations, codes of practice, by, ensuring that risk assessments are conducted that consider health hazards, and provide sufficient information to employees regarding the management and referral process to the Occupational Health Service (OHS).

- f. All necessary plant, tools, and equipment that are made available, are in a safe condition and that safe access to and egress from places of work is always maintained.
- g. Where applicable, that statutory controlled equipment and plant (e.g. lifting gear, pressure vessels, electrical installation and equipment) have received the appropriate and mandatory inspections and are being used in accordance with the relevant regulations.
- h. That all accidents, incidents and near miss events within their area of responsibility are reported in accordance with Council procedures using the relevant documentation and that appropriate investigations are conducted and reported on.
- i. That all defective equipment or plant is reported and taken out of use until repaired or replaced.
- j. That good housekeeping standards are maintained in all work areas.
- k. That appropriate emergency evacuation procedures exist for all areas under their control, and that all employees including temporary and agency workers are familiar with these, and planned practice evacuations are carried out at least once every 6 months.
- l. That all approved items of first aid are made available, under the control of a responsible person or trained first aider, or as required by the relevant statutory regulations and that all employees, including temporary and agency workers, are made aware of their location.
- m. That all welfare facilities are provided and maintained to the appropriate standard.
- n. That all fire escape routes within their areas are kept clear of obstructions, that fire escape doors can be readily opened from inside, and that fire alarms are tested at the requisite intervals.
- o. That appropriate protective clothing and equipment is issued and correctly used whenever necessary.
- p. That all hazardous substances, liquefied petroleum gases and petroleum spirits are stored and used in accordance with legal requirements and appropriate risk assessments.
- q. That any health and safety matter brought to their attention by a safety representative, employee or other person receives prompt and appropriate attention.
- r. That any health or safety matter which cannot effectively be resolved at his or her own level is called to the attention of senior management.

4.7 Employees

All employees have a duty to take reasonable care for their own health, safety and wellbeing, and for that of others, and to co-operate with their employer on health and safety matters. Employees are responsible for attending work in a fit and healthy state to conduct the work required of them, and are responsible for their own health and safety. In addition employees have a responsibility to:

- a. Report any hazard or malfunction (e.g. damaged electrical leads, slippery floors) to their supervisor and, where necessary, to the appropriate safety representative.
 - b. Conform to all instructions, written or verbal, given to promote personal safety and the safety of others.
 - c. Be sensibly and safely dressed for their particular task, location and working conditions, and to use appropriately and effectively all safety equipment and/or protective clothing as may be provided (e.g. safety shoes, goggles, ear defenders and high visibility clothing).
 - d. Conduct themselves at all times in an orderly manner in the workplace and refrain from any form of horseplay.
 - e. Avoid improvisation in any form, which could create unnecessary risks to health and safety (e.g. climbing on chairs or boxes to reach heights, rather than using a stepladder).
 - f. Maintain tools and equipment in good condition, reporting any defect to their supervisor (e.g. keep chisels sharp, and carry out safety checks on vehicles as specified in the Council's Transport and Driving Arrangements).
 - g. Not to bring into the workplace without appropriate authority, any tool, substance, or piece of equipment of their own, or from any other source, which is potentially hazardous to the health and safety of themselves or others.
 - h. Report to their supervisor all accidents, (however minor) near misses and incidents of violence or aggression.
 - i. Attend and participate in training courses as required.
 - j. Acquaint themselves with all processes, materials and substances used by them, and with the practices and procedures specified for the elimination/minimisation of risks.
 - k. Be aware of the emergency evacuation procedures, the positions of fire alarms and equipment, the location of first aid equipment and the names of appointed first aiders or nominated persons.
- (l) Not to interfere with anything provided for health and safety at work.

NB. *Failure to comply with Health and Safety instruction, intentional or reckless interference with or misuse of anything provided in the interests of Health and Safety, could lead to disciplinary action including dismissal.*

5. THE ORGANISATION OF HEALTH, SAFETY AND WELLBEING.

5.1 General

The promotion of health, safety and wellbeing is an essential function of good management. Accidents, ill health and incidents are seldom-random events. They generally arise from failures in control and often have multiple causes. Although the immediate cause of an event may be a human or technical failure, such events usually arise from organisational failings, which are the responsibility of management.

5.2 The Management Board

Under the Chief Executive, the Management Board have the overall responsibility for formulating the policy and direction of health and safety management within the Council.

5.3 Directorates

The implementation of the Corporate Health, Safety & Wellbeing Policy of the Council, and the service area arrangements will require the devotion of a certain amount of management time to the planning, implementation and monitoring of the action needed.

Directors will sign off their Directorate arrangements.

The Director will designate an individual to act on their behalf and will ensure that appropriate and effective arrangements for the health and safety management and the organisation within their service areas are implemented and maintained.

This should be achieved by regular meetings of senior managers/team leaders and Trade Union safety representatives (local health and safety meetings) chaired by a manager of appropriate seniority. These meetings should be seen to have the active backing and support of the Director, and should have executive powers to:

- a. Put in place Safety Management Systems for their respective Directorate and the Motivate all concerned in implementing the service areas health, safety and wellbeing arrangements.
- b. Continually review processes and systems within the service area and to consider any reports that may be submitted.
- c. To plan what action is necessary and put it into effect.
- d. To monitor the results of the action taken.

5.4 The Health and Safety Board Meeting

The Health and Safety Board meeting is now part of the Management Board, integrating health and safety into its main governance structure. Health, Safety and Wellbeing issues will only be considered at board meetings, held four times a year. Minutes will be kept and made

available to all council employees through various media systems and communication channels.

Trade unions are recognised as members of the Health and Safety Board, and any other relevant person can be invited to attend for the benefit of the board room members.

Board decisions must be made in the context of the organisation's health, safety and wellbeing policy and consider the following in accordance to the duties imposed by the Trade Union as such:

- a. The board should consider the health and safety implications of introducing new processes, new working practices or new personnel, dedicating adequate resources to the task and seeking advice where necessary.
- b. The board will deal with hazards and dangerous situations as they arise through normal management channels.
- c. Study of reported accidents, near miss events and disease statistics.
- d. Examination of safety audits and reports.
- e. Consideration of work safety rules and safe systems of work.
- f. Consideration of proposed council policies and internal guidance notes.
- g. Consideration of health and safety training needs and provision.
- h. Adequacy of safety and health communication and consultation in the workplace.
- i. Provision of a link with the health and safety executive.
- j. Make representations to management on Health and Safety issues.

5.5 Health and Safety Representatives

Health and Safety representatives will be appointed by Trade Unions under the Safety Representatives and Safety Committee Regulations 1977, and will be recognised by NBC, and will have a general duty to represent their staff members (and non-members) at any health and safety meetings.

NBC also recognises that if employees are not represented under the above regulations NBC will consult employees in good time any health and safety matters under the Health and Safety (Consultation with Employees) Regulations 1996.

In addition to their general duties they will:

- a. Promote cooperation between management and employees and monitoring the local arrangement for affecting NPH's Health Safety and Wellbeing Policy.
- b. To investigate accidents, incidents, dangerous occurrences and any potential hazards (near misses) at their workplace and to examine the causes.
- c. To investigate complaints by any person they represent relating to that person's

health and safety or wellbeing at work.

- d. To make representations to management on matters arising out of (a), (b) and (c) above.
- e. To carry out inspections of the workplace, having given management reasonable notice.
- f. On behalf of people, they represent to consult at the workplace with the NBC Health and Safety Advisor.
- g. To receive information from NBC Health & Safety Advisors or others concerning health and safety of the employees they represent.
- h. To attend Directorate and local Health and Safety meetings.

6. PROCEDURES FOR THE IMPLEMENTATION OF THE CORPORATE HEALTH AND SAFETY POLICY.

Directorates will be held responsible for developing and maintaining their own health and safety working procedures. Each procedure developed by a Directorate will ensure its services operate to these procedures, so ensuring consistency.

Management will ensure operational team members will work closely to these procedures, so helping colleagues follow processes that drives this consistency.

Some procedures will be developed that are specific to certain teams and should be localised accordingly to that team.

Directorates will be able to utilise corporate guidance documents and convert corporate guidance into workable procedures.

6.1 Safety Management System - Directorate and Divisional Plans

Following the principles of the NBC Policy Statement, each Directorate must interpret this corporate policy in a way that will suit their respective business needs and develop their own written specific Policies and Procedures in a manner that fits the requirements of this policy and business need.

A Directorates (or Divisional) Safety Management System (SMS) consists of routine meetings involving management putting in place their health and safety management arrangements for their employees. Directorate/ divisional service plans provide a framework in which to operate. Assistance and advise is provided by their Health and Safety Champions (refer to section 8) and the Health, Safety and Wellbeing Team members.

Any amendments to this Corporate policy will be communicated to all Directorates in order for such Directorates to conform and make the necessary changes where required to their respective written policy and procedures.

7. LEGAL IMPLICATIONS

The Health and Safety at Work etc. Act 1974 places general duties and responsibilities not only on the employer but also the employees of the Council. The Health and Safety Executive may prosecute any employee that behaves in a way that endangers his/her, or anyone else's health and safety at work, irrespective of whether his/her conduct is in violation of specific

rules. If their actions/inactions put at risk the health and safety of themselves or others, they may be found guilty of a criminal offence.

Fines, or imprisonment terms may be imposed on a summary conviction for an offence under the Health and Safety etc. Act 1974, or Regulations made thereafter.

Where the Health and Safety Inspectorate decides that working practices, premises or work equipment and plant are unsafe and are likely to cause serious harm, there are a number of options that can be taken, varying from Improvement Notices, Prohibition Notices to legal action which may be taken against the NBC and or individuals. In such cases this may result in fines or imprisonment.

8. TECHNICAL ADVICE

The NBC Health, Safety and Wellbeing team are available to all Directorates for advice, guidance and assistance on health, safety & wellbeing matters.

The Health, Safety and Wellbeing Team have setup and enabled additional assistance from employees who are designated by Directorates to work as Health and Safety Champions. Some champions are managers so will have manager's health and safety responsibility, within their respective Directorate. In addition, Champions can work across directorates to benefit the Council as a whole. Champions were appointed against criteria, but are keen to develop in Health and Safety and who positively promote health and safety without responsibilities.

Other health and safety professionals, e.g. Environmental Health Officers are also available to give technical advice on appropriate topics.

9. MONITORING

The NBC Health, Safety and Wellbeing Team will monitor the Council's performance through periodic audits and inspections and ensure that prompt and effective action is taken where shortcomings are identified. Where monitoring has identified deficiencies, recommendations and action plans will be developed and changes implemented accordingly. Progress on these will be reported to the local health and safety groups.

10. RELATED MATERIAL

Description	Location
Divisional Policies	EDRMS
Divisional Procedures	EDRMS
HSW 331 FAQ Corporate Health and Safety	The NBC Intranet
Guidance	The NBC Intranet

STATEMENT OF INTENT (APPENDIX 1)

The Council recognises and willingly accepts its responsibility as an employer under the Health and Safety at Work etc. Act 1974, and its associated regulations, to provide a safe, healthy and compliant workplace for all of its employees at work. The Council will seek to promote a positive and active health and safety culture throughout its workforce.

The Council recognises that it is important that employees are fit to carry out the work required of them. It recognises that ill health, disability, mental and physical status can all influence the ability to work safely and effectively.

The Council will provide competent advice on health, safety and wellbeing matters to assist line management in its task of ensuring conditions at work are healthy and safe. The Council will also work alongside its recognised and unionised trade unions.

A key objective of the Council will be to eliminate, or significantly reduce so far as is reasonably practicable the risk of injury to;

- a. All Council employees.
- b. Employees of other organisations that the Council has an invested interest, or acts as a managing agent for and behalf.
- c. All none employees of the Council, including members of the general public, visitors to council premises and any other person who may be affected by the activities or undertakings of the Council or its employees at work.

It will seek to ensure that all buildings, plant and equipment meet appropriate health and safety standards. It will promote safety training and encourage a high concern for safety among all employees through management example and through joint consultation. It will develop and distribute information on safe working practices and will require all employees to show a proper personal concern for their own safety; for that of people around them, and for the safety of buildings and equipment by:

1. Exercising due care and attention,
2. Observing authorised methods and codes of practice, including those inherent in their professional or on-the-job training.

The Council accepts the health of employees has a significant impact on performance, and aims to:

- Reduce the negative effect of work on health.
- Work at reducing the negative effects of health on the capacity to work. Develop rehabilitation programmes for sick or injured employees.
- Provide health education and promotion on various health and management development issues.
- Promote and maintain the physical, mental and social well-being for all employees of the council.
- Ensure that the physical and mental demands imposed on employees at work by their respective jobs are properly matched with their individual capabilities and limitations.

- To advise both staff and management on the protection of employees against any physical or environmental hazard, which may arise from their work, or from conditions in which it is carried out.
- Contribute to increasing the effectiveness of the Council by enhancing staff performance and morale through reducing risks at work that may lead to ill health, staff absences and accidents.
- Support and advise accordingly both the line managers and employees in any issues pertinent to Occupational Health.
- Ensure compliance to any legislation or recommendations pertaining to Occupational Health at work i.e. health surveillance and monitoring.
- Contribute to reducing sickness absence by providing a managed service with effective HR operating systems.

The Council will adopt a planned approach to the management of health, safety and wellbeing. This will involve:

- a. The identification of hazards in the workplace to assess the risks and record the management actions required to effectively reduce these risks of injury and ill health.
- b. The identification of protective and preventive measures against those risks.
- c. To provide suitable information, instruction, training and supervision.
- d. To regularly monitor performance and check compliance of all operations.
- e. The review of policies and procedures in the light of information gained through monitoring.

Written records of risk assessments, including details of those groups of employees and others affected and measures to be taken to prevent or protect against risks, will be regularly updated, maintained and communicated to all employees and made easily accessible to all.

It is a requirement of the Council that this Policy Statement, and its implications, are understood and acted upon at all levels within the Council. Accompanying this Policy Statement are documents setting out the arrangement of procedures by which the Council will ensure that the policy is implemented.

A copy of this statement and the following organisational and arrangement strategies will be available to all employees. Further guidance and information will supplement and expand the arrangements when necessary and will be held by managers within Directorates and Service areas.

Access to Health and Safety Policies and Procedures will be available to all employees through their Directorates. Guidance Notes (GN) on specific topics will supplement Policies and Procedural documents as necessary and will be available on the Northampton Borough

Signed:

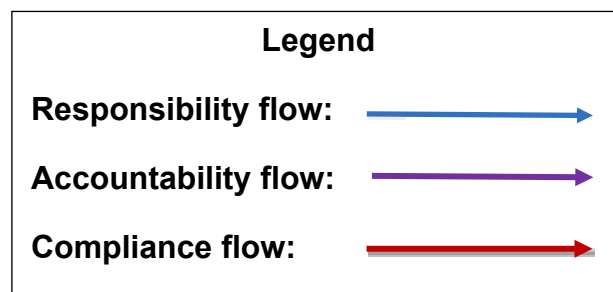
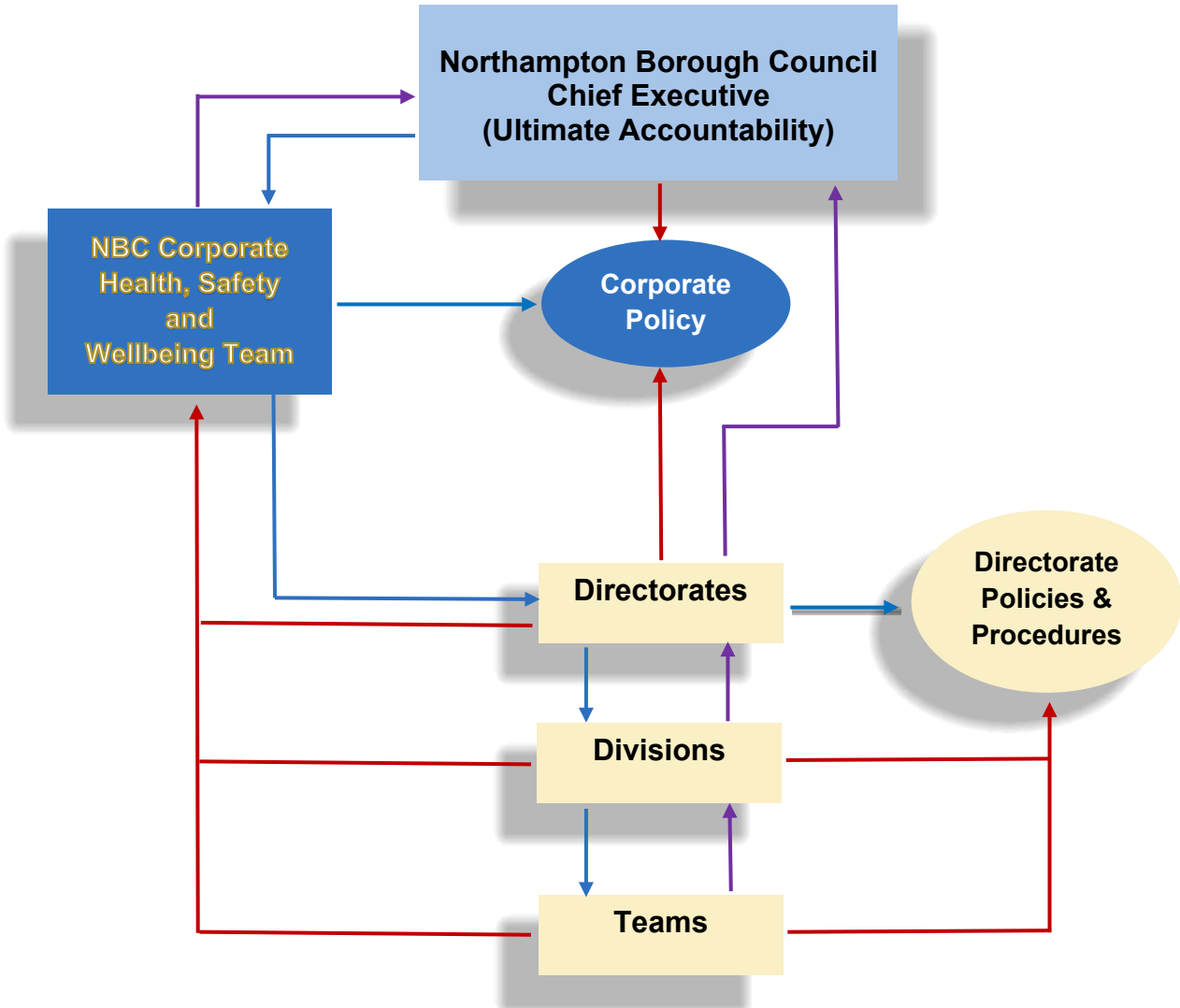
Date:

Chief Executive, Northampton Borough Council

Council (NBC) intranet.

Please attach this statement to staff notice boards to communicate out to all employees

RESPONSIBILITY, ACCOUNTABILITY AND COMPLIANCE (Appendix 2)



<p>Appendices: 0</p>



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL
9th July 2018

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Changes to Committee Places
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1. Purpose

1.1 Council is asked to ratify changes to the membership of the Committees listed below.

2. Recommendations

2.1 That Councillor G Eales replace Councillor Culbard on the Licensing Committee.

2.2 That Councillor Birch replace Councillor Culbard on the Overview & Scrutiny Committee.

2.3 That Councillor Birch replace Councillor Culbard on the Constitution Review Working Party.

3. Issues and Choices

3.1 Report Background

3.1 The Labour Group wish to make changes to Committee Places.

3.2 At the annual Council meeting on the 17th May 2018, Councillor Culbard was appointed by the Labour Group to the Licensing Committee, the Overview and Scrutiny Committee and the Constitution Review Working Party. Due to a change in circumstances, the Labour Group would like to change membership, as above.

3.3 Proportionality has not been affected and the Labour Group have selected other members to be appointed.

3.4 Appointments to all other Committees agreed by Council on the 17th May 2018 remain unchanged.

4. Implications (including financial implications)

4.1 Policy

4.1.1 None

4.2 Resources and Risk

4.2.1 None

4.3 Legal

4.3.1 There are no legal implications

4.4 Equality

4.4.1 There are no Equality implications

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 None

**Francis Fernandes
Borough Solicitor
01604 837734**

Appendices: 5



COUNCIL
9th July 2018

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Proposed amendments to the Constitution
---------------------	--

1. Purpose

- 1.1 The purpose of this report is to propose amendments to the Constitution for Full Council’s approval, following recommendations made by the Constitution Review Working Party.

2. Recommendations

It is recommended that Full Council:

- 2.1 accept the recommendations of the Constitution Review Working Party and approve the following proposed amendments to the Constitution:
 - a) revised Financial Regulations (Appendix 1);
 - b) new Planning Protocol (Appendix 2);
 - c) revised delegated powers to the Head of Planning and the Borough Secretary and Monitoring Officer (Appendix 3);
 - d) addition to the Scheme of Delegations to Officers regarding the delegation of powers to interim staff (Appendix 4); and
 - e) revised Contract Procedure Rules (Appendix 5).
- 2.2 delegate authority to the Borough Secretary and Monitoring Officer to make any further minor consequential changes to the Constitution required to incorporate the proposed changes to the Constitution referred to in paragraph 2.1 above.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council's Constitution is a fundamental governance document. Constitutions by their nature reflect the period in time in which they were agreed and can quickly become out of date, particularly where there are changing external influences. It is therefore important that the Constitution is kept under review and updated periodically.
- 3.1.2 The Council's cross party Constitution Review Working Party (CRWP) have been meeting to discuss changes and updates to the Constitution which would improve and update the Council's internal governance arrangements and give effect to statutory provisions and relevant guidance.
- 3.1.3 On 22nd January 2018, Full Council agreed amendments to the Constitution following the CRWP's initial review of the changes.
- 3.1.4 The CRWP last met on 10th May 2018 and considered further changes to the Constitution, which are detailed in this report for Full Council's consideration and approval.

3.2 Decision details

3.2.1 Financial Regulations

The CRWP recommended that the draft revised Financial Regulations at Appendix 1 to this Report be recommended to Full Council for approval.

The main proposed changes to the Financial Regulations are as follows:

Updating job titles and recognising the roles of LGSS and interim staff. The Regulations will require further updates to reflect the current senior management review in order to ensure that they are fit for purpose until a new set of financial regulations is developed for the potential new unitary authority.

Following discussions at the Constitution Review Working Party, an additional section on Loans to Third Parties (section 7.10) has been included. This is consistent with the Treasury Management Strategy approved by Council in February 2018.

3.2.2 Planning Protocol

The CRWP recommended that the draft Planning Protocol at Appendix 2 to this Report be recommended to Full Council for approval.

Adopting a Planning Protocol will assist in ensuring that planning decisions made by the Planning Committee are reached and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.

The draft Planning Protocol at Appendix 2 covers issues such as Disclosable Pecuniary Interests and personal interests, pre-determination and predisposition and lobbying. It clarifies processes including site visits and call-in of planning applications and will help Members to understand their roles at Planning Committee. In preparing the draft Protocol, the Local Government Association and Planning Advisory Service document, *Probity in Planning* was considered.

3.2.3 Delegated Powers to the Head of Planning and the Borough Secretary

The CRWP recommended that the proposed amendments to the delegations to the Head of Planning and to the Borough Secretary as shown at Appendix 3 be recommended to Full Council for approval.

The proposed changes to the existing delegated powers are shown as track changes.

The only changes proposed to the delegated powers of the Borough Secretary are to delegations related to planning matters.

The amendments proposed to the Scheme of Delegations are in order to reflect recent changes to planning legislation as well as to remove out of date and irrelevant information. These include updated references to the Town and Country Planning (General Permitted Development) (England) Order 2015, reference to new planning procedures such as the Community Infrastructure Levy Regulations, and removal of reference to the West Northamptonshire Development Corporation.

3.2.4 Addition to the Scheme of Delegations to Officers regarding the delegation of powers to interim staff

The CRWP recommended that the proposed addition to the Scheme of Delegations to Officers, regarding the delegation of powers to interim staff, as shown at Appendix 4, be recommended to Full Council for approval.

The purpose of the proposed change is to ensure that officers employed on a temporary basis by the Council who are required to carry out statutory duties, such as for example Planning, Housing and Environmental Health officers can do so without the risk of being challenged for not having the appropriate authority to act.

3.2.5 Contract Procedure Rules

The CRWP recommended that the draft revised Contract Procedure Rules shown at Appendix 5 be recommended to Full Council for approval.

It is recommended that the draft Contract Procedure Rules shown at Appendix 5 be approved to replace the current version in Part 4 of the Constitution.

The Contract Procedure Rules have been amended to ensure that they reflect the Public Contract Regulations 2015, for example by stating the requirement to advertise certain contracts on Contracts Finder, which is a service provided

by the Crown Commercial Service and referred to in the Regulations that enables suppliers to search for information about contracts. The proposed changes have also reflected on recent case law and the need for those conducting the procurement process to be responsible for following the correct process.

The proposed changes also amend the definition of high value and low value procurement in the Rules. High value procurement is now defined as procurement having a value of £100,000 or more. (Previously, the threshold was £75,000).

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising directly from this Report.

4.2 Resources and Risk

4.2.1 There are no resource implications arising directly from this report. As the Constitution is an important governance document for the Council, keeping it up to date, will facilitate clarity and decision making, clarify responsibilities and accountabilities and help to better manage legal risks.

4.3 Legal

4.3.1 The Council has a legal responsibility under the Local Government Act 2000 to prepare its Constitution and keep it up to date. Other legal implications are referred to in the body of the Report.

4.4 Equality

4.4.1 There are no equalities implications arising directly from the proposed changes to the Constitution in this Report.

4.5 Other Implications

4.5.1 None.

5. Background Papers

5.1 Papers and minutes of the Constitution Review Working Party – 10th May 2018

Francis Fernandes
Borough Secretary and Monitoring Officer
0300 330 7000

Financial Regulations

Contents

Section	Title	Page
1	Introduction & Status of Financial Regulations	4-45
2	Breaches of Financial Regulations	
3	Financial Management	4-46
4	Financial Planning	4-52
5	Financial Control	4-56
6	Amendments to Approved Budgets	4-58
7	Risk Management and Control of Resources	4-60
8	Systems and Procedures	4-67
9	External Arrangements	4-77
10	Glossary 4-80	
11	Contacts 4-82	

1.0 INTRODUCTION AND STATUS OF FINANCIAL REGULATIONS

- 1.1 Financial Regulations provide the framework for managing the authority's financial affairs and ensure the efficient, effective and economic use of resources. They are supplemented by financial instructions and processes and apply to every Member and Officer of the Authority and anyone acting on their behalf.
- 1.2 For the purposes of the Constitution, where reference is made to Chief Finance Officer, this shall mean the **Authority's** designated Section 151 Officer and any reference to the Chief Finance Officer shall extend to any Deputy Section 151 Officer.
- 1.3 The Chief Finance Officer shall be appointed by a meeting of the Full Council and may be an employee of LGSS partners where they are acting as a service provider to the Authority.
- 1.4 In these Regulations and the supporting Financial Instructions and processes, the term employee shall include:
- Staff of the Authority;
 - Individuals employed by LGSS partners where they are acting as a service provider to the Authority; and
 - Individuals who are not a permanent employee of the Authority but have been appointed to act in the capacity of a Head of Service or Chief Officer on a temporary basis.
- 1.5 These Regulations and related documents shall be reviewed and updated as appropriate, ideally annually, co-ordinated by the Chief Finance Officer.
- 1.6 All Members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.7 All Council employees must seek to achieve best value and shall give appropriate consideration to: -
- Acquiring resources at an appropriate quality for the minimum cost.
 - Ensuring that the maximum output is obtained from the resources devoted to an activity.
 - Ensuring that the output from any activity is achieving the desired result or target set.
 - How each activity fits within the corporate objectives and how performance can be compared objectively and by the more subjective views of the local community.
- 1.8 Except where expressly detailed within these Financial Regulations or the Constitution, deviation from these Regulations may be approved by the Chief Finance Officer in cases

of urgency, but generally only by Cabinet or Council and **after consultation with the Council's Monitoring Officer.**

- 1.9** The introduction of new systems could fundamentally change the systems of control in some areas. The Council recognises that this may require a variation to the Regulations that cannot be achieved via Cabinet approval due to time constraints. Therefore the Chief Finance Officer may **in consultation with the Council's Monitoring Officer** approve temporary dispensation/amendment.
- 1.10** Failure of employees to comply with these Regulations and associated policies, instructions and processes may constitute misconduct or gross misconduct, depending on the circumstances of the case in question and may result in disciplinary action being taken in accordance with the Council's Disciplinary Procedures.
- 1.11** These Regulations should be read in conjunction with the remainder of the Constitution and with policy documents which the Council have adopted, including the Anti-Fraud and Corruption Policy any extant equal opportunities policy or equalities scheme, any extant document retention policy and the Risk Management Strategy. **These regulations must also be read in conjunction with the Council's Contract Procedure Rules.**
- 1.12** The financial instructions and processes that support these Regulations, as approved by the Chief Finance Officer, must be followed and carry the same weight as the Financial Regulations.

2.0 BREACHES OF FINANCIAL REGULATIONS

- 2.1** Where a breach of Financial Regulations or supporting Financial Instructions and Processes has come to the attention of the Chief Finance Officer, a written report explaining the nature of the breach, its potential impact, the circumstances around the breach and the name(s) of the individual(s) shall be provided to the Chief Executive and the Monitoring Officer by the Chief Finance Officer.
- 2.2** The Chief Executive and the Monitoring Officer shall respond to the Chief Finance Officer stating what has been undertaken to rectify the breach, the controls put in place to prevent the breach happening again and the action taken against the individual(s) causing the breach.
- 2.3** The Chief Finance Officer will report identified breaches of the Financial Regulations to the Audit Committee where such instances expose the Council to unacceptable risks or financial loss. Chief Officers will be informed of all identified breaches within their service area.

3.0 FINANCIAL MANAGEMENT

3.1 Introduction

- 3.1.1** Financial management covers all financial accountabilities in relation to the running of the Authority, including the budget and policy framework. The processes of financial management involve:

- Complying with statutory requirements
- Development and approval of policy and management frameworks, the Constitution and financial plans including the revenue and capital budgets
- Establishing protocols and standards
- Implementing policies, protocols and standards
- Monitoring compliance
- Maintaining records
- Reporting and providing advice
- Specific financial techniques and functions e.g. virement, year end balances, statements of account.

3.1.2 Proper control of the Authority's affairs requires that roles and responsibilities are clearly defined. This section clearly defines the roles and responsibilities of:

- Full Council
- Cabinet
- Overview and Scrutiny Committee
- Audit Committee
- Standards Committee
- Head of Paid Service
- Chief Finance Officer
- Monitoring Officer
- Chief Officers and Heads of Service
- Budget Managers & Supervisors.

3.2 Full Council

The Full Council is responsible for adopting and changing the principles of financial governance and adopting or approving the policy framework and budget within which the Executive (Cabinet) operates and the setting of the level of Council Tax and **housing rents**. The Cabinet is responsible for proposing the policy framework, budget and level of Council Tax **and housing rents** to Full Council.

3.3 Cabinet

3.3.1 The Cabinet is responsible for directing the Council's affairs within the Policy Framework and Budget.

3.3.2 Cabinet decisions can be delegated to a committee of the Cabinet, to individual Cabinet Members or to an Officer. The Cabinet is responsible for establishing protocols to ensure that individual Cabinet Members consult with relevant Officers before taking a decision within their delegated authority. In so doing, the Member must take account of the legal and financial liabilities and risk management issues that may arise from the decision. **Any delegation will need to be recorded by way of a minute of Cabinet.**

3.3.3 **The Cabinet shall make a recommendation to Council, in line with rent policy, to enable housing rents to be set by the statutory date.**

3.3.4 The Cabinet shall consider the Council Tax base and make a recommendation to Council to enable it to be set by the statutory date and shall consider the draft budget and make recommendations to the Council to enable the Council to approve the budget and set the Council Tax by the statutory date.

3.4 Overview and Scrutiny Committee

The Overview and Scrutiny Committee is responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. The Overview and Scrutiny Committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

3.5 Audit Committee

The Audit Committee is a Committee set up by the Full Council. It is responsible, on behalf of Full Council, for ensuring that best practice governance arrangements are applied throughout all services. Specifically the Audit Committee is responsible for matters in relation to Internal Audit, Financial Management Controls, Risk Management, scrutiny of treasury management and the External Audit service. It has a right of access to all the information it considers necessary and can consult directly with internal and external auditors.

3.6 Standards Committee

The Standards Committee is a Committee set up by the Full Council and is responsible for ensuring best practice governance arrangements in relation to ethical issues and promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Code of Conduct for Councillors, for monitoring the operation of the Code, for assessing and reviewing complaints alleging breaches of the Code and conducting determinations hearings of complaints alleging breaches of the Code.

3.7 Head of Paid Service (Chief Executive)

The Head of Paid Service is the Chief Executive and is responsible for the corporate and overall strategic management of the Council as a whole. He/she has responsibility for establishing a framework for management direction, style and standards, and for monitoring the overall performance of the organisation. He/she must report to and provide information for the Cabinet, Full Council and the Overview and Scrutiny Committee.

3.8 Section 151 Officer (Chief Finance Officer)

3.8.1 This post, as defined in Article 14 of the Constitution, has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Local Government Act 1972 (Section 151) (as amended)
- Local Government Finance Act 1988 (as amended)
- Local Government and Housing Act 1989 (as amended)

- Local Government Act 2003 (as amended)
- Accounts and Audit Regulations 2011 (as amended).

3.8.2 The Chief Finance Officer shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs and report to the Council, the Cabinet and the relevant Cabinet Member on the discharge of this responsibility. This includes:

- Maintaining strong financial management underpinned by effective financial controls;
- Contributing to corporate management and leadership;
- Supporting and advising the Council, the Cabinet, the Overview and Scrutiny Committee, Regulatory Committees and Management Board on all financial matters affecting the Council;
- Supporting and advising Officers in their operational roles;
- Setting and monitoring compliance with financial management standards;
- Advising on the corporate financial position;
- Advising on the key financial controls necessary to secure sound financial management;
- Preparing the revenue budget and capital programme;
- Treasury management; and
- Leading and managing an effective and responsive financial service.

3.8.3 The Chief Finance Officer has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure and disbursements made on behalf of the Council and that controls operate to protect the Council's assets from loss, waste, fraud or other impropriety. The Chief Finance Officer shall discharge that responsibility in part by the issue and maintenance of Financial Instructions and Operational Processes with which all Members and staff of the Council shall comply.

3.8.4 The Chief Finance Officer is the 'responsible financial officer' for the purposes of Sections 114 and 114A of the Local Government Finance Act 1988 (as amended) and the Accounts and Audit Regulations 2011 (as amended).

3.8.5 Section 114 requires the Chief Finance Officer to make a report and inform the external Auditor if it appears that the Council or a committee or Officers:

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

Section 114A makes equivalent provision in respect of actions taken by or on behalf of the Cabinet. Under both sections the report must be sent to every councillor as well as to the external auditor.

3.8.6 Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally.
- The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114 and make similar arrangements for the purposes of the Accounts and Audit Regulations 2011.

3.8.7 The Chief Finance Officer shall ensure that Members and Officers receive appropriate support from relevant finance staff, even where a strategic partner provides such support.

3.9 Monitoring Officer

3.9.1 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct by both Members and Officers and therefore provides support to the Standards Committee. He/she is also responsible for the reporting of any actual or potential breaches of the law or maladministration to the Full Council and/or Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

3.9.2 The Monitoring Officer, in conjunction with the Chief Executive and Chief Finance Officer, has responsibility for advising Cabinet or the Full Council on whether a decision is likely to be contrary to or not wholly in accordance with the Council's Budget and Policy Framework. Such decisions might include:

- Initiating a new policy without specific budget approval.
- Committing expenditure in future years above the approved budget level.
- Incurring expenditure in future years without proper approval of virement.
- Causing total expenditure to increase beyond a specified level.

3.10 Heads of Service

Head of Service is the term relating to the senior manager responsible for a specific service area and is directly accountable to a Chief Officer.

3.11 Chief Officers

3.11.1 Chief Officers are fully accountable to the Chief Executive and Cabinet for the financial management of the activities of their Directorates. They are responsible for ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed with the Chief Finance Officer.

3.11.2 Chief Officers may delegate aspects of their Financial Management responsibilities to Heads of Service in writing. The Chief Finance Officer must be advised of such

delegation. In turn, a Head of Service may delegate aspects of their financial management responsibilities to other senior managers, including the specific designation of 'Budget Managers' and 'Budget Supervisors'. Records must be kept of such delegations in accordance with Paragraph 3 of Part A of the Scheme of Delegations to Officers in Part 8 of this Constitution.

3.11.3 Chief Officers are individually responsible for the proper stewardship of all the resources allocated to them. However, it is noted that there is shared responsibility for some assets, which are managed centrally or in pooled/partnership arrangements.

3.11.4 It is the responsibility of Chief Officers and Heads of Service to consult with the Chief Finance Officer and the Monitoring Officer and seek approval on any matters liable to affect the Authority's finances materially, before any commitments are incurred. They are also responsible for providing the Chief Finance Officer with any information relating to the services under their control required to fulfil the duties of the Chief Finance Officer.

3.11.5 Chief Officers and Heads of Service are responsible for ensuring that staff under their control are aware of and comply with Financial Regulations and processes, and monitoring, reporting and dealing with any non-compliance by either staff or partners.

3.12 Other Roles with Financial Responsibilities

3.12.1 A Budget Manager is an Officer with the overall responsibility of managing the commissioning of direct service or externalised service(s) for an area. This responsibility is specifically delegated to this Officer by either a Chief Officer or Head of Service using any document required by the Section 151 Officer or under the Part 8 Scheme of Delegations to Officers. A Budget Manager cannot delegate the overall responsibility for managing the budgets under their jurisdiction. A Budget Manager must be an employee of the Authority.

3.12.2 A Budget Supervisor is an individual who supervises a budget on behalf of a senior officer/budget manager. This must be delegated using the standard 'Approval of Financial Delegation' form. Accountability for the budget remains with the budget manager, as this cannot be delegated. A budget supervisor can be:

- An employee of the Authority;
- An employee of LGSS where they are acting as a service provider to the Authority;
- An individual who is not a permanent employee of the Authority but has been appointed to act in the capacity of an officer on a temporary basis; or
- One of the Council's Partners.

3.12.3A Project Manager, in relation to capital, is the budget manager responsible for delivering a capital project.

3.13 Emergency Procedures

Subject to the provisions of Part 8 (Scheme of Delegations to Officers) and limitations thereto nothing in these Financial Regulations shall prevent expenditure being incurred where an emergency or disaster potentially involving destruction of, or danger to, life or property occurs or is imminent. Where in the opinion of the relevant Chief Officer the urgency of the situation will not admit delay, necessary expenditure may be incurred. The Chief Officer should where possible consult the relevant Cabinet Member, Chief Executive and the Chief Finance Officer. Action under this Financial Regulation shall be reported at the next available meeting of the Management Board, Cabinet, and Audit Committee.

4.0 FINANCIAL PLANNING

4.1 Introduction

4.1.1 Financial planning enables the **Authority** to deliver its priorities through the allocation of resources to services.

4.1.2 The revenue budget provides an estimate of the annual income and expenditure requirements for all services and sets out the financial implications of the Council's policies. It provides Heads of Service with authority to incur expenditure and a basis on which to monitor the financial performance of the Council.

4.1.3 Capital expenditure is an important element in the development of the Council's services since it represents a major investment in new and improved assets that will benefit the community for a number of years.

4.2 The Policy Framework

The Full Council will be responsible for agreeing the Council's Policy Framework and Budget, which will be proposed by Cabinet. The Policy Framework includes the Corporate Plan and those plans and strategies listed in Article 4 of this Constitution.

4.3 The Corporate Plan

The Chief Executive is responsible for proposing the Corporate Plan to the Cabinet for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council,

It will be a requirement of the Council that each planned item of expenditure, whether revenue or capital, shall be intended to further one or more of the Council's stated priorities or, if that is not the case, shall be required to discharge a specific statutory obligation on the Council.

4.4 The **Efficiency and Medium Term Financial Strategy**

- 4.4.1 The **Efficiency and Medium Term Financial Strategy** is the key tool in ensuring that the Council's resources are used in accordance with its decisions. It covers service and financial planning over a timeframe of a minimum of three years. The Chief Finance Officer will be responsible for ensuring that the **Efficiency and Medium Term Financial Strategy** is prepared and updated at least annually for consideration by the Cabinet and approval by the Council. The Strategy will be consistent with, and designed to further the achievement of, the Council's priorities. This Strategy must cover both capital and revenue.
- 4.4.2 A Medium Term Financial Plan that turns the Strategy into practice must be prepared for at least a three-year period including the next financial year. This should be updated regularly throughout the year as events and the budget timetable dictate.

4.5 **Business/Service Plans**

- 4.5.1 Chief Officers and Heads of Service are responsible for the preparation of their **service / business** plans, which reflect the Council's priorities as shown in the Corporate Plan. They must **detail the resources, financial and non-financial, required to deliver the Council's priorities and must** be produced in conjunction with the **capital and revenue budgets for the general fund and Housing Revenue Account**. Each of these plans must support the others.
- 4.5.2 **The Chief Finance Officer will be responsible for producing a 30 year HRA business plan which balances back to the 3 year financial projections set as part of the annual budget setting process.**

4.6 **Revenue Budget**

- 4.6.1 The Chief Finance Officer will be responsible for ensuring that a Budget for at least the coming three financial years is prepared and brought forward for approval by the **Full** Council, upon recommendation of the Cabinet, on or before the statutory date for such approval. The adoption of the Budget by the **Full** Council shall be accompanied by a resolution as to the level of Council Tax required for the coming financial year in order to sustain the Budget.
- 4.6.2 Within the overall budget allocated by the Council to his/her Programme Area, each Chief Officer will **have** set a detailed budget and Service Plan taking into account any policies, priorities, or specific allocations prescribed by the Cabinet in the determination of the budget total and Corporate Plan, and shall ensure that all cash limited budget allocations are in accordance with the Council's declared intentions.
- 4.6.3 Chief Officers must ensure that all fees and charges are reviewed as part of the annual budget process, **the financial implications are included in the budget, and the revised fees and charges are presented to Full Council for approval as part of the budget setting report.**

4.6.4 Each Chief Officer with their Head of Service shall prepare a medium term forecast annually, for capital and revenue budgets, in consultation with the Chief Finance Officer, for submission to the appropriate Cabinet Member and to the Cabinet. These plans will cover all services assigned to their area of responsibility. Such forecasts should be developed as an integral part of the Council's overall service planning process.

4.6.5 Each Head of Service shall include the financial effects of:

- Future year budgets at current service levels
- Known pressures
- Efficiency savings
- The scope for additional income generation
- Options for meeting new statutory responsibilities
- Options for the delivery of Council priorities
- Options for any other proposals relating to the level of existing services or for new services.
- The impact of previous years' expenditure and income patterns.

4.6.6 The first year of the Medium Term Financial Plan is the detailed Annual Revenue Budget. The revenue budget provides an estimate of the annual income and expenditure requirements to deliver service levels agreed in **Service** Plans for all services, and sets out the financial implications of the Council's policies. It reflects an analysis of risks for each service area and provides the Cabinet, Chief Officers and Heads of Service with authority to incur expenditure, subject to rules relating to virement. In addition it provides the basis on which to monitor the financial performance of services within the year.

4.6.7 The Chief Finance Officer shall report **the following** to the Cabinet and then to the Overview and Scrutiny Committee in line with the corporate timetable:

- **The consolidated 3 year budget, for capital and revenue, based on the Chief Officers and Heads of Service forecasts for the HRA and general fund;**
- **The level of estimated resources available for each of the areas;**
- **The estimated Council Tax base;**
- **The impact of the Council Tax level; and**
- **The impact of the rent levels.**

4.7 Capital Strategy

Capital expenditure is an important element in the development of the Council's services since it represents major investment in new and improved assets. Each financial year the Chief Finance Officer shall prepare and submit to Cabinet a Capital Strategy for the Authority for approval by the **Full Council**. All capital expenditure and income for the authority should be undertaken in line with the agreed Capital Strategy and in compliance with the CIPFA Prudential Code for Capital Finance in Local Authorities and all prevailing statutory and professional regulations.

4.8 Capital Budget

- 4.8.1 The Chief Finance Officer will be responsible for ensuring that a capital budget for at least the coming three financial years is prepared and brought forward for approval by the Full Council, upon recommendation of the Cabinet.
- 4.8.2 The Capital Programme **for the general fund** will be prepared in accordance with the Capital Strategy and Asset Management Plans of the Authority and be consistent with, and designed to further the achievement of, the Council's priorities. It should be updated as monitoring and the annual budget timetable dictate.
- 4.8.3 Project managers are required to prepare **capital** appraisals including whole life capital and revenue costs for all capital projects to be included in the Council's Capital Programme. The **capital** appraisal must be approved by the Chief Finance Officer or other Officer authorised by her/him before any expenditure is committed.
- 4.8.4 The first call on capital resources should be for schemes agreed as part of the prior year budget process and which have already commenced. Chief Officers should therefore take this into account when preparing bids for future years.
- 4.8.5 The Chief Finance Officer shall report to the Cabinet on the overall cost of the draft capital programme compared with the resources likely to be available to finance it in both capital and revenue terms.
- 4.8.6 **Capital projects for which costs are uncertain and/or further justification for the project is required through the development of a detailed business case, shall initially form part of the Development Pool. Estimated costs will be taken into account in determining the overall affordability of the proposed capital programme, but no expenditure can be incurred until the project is approved into the main capital programme. Such approval will be in line with approved delegation levels, and may therefore require approval by Cabinet.**
- 4.8.7 **The HRA capital programme will be proposed by Northampton Partnership Homes having been prepared in the context of the HRA Asset Management plan and the 30-year Business Plan.**

4.9 Asset Management Plans

Asset Management Plans, covering at least 3 years for the general fund and HRA, will be prepared by the relevant Chief Officer(s) and updated annually for consideration by the Cabinet and approval by the Full Council. These plans will be consistent with, and designed to further the achievement of, the Council's priorities.

5.0 FINANCIAL CONTROL

5.1 Introduction

Good financial control is fundamental to securing the delivery of the Council's priorities. It ensures that the Council's capital and revenue budgets are monitored and action taken to avoid or manage potential overspends.

5.2 Reports to Cabinet, Committee, or Full Council

5.2.1 With respect to reports to the Cabinet, Committee or Full Council, failure to submit a report having financial implications to the Chief Finance Officer (or his/her nominee) for his/her observations prior to inclusion on an agenda will render such report liable to be withdrawn. Under such circumstances the report will stand deferred until the next meeting of the Cabinet or relevant Committee.

5.2.2 No-one may incur expenditure which cannot be met from the approved budget **with the exception of expenditure incurred due to an emergency**. This regulation shall apply to a reduction in income as well as to an increase in expenditure. ***Breach of this Regulation will be considered a serious breach of duty.***

5.3 Budget Monitoring and Year End

5.3.1 The Chief Finance Officer will ensure that appropriate and timely financial information is available to Officers to enable them to monitor their budgets effectively.

5.3.2 Throughout the year each Chief Officer shall be responsible for ensuring that income and expenditure are monitored **and forecast** monthly against budgets for which they are responsible and that the reasons for variations are recorded.

5.3.3 Budget Managers are responsible for ensuring that expenditure and income are properly coded and that budget timing profiles are accurate. They are directly responsible for ensuring that spending and commitments do not exceed the latest approved budget. However, if expenditure in excess of the approved budget is incurred due to an emergency, this emergency expenditure must be reported to the Chief Finance Officer and the appropriate Cabinet Member(s) and, if necessary, the Cabinet as soon as possible thereafter.

5.3.4 At the start of each financial year the Chief Finance Officer will set out the timescales and responsibilities of all Officers involved in the process. Budget Managers are responsible for ensuring that they meet the timescales so that prompt, accurate information can be provided to Members.

5.3.5 As soon as a year-end under or overspend is anticipated Budget Managers are required to provide a forecast to the Chief Finance Officer **along with a detailed description of the variance**. It is important that these forecasts are accurate so the Council can understand its true position in the current financial year and can reflect this in its decision on the budget for the forthcoming year. ***It is the responsibility of Chief Officers to ensure that the forecasts and descriptions of variances are accurate.***

- 5.3.6 At year-end Budget Managers will provide to the **Chief Finance Officer** all necessary information to the required timescales and in the format detailed in the final accounts procedure notes, timetable **and year end memorandum** to facilitate the **production of and audit** of the accounts.
- 5.3.7 Each Chief Officer and Head of Service shall retain evidence for at least 18 months sufficient to demonstrate that they monitor on a monthly basis the outturn of income and expenditure compared to the approved budget for their area of responsibility. The approved budget is the Original Budget used to set the Council Tax level, plus any amendments to approved budgets agreed in accordance with these Financial Regulations.
- 5.3.8 The Chief Finance Officer shall report the Council-wide forecast outturn position to Management Board and the Cabinet Member for Finance on a regular basis. Monitoring reports will be **published, with the exception of period 1, monthly onto the internet following signoff by Management Board and Cabinet Member for Finance. Formal outturn reports shall be** made available to all Members and be reported formally to Cabinet **in line with the timetable agreed by the Chief Finance Officer.** The outturn will be reported as early as possible to Cabinet.

5.4 Capital Monitoring

- 5.4.1 Capital budget monitoring shall comply with the same regulations as revenue monitoring plus the additional regulations in this sub-section.
- 5.4.2 Chief Officers through their capital project managers are responsible for managing the financial risks of their projects and must monitor income and expenditure against the in-year budget, as well as total expenditure over the life of each scheme.
- 5.4.3 Project managers shall provide monthly monitoring information, on a scheme-by-scheme basis, together with a forecast outturn including any re-phasing between years, to the Chief Finance Officer.
- 5.4.4 Where forecasts identify an overspend or underspend from the approved budget these variations should be reported promptly to the Chief Finance Officer along with the proposed action.
- 5.4.5 In circumstances where it is not possible to take programme changes to Cabinet or Council due to a requirement for a quick decision, the Chief Finance Officer in consultation **with the Council's Monitoring Officer** with the relevant Cabinet Member will have authority to approve the decision, which must be notified retrospectively to Cabinet.

5.5 Earmarked Reserves

The Chief Finance Officer, in consultation with the Cabinet Member for Finance, and where appropriate the relevant Chief Officer and Cabinet Member, may transfer monies to or from earmarked reserves, **subject to approved delegation limits. Any transfers to or**

from earmarked reserves in excess of these limits will require Cabinet approval. All transfers will be reported to Cabinet as part of a subsequent financial monitoring report.

6.0 AMENDMENTS TO APPROVED BUDGETS

6.1 Introduction

6.1.1 This section deals with changes that may be made from time to time to the Original Budget used to set the Council Tax level. There are different categories of changes and these are defined in the following sub-sections along with the approval process applying to them.

6.1.2 Nothing in these Financial Regulations shall prevent the incurring of expenditure, which is essential to meet any immediate needs created by a sudden emergency, subject to it being incurred and reported as required by the Budget and Policy Framework Procedure Rules and **Financial Regulations**.

6.1.3 No Chief Officer, or the Cabinet or Committee as the case may be, shall approve or recommend approval of an amendment to approved budgets if it is contrary to the policy of the Council.

6.1.4 Unless otherwise stated, this section refers to both capital and revenue budgets.

6.2 Budget Adjustments

6.2.1 Budget Adjustments may be made where there is no **change or no** significant change to service delivery. These are made for simpler budget management and to correct the coding of budget allocations. Normally a budget adjustment will only be made where it is necessary to adjust budgets for the current and future years, however significant one-off adjustments to spending patterns **will also be considered**.

6.2.2 The Chief Finance Officer can approve all Budget Adjustments.

6.3 Virements

6.3.1 A virement is where a budget movement is needed that does change service delivery. These can be either one-off adjustments or adjustments for the current and future years.

6.3.2 Where virements relate to capital schemes, these must be between existing schemes. New capital schemes cannot be created by virement **except where this is to subdivide an existing scheme for increased clarity**.

6.3.3 Where the amount does not exceed £100,000 from a budget in the current financial year **and does not affect future financial years**, these can be approved by the Chief Finance Officer (such approval to be subsequently reported to the Cabinet).

6.3.4 Where the amount exceeds £100,000 but does not exceed £250,000 from a budget in the current financial year **and does not affect future financial years**, these can be

approved by the Chief Finance Officer, after consultation with the Cabinet Member for Finance and relevant Cabinet Member(s) (such approval to be subsequently reported to the Cabinet).

6.3.5 Where the amount is in excess of £250,000 or impacts on future financial years, these **must** be approved by the Cabinet.

6.4 Funded Supplementary Estimates

6.4.1 A funded Supplementary Estimate occurs where there is additional expenditure identified which can be funded from a funding source that is not included in the existing budgets. The funding source used for this purpose cannot be working balances.

6.4.2 Where the expenditure / funding source does not have a financial impact on future years' budgets and is in line with the Council's policies and priorities, the change can be approved by the Chief Finance Officer in consultation with the Cabinet Member for Finance and included in the next monitoring report for information.

6.4.3 Where the expenditure / funding source has a financial impact on future years budgets, Cabinet approval is required.

6.4.4 This process shall apply for capital schemes which

- a) are fully funded by s.106 payments;
- b) are fully funded by external grants and other contributions; and / or
- c) where borrowing is funded by additional income or revenue savings where there are no unfunded on-going revenue costs.

6.5 Unfunded Supplementary Estimates

6.5.1 An unfunded Supplementary Estimate is where additional budget is required but a funding source has not been identified, other than working balances or use of an earmarked reserve that was not set up specifically for this purpose.

6.5.2 Where the amount does not exceed £100,000 from a budget in the current financial year **and does not have a financial impact on future years' budgets**, these can be approved by the Chief Finance Officer and **Chief Executive** (such approval to be subsequently reported to the Cabinet).

6.5.3 Where the amount exceeds £100,000 but does not exceed £250,000 from a budget in the current financial year **and does not have a financial impact on future years' budgets**, these can be approved by the Chief Finance Officer and **Chief Executive**, after consultation with the Cabinet Member for Finance and relevant Cabinet Member(s) (such approval to be subsequently reported to the Cabinet).

6.5.4 Where the amount is in excess of £250,000 or impacts on future financial years, these can be approved by the Cabinet.

6.5.5 This process shall apply for capital budgets which are unfunded.

7.0 RISK MANAGEMENT AND CONTROL OF RESOURCES

7.1 Introduction

It is fundamental that robust, integrated systems are in place and maintained for the identification and evaluation of all significant operational risks to the authority. This should include the proactive participations of all those associated with planning and delivering services. This is a responsibility of every manager and every service.

7.2 Risk Management

7.2.1 The Cabinet is responsible for approving the Authority's Risk Management Policy and Strategy and for reviewing the effectiveness of risk management. It is also responsible for ensuring that proper insurance arrangements exist where appropriate.

7.2.2 The **Borough Secretary** is responsible for preparing the Council's Risk Management Policy and Strategy, for promoting it throughout the **Authority** and for advising Management Board on proper insurance cover where appropriate.

7.2.3 The **Borough Secretary** is responsible for collating the Council's Strategic Risk Register and Business Continuity Plans and ensuring they are reported to Cabinet and the Audit Committee at least annually.

7.2.4 Chief Officers shall maintain a register of risks affecting their service areas, including corporate risks. It is their responsibility to make sure that this is kept up to date.

7.2.5 Chief Officers, through their Heads of Service and managers, shall follow the Council's risk management process, taking account of the Council's defined risk appetite (contained within the Strategy).

7.3 Insurance

7.3.1 The Chief Finance Officer shall ensure that the Council has appropriate insurance cover in place in respect of all its assets and risks as an employer and provider of services and facilities.

7.3.2 Chief Officers and Heads of Service will be responsible for ensuring that the Chief Finance Officer is provided with all relevant information applicable to their Programme/Service Area, and in a timely manner, as he/she may reasonably require in order to enable him/her to discharge effectively his/her own responsibilities.

7.3.3 Where identified risks cannot be mitigated the service managers, through the Insurance Service, **in consultation with the Chief Finance Officer** will arrange insurance cover where appropriate.

- 7.3.4 Chief Officers shall forthwith notify the Chief Finance Officer (or nominee) in writing of any loss, liability or damage or any event likely to lead to an insurance claim.
- 7.3.5 **The Chief Finance Officer or their nominated representative shall authorise offers and payments in respect of the settlement of insurance claims.**
- 7.3.6 The Chief Finance Officer, either directly or through his/her nominee shall annually, or at such other period as may be considered necessary, review all insurances in consultation with other **Chief Officers** as appropriate.

7.4 Indemnities

Chief Officers shall consult the Chief Finance Officer (or nominee) in respect of the terms of any indemnity which the Council is requested to give.

7.5 Business Continuity

- 7.5.1 Chief Officers are responsible for ensuring that business continuity plans are in place for services under their control and ensuring the continuity of these services.
- 7.5.2 Chief Officers shall give guidance on the appropriate critical functions to aid planning and recovery of services.
- 7.5.3 Chief Officers shall ensure that Business Continuity Plans are exercised appropriately.

7.6 Internal Control

- 7.6.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes **the most** economical, efficient and effective use of resources and that the **Authority's** assets and interests are safeguarded.
- 7.6.2 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 7.6.3 It is the responsibility of Chief Officers through their Heads of Service, to establish sound arrangements for planning, appraising, **authorising**, and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. Typically these would include:
- Separation of duties
 - Schemes of delegation
 - Retention of records
 - Security arrangements

- Risk management information and where appropriate Business Continuity Plans.
- 7.6.4 At least once a year the effectiveness of the systems of internal control shall be reviewed and reported to Cabinet, who shall review and approve the **Annual Governance Statement** separately from the Statement of Accounts.
- 7.6.5 The Chief Finance Officer shall ensure that procedure **and other appropriate** notes/manuals are maintained in respect of the Council's key financial systems.
- 7.6.6 **From time to time, the Chief Finance Officer requires employees to provide statements and disclosures, in line with timescales specified by the Chief Finance Officer, to support statutory reports that the Chief Finance Officer has to make. This includes requiring senior officers to provide Assurance Statements on an annual basis to support the production of the Annual Governance Statement. All employees so required shall provide these returns to the Chief Finance Officer, or their nominated representative, within the timescales specified by the Chief Finance Officer.**

7.7 Audit

- 7.7.1 The Accounts and Audit Regulations **2011** require every Local Authority to maintain an adequate and effective internal audit.
- 7.7.2 The **Full Council** is responsible for appointing **the** external auditor. The basic duties of the external auditor are governed by **legislation and detailed codes of practice issued by the National Audit Office. The external auditors are regulated by the Financial Reporting Council. The Authority may**, from time to time, be subject to audit, inspection or investigation by other external bodies such as HM **Revenue and Customs**, who have statutory rights of access.
- 7.7.3 The Chief Finance Officer will have overall responsibility for **the operation of internal audit throughout the Authority. The Borough Secretary will be responsible for the letting and management and operation of the Internal Audit contract.** Internal Auditors will operate as a management control by examining, evaluating and reporting upon the effectiveness of internal financial and operational controls and the efficient use of the **Authority's** resources.
- 7.7.4 The Chief Finance Officer shall maintain an adequate and effective Internal Audit Service. In particular the Chief Finance Officer shall arrange for the examination, review and appraisal of:
- The soundness, adequacy and application of internal controls;
 - The safeguards for Council assets and interests from losses of all kinds arising from theft, fraud, waste, extravagance, inefficient management, poor value for money or any other cause;
 - The suitability and reliability of financial and other management data; and
 - Compliance with rules, legislation, policy and procedures.

7.7.5 The Chief Finance Officer shall report to the Audit Committee on the work of the Audit Service at least annually.

7.7.6 The Chief Finance Officer and all Internal Audit staff have authority to:

- Enter at any time Council premises or land subject to any statutory or contractual restrictions that may apply, e.g. health and safety;
- Have access to all records, documents, correspondence, information and data relating to all areas of business of **the Authority** and to remove any such records as are necessary for the purposes of their work (including that of the Authority's agents and contractors);
- Require and receive such explanations as are necessary concerning any matter under examination; and
- Require any employee or agent of the Council to produce cash, stores or any other Council property under their control.

7.7.7 The Chief Finance Officer shall have unobstructed direct access and the right of report to the Chief Executive, **Directors**, Heads of Service, the Monitoring Officer, the Audit Commission, the Cabinet, the Leader, the Cabinet Member with responsibility for Audit and the Chair of the Audit Committee.

7.8 Preventing Fraud and Corruption

7.8.1 The Monitoring Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy including arrangements for gifts, hospitality and whistle blowing.

7.8.2 All Council staff, Members, agents, contractors and strategic partners have responsibilities to protect the funds they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not the inappropriate personal benefit of any of the above.

7.8.3 All staff, Councillors, agents or contractors of **the Authority** have a responsibility to bring to the attention of the Monitoring Officer, Chief Finance Officer or their Chief Officer any suspected fraud, corruption or irregularity.

7.8.4 The Monitoring Officer, in consultation with the Chief Finance Officer, internal audit or the relevant **Director** or Chief Executive, if appropriate, will take such steps as considered necessary by way of investigation or report. Wherever possible the Chief Officer and the Officer referring concerns shall be kept informed.

7.8.5 Should it be found that a fraud or irregularity is occurring of a significant nature the Monitoring Officer or his/her **nominated** representative shall inform the Chief Finance Officer, Chief Executive, Leader and/or Chair of the Audit Committee where appropriate.

7.8.6 Where the Monitoring Officer concludes that sufficient prima facie evidence has been collected that indicates that a criminal act may have taken place the relevant

Chief Officer and the Chief Finance Officer will be consulted and the matter will be referred to the Police and/or other appropriate bodies.

7.9 Assets

- 7.9.1 The Chief Finance Officer, in conjunction with the Director of Regeneration, **Enterprise, and Planning**, shall be responsible for maintaining an adequate and up to date register of all the Council's capital assets and for calculating and processing the appropriate capital financing charges in accordance with CIPFA **Prudential Code for Capital Finance in Local Authorities**.
- 7.9.2 **The Chief Finance Officer shall be the Asset Registrar for the purposes of regulation and guidance.**
- 7.9.3 Each **Chief Officer** and Head of Service will be responsible for ensuring that the Chief Finance Officer is advised promptly of all additions, deletions or other changes to the **Authority's** portfolio of assets, such as might affect the preparation of the **Authority's** accounts.

7.10 Treasury Management

- 7.10.1 The Council has adopted CIPFA's Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes (the Code), and specifically adopts the key recommendations as described in Section 5 of the Code.
- 7.10.2 The Council will create and maintain, as the cornerstones for effective treasury management:
- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
 - Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

- 7.10.3 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- 7.10.4 The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions to the **Chief Finance Officer**,

who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

7.10.5 The Council nominates the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

7.11 Loans to Third Parties

7.11.1 The Council may make grants or loans to third parties for the purpose of capital expenditure, as allowable under paragraph 25 (1) (b) of the Local Authorities (Capital Financing and Accounting) (England) Regulations 2003 (Statutory Instrument No. 3146). This will usually be to support local economic development, and may be funded by external borrowing.

7.11.2 The Council also has powers to provide financial support to organisations under general powers of competence under the Localism Act 2011.

7.11.3 To ensure good governance and due diligence in respect of the awarding of grants and third party loans requires the completion of the loans checklist and the taking of external independent advice.

7.12 Staffing

7.12.1 The Chief Executive is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.

7.12.2 The Chief Executive is responsible for providing overall management to staff. He or she will also be responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

7.12.3 Chief Officers are responsible for controlling total staff numbers by:

- Advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels.
- Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

7.13 Contracts

7.13.1 Chief Officers and Heads of Service are responsible for ensuring that all contract procedures are adhered to in the letting of all contracts, and in line with the **Procurement Best Practice Guide**.

7.13.2 Where there are framework or other corporately agreed contracts in place, **employees** must use these agreements unless a waiver has been agreed by the Chief Finance Officer and the Monitoring Officer.

- 7.13.3 Where contracts provide for payment to be made by instalments, the keeping of a contract register or registers is required to show how much has been paid on each contract between the **Authority** and the contractor, together with any other payments and the related professional fees.
- 7.13.4 Payments to contractors on account of contracts shall be made only on a certificate issued by the appropriate employee or consultant (where engaged by the **Authority**), as appropriate, or by other employees nominated in writing for the purpose.
- 7.13.5 Subject to the provisions of the contract in each case, every extra or variation, shall, unless otherwise evidenced to his/her satisfaction, be authorised in writing by the relevant **Chief Officer** (or his/her authorised nominee) and itemise the cost implications where possible.
- 7.13.6 The Chief Finance Officer (or nominee) shall, to the extent he/she considers necessary, arrange for the examination of final accounts for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as may be required in order to satisfy himself/herself as to the accuracy of the accounts and any issue of a final certificate shall be subject to this.
- 7.13.7 Claims from contractors which are the subject of dispute within the terms of any existing contract, shall be referred to the Borough Secretary (or nominee) for consideration of the **Authority's** legal liability and, where necessary, to the Chief Finance Officer (or nominee) for financial consideration, before a settlement is reached.
- 7.13.8 Where completion of a contract is delayed, it shall be the duty of the relevant **Chief Officer**, (or nominee) or the technical officer, or the contracting agent concerned, to take appropriate action in respect of any claim for liquidated damages.

8.0 SYSTEMS AND PROCEDURES

8.1 Introduction

Sound systems and procedures are essential to an effective framework of accountability and control. The Chief Finance Officer will be responsible for the operation of the **Authority's** accounting systems, the form of accounts and the supporting financial records. No changes shall be made to the existing financial systems or new systems be established without the prior approval of the Chief Finance Officer.

8.2 Information Technology/Financial Systems

8.2.1 **Annually LGSS will recommend an IT Strategy for the Authority to Management Board for agreement, having consulted with the Chief Finance Officer and Chief Officers. LGSS will issue** procedures in relation to the strategy, including procurement of information technology.

8.2.2 The Chief Finance Officer is responsible for the financial management systems and ensuring that they are fit for purpose. **LGSS** is responsible for the operation of the

Authority's accounting systems according to the requirements of the Chief Finance Officer.

- 8.2.3 Any alterations to the existing financial systems, or implementation of new systems, must be approved by the Chief Finance Officer prior to any new developments or changes taking place.
- 8.2.4 Any changes to information systems must **go through the change protocol as agreed in the Partnership and Delegation Agreement.**
- 8.2.5 Each Head of Service must consult with **LGSS** and the Chief Finance Officer on the appropriateness of systems controls needed to achieve an acceptable level of security.
- 8.2.6 All Chief Officers and Heads of Service are responsible for ensuring the correct procedures and statutory requirements e.g. Data Protection Act are complied with.
- 8.2.7 Heads of Service must ensure that, where appropriate, computer and other systems are registered in compliance with data protection legislation.
- 8.2.8 Heads of Service must also ensure that all staff are aware of their responsibilities under freedom of information legislation.

8.3 Scheme of Delegation

- 8.3.1 It is the responsibility of each **Chief Officer** to ensure that a proper Scheme of written delegation in accordance with Part 8 of this Constitution has been established in their Service Area. The Scheme of Delegation should identify staff authorised to act on the **Chief Officer's** behalf in respect of payments, income collection and the requisitioning of goods and services, together with the limits of their authority.

8.4 Banking

- 8.4.1 The Chief Finance Officer will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee of the Council shall open any bank (or equivalent) account on the Council's behalf or in its name without the express agreement of the Chief Finance Officer.
- 8.4.2 The Chief Finance Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all its bank accounts, and will effect, or cause to be effected, proper and timely reconciliations.
- 8.4.3 All investments of money under its control shall be made in the name of the **Authority** unless otherwise approved by the Chief Finance Officer.
- 8.4.4 All securities, being the property of, or in the name, of the **Authority**, or its nominees, and the title deeds of all property in its ownership, shall be held in the custody of the Borough Secretary or under arrangements agreed by him/her.

8.4.5 All borrowings shall be effected in the name of the **Authority**.

8.5 Salaries, Wages, Pensions and Other Emoluments

8.5.1 **The Borough Secretary** is responsible for all payments of remuneration and expenses to all staff, including payments for overtime, and for payments of allowances to Members.

8.5.2 Chief Officers are responsible for advising the **Borough Secretary** of any changes to data affecting the payments in paragraph 7.5.1 and associated matters.

8.6 Creditors and Debtors

8.6.1 The Chief Finance Officer will be responsible for ensuring the operation and maintenance of effective systems for the payment of creditors and the collection of monies from debtors across the range of Council services.

8.6.2 No creditor shall be paid or debtor invoiced other than through systems operated by the Chief Finance Officer or otherwise specifically approved by him/her.

8.6.3 Write-offs should only take place as a last resort after all other economic/social solutions have been exhausted.

8.6.4 Write-off authorisation level, as stated in the financial instructions, must be adhered to.

8.7 Income

8.7.1 The Chief Finance Officer will be responsible for ensuring that adequate systems are available, and are maintained, for the recording of all income received by the Council.

8.7.2 The procedure for the collection of all money due to the Council shall be determined by the Chief Finance Officer.

8.7.3 Each **Chief Officer** shall furnish the Chief Finance Officer (or nominee) with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by the Chief Finance Officer (or nominee) to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

8.7.4 The Chief Finance Officer (or nominee) shall be notified promptly of all money due to the **Authority** and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the **Authority** and the Chief Finance Officer (or nominee) shall have the right to inspect any documents or other evidence in this connection as the Chief Finance Officer may decide or determine.

8.7.5 It will be the responsibility of every employee of the **Authority** to ensure that all sums of money due to the **Authority** are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the **Authority's** accounts.

- 8.7.6 All pre-printed receipt forms, books, tickets and other controlled items shall be ordered to the satisfaction of the Chief Finance Officer, who shall also be satisfied, either directly or through his/her nominee, as to the arrangements for their control.
- 8.7.7 All money received by an employee on behalf of the **Authority** shall, without delay, be paid to the Chief Finance Officer (or nominee), or as may be directed, to the **Authority's** banking or National Giro account or transmitted directly to any other body or person entitled thereto, in agreement with the Chief Finance Officer.
- 8.7.8 No deduction may be made from such money save to the extent that the Chief Finance Officer may specifically authorise.
- 8.7.9 Personal cheques shall not be cashed out of the money held on behalf of the **Authority**.
- 8.7.10 Every transfer of official money from one employee to another shall be evidenced in the records of the Directorate(s) concerned by the signature of the receiving employee.

8.8 Taxation

- 8.8.1 The Chief Finance Officer is responsible for ensuring that adequate procedures are in place and adequate advice available to service areas so as to ensure that the **Authority** is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 8.8.2 In the discharge of this responsibility, the Chief Finance Officer will be responsible for maintaining the **Authority's** tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.
- 8.8.3 Each **Chief Officer** and Head of Service will at all times conduct the financial arrangements of their services, with regard to taxation issues, in accordance with advice or instructions issued by the Chief Finance Officer, and shall provide any related information or documents upon request.

8.9 Accountancy

- 8.9.1 All accountancy procedures and records of the **Authority** and its employees necessary to comply with its statutory operation shall be determined by the Chief Finance Officer. Where such procedures and records are to be maintained other than under the direct control of the Chief Finance Officer, the Chief Finance Officer (or nominee) shall, before making any determination, agree his/her requirements with the **Chief Officer** concerned.
- 8.9.2 Each **Chief Officer** shall keep such records as required by the Chief Finance Officer, to enable the Chief Finance Officer (or nominee) to compile the accounts of the **Authority** and complete all necessary financial and statistical returns.

8.9.3 Financial records shall not be destroyed or otherwise disposed of other than in accordance with arrangements approved by the Chief Finance Officer.

8.9.4 In so far as any "in-house" trading or partnership/consortium operation is concerned, **Chief Officers** responsible for operations shall discuss with the Chief Finance Officer (or nominee) their proposals for the proper accounting treatment and recording of transactions and shall agree with the Chief Finance Officer (or nominee) the method of financial reporting, both for committee and for wider consumption. In all matters relevant to accounting treatment and financial requirements, the Chief Finance Officer shall be the final arbiter in accordance with his/her statutory powers.

8.9.5 The following principles shall be observed in the allocation of financial duties:-

- The duties of providing information regarding sums due to or from the **Authority** and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
- Employees charged with the duty of examining and checking the accounts of cash transactions shall not themselves be **a party to** any of these transactions.

8.10 Orders for Work, Goods and Services

8.10.1 Subject to the overarching requirements of the Contract Procedure Rules and any documentation in compliance therewith, official Orders shall be issued for all work, goods or services to be supplied to the **Authority**, except for supplies of public utility services, periodical payments such as rent or rates, petty cash purchases, or such other exceptions as the Chief Finance Officer may approve.

8.10.2 Authorisation to commit the Authority to expenditure shall be through the proper authorisation of a requisition describing the goods and services to be acquired duly authorised in accordance with the Requisition Authorisation Schedule.

8.10.3 Leasing (including finance leasing, operational leasing, contract hire, payments in advance, and/or instalments) shall be subject to the approval of the Chief Finance Officer.

8.10.4 Details of each Order shall, if so required, be provided to the Chief Finance Officer (or nominee).

8.11 Payment of Accounts

8.11.1 Apart from petty cash, payment or purchasing card, the normal method of payment of money due from the **Authority** shall be by Bankers Automated Clearing Systems (BACS), cheque or other instrument drawn on the **Authority's** banking accounts or other properly authorised electronic transfer.

8.11.2 In respect of orders raised via systems other than the Core Business Systems (CBS) the **Chief Officer** issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources within his/her Directorate. Such certification shall be in manuscript by, or on behalf of, the **Chief Officer**. The names of employees authorised to sign such records shall be sent to the Chief Finance Officer (or nominee) by each **Chief Officer**, together with specimen signatures and shall be amended on the occasion of any change thereto:

- In respect of orders raised using CBS the invoice will be matched against the order and goods received note details for quantity and price. Where these match within tolerances agreed by the Chief Finance Officer or the invoice value is below £100 (excluding VAT) the invoice may be passed for payment on the due date without further authorisation being required.
- For invoices not matched, supplementary authorisation will still be required. This authorisation will be electronic by entry on CBS rather than by manual signature on the invoice document.

8.11.3 Before certifying an account, the certifying employee shall, save to the extent that the Chief Finance Officer may otherwise agree or determine, have satisfied himself/herself that:

8.11.3.1 the work, goods or services to which the account relates have been received, carried out, examined and approved;

8.11.3.2 the prices, extensions, calculations trade discounts, other allowances, credits and tax are correct;

8.11.3.3 the relevant expenditure has been properly incurred and is within the relevant estimate provision;

8.11.3.4 appropriate entries have been made in inventories, stores records or stock books as required; and

8.11.3.5 the account has not been previously passed for payment and is a proper liability of the **Authority**.

8.11.4 Duly certified accounts shall be passed without delay to the Chief Finance Officer's nominee who shall examine them to the extent that the Chief Finance Officer deems necessary, for which purpose the nominee shall be entitled to make such enquiries and to receive such information and explanations as may be required.

8.11.5 Any amendment to an account shall be made in ink and initialled by the employee making it, explaining briefly the reasons where they are not self-evident.

- 8.11.6 Any claim for payment relating to goods and services (as described at 8.10.1) will only be processed where it quotes the **Authority's** Official Order Number. Any invoices not quoting this number shall be returned to the supplier.
- 8.11.7 All payments shall be processed as described in 8.11.6 unless there is an exemption agreed by the Chief Finance Officer. Exemptions have been granted in respect of precepts, Council Tax refunds, Business Rates refunds, Rent refunds, grants, non-payroll payments to employees, ex-gratia payments, court orders, payment of monies held on account, payroll disbursements, housing association grants, petty cash reimbursements, housing improvement grants, treasury management, car loans, housing benefit, insurance claims, utilities, cheque with order.

8.12 Imprest Accounts and Floats

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

8.13 Banking Arrangements and Cheques

- 8.13.1 All arrangements with the **Authority's** bankers shall be made by, or under arrangements approved by, the Chief Finance Officer, who shall be authorised to operate such banking accounts as may be considered necessary.
- 8.13.2 All bank accounts of the **Authority** shall include the full or abbreviated name of the **Authority** in the account title.

8.13.3 Cheques to be drawn on the **Authority's** main banking accounts shall be ordered only on the authority of the Chief Finance Officer, who shall ensure proper arrangements for their safe custody. Such cheques shall bear the facsimile signature of the Chief Executive or be countersigned by such other Officer as he/she authorises so to do.

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

8.14 Security

8.14.1 **Chief Officers** are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control.

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

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

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

8.15 Stocks and Stores

8.15.1 Each **Chief Officer** shall be responsible for the care and custody of the stocks and stores within his/her Directorate.

8.15.2 Stocks shall not be in excess of normal or specific operational requirements unless it is in the financial interests of the **Authority**.

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

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

8.15.5 An inventory shall be maintained and updated in each Directorate and Heads of Service shall notify the addition and movement of inventory items under their control.

8.16 Salaries, Wages and Pensions

- 8.16.1 The payment of all salaries, wages, pensions, compensation, travel and subsistence and other emoluments to all employees, or former employees, of the **Authority**, shall be made by the **Borough Secretary** (or nominee) or under arrangements approved by him/her.
- 8.16.2 The **Borough Secretary** (or nominee) shall be notified by the appropriate **Chief Officer** as soon as possible, and in a form prescribed, of all matters affecting the payment of such emoluments, and in particular:-
- 8.16.2.1 appointments, resignations, dismissals, suspensions, secondments and transfers;
 - 8.16.2.2 absences from duty for sickness or other reasons, apart from approved leave;
 - 8.16.2.3 changes in remuneration, other than normal increments and pay awards and agreements of general application; and
 - 8.16.2.4 information necessary to maintain records of service for pension, income tax, national insurance and the like.
- 8.16.3 Appointments of all employees shall be made in accordance with the policies of the **Authority** and the approved establishments, grades and rates of pay.
- 8.16.4 All time records or other pay documents of employees shall be in a form prescribed or approved by the Chief Finance Officer (or nominee) and shall be certified in manuscript by or on behalf of the **Chief Officer** concerned. The names of Officers authorised to sign such records shall be sent to the **Borough Secretary** (or nominee) by each **Chief Officer**, together with specimen signatures, and shall be amended on the occasion of any change.

8.17 Ex Gratia and Other Special Payments

- 7.17.1 The Chief Finance Officer shall have authority to make special payments, without the prior approval of the Council, the Cabinet or a committee of the Council, whether or not provision has been made in the approved estimates, in the following cases:-
- payments specifically required by statute;
 - payments under a court order;
 - payments under agreement entered into by and on behalf of the **Authority**; and
 - payments made on the advice of the Borough Secretary and/or appropriate **Chief Officer**, in the settlement of any action or claim against the **Authority**.

8.18 Trading Accounts

It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts throughout the **Authority**.

8.19 Member Reports

All reports to Member decision making bodies (other than Planning Committee or any body which is exercising quasi judicial functions), and specifically to Cabinet and Council must explicitly address **resource (including financial)**, legal, **equality** and risk implications and be agreed by the Chief Finance Officer and the Monitoring Officer or their nominated representatives before being published.

9.0 EXTERNAL ARRANGEMENTS

9.1 Introduction

Local authorities provide an important leadership role for the community and bring together the contributions of the various stakeholders. They must also act to promote and improve the economic, social and environmental well being of their respective areas.

9.2 Significant Partnerships

- 9.2.1 A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned.
- 9.2.2 The Cabinet is responsible for approving the Council's participation in all significant partnerships/joint working arrangements with other public, private, voluntary and community sector organisations. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 9.2.3 The Cabinet can delegate functions - including those relating to partnerships - to specific Members or Officers. These are set out in the Schemes of Delegation that form part of the Council's Constitution. Where functions are delegated, the Cabinet remains accountable for them to the Full Council.
- 9.2.4 The Chief Executive, Members or other properly authorised individual will represent the Council on partnership and external bodies, in accordance with the Scheme of Delegation.
- 9.2.5 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the **Authority**.
- 9.2.6 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. In conjunction with the Monitoring Officer, he/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

9.2.7 Chief Officers and Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

9.2.8 The key control is for the Council and its partners to:

- be aware of their responsibilities under the Council's financial management framework including procedure rules, instructions and processes;
- ensure that risk management processes are in place to identify and assess all known risks;
- ensure project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise; and
- agree the roles and responsibilities of each of the partners before the project commences.

9.2.9 The Chief Finance Officer should advise the Cabinet on the following key elements:

- Scheme appraisal for financial viability.
- Risk appraisal.
- Governance arrangements.
- Resourcing, including taxation issues.
- Audit requirements.
- Carry forward arrangements.

9.2.10 Chief Officers are responsible for maintaining a schedule of all significant partnerships. A significant partnership is one that meets any one of the following criteria:

- With a value of at least £1m.
- Involves the delivery of a significant proportion of a statutory service.
- Involves the delivery of a significant proportion of one or more of the Council's priorities.

9.2.11 **Chief Officers** and Heads of Service are responsible for:

- seeking advice from the Chief Finance Officer and Monitoring Officer at an early stage;
- ensuring that the approval of the Cabinet is obtained before any negotiations are concluded;
- ensuring that all agreements and arrangements are properly documented; and
- providing information to the Chief Finance Officer required for the Council's statement of accounts.

9.2.12 If financial procedures or standing orders of a partner are being followed which are not consistent with the Council's regulations, Cabinet approval must be obtained. However, legislation must be complied with regardless.

9.3 Interests in Companies

- 9.3.1 Prior to the **Authority**, or any **employee** on behalf of the **Authority**, taking an interest (e.g. membership, share holding or directorship) in a company, advice should be sought from the Monitoring Officer and the Chief Finance Officer.
- 9.3.2 Any clauses required by the Monitoring Officer and/or the Chief Finance Officer to safeguard the **Authority's** position must be included in the company's Memorandum and Articles of Association.

9.4 Voluntary Funds and Trustees

- 9.4.1 A voluntary fund is any fund, which, although not officially owned by the **Authority**, is controlled or administered solely, or in part, by an employee by reason of his or her employment by the **Authority**.
- 9.4.2 Each **Chief Officer** shall make himself/herself aware of all voluntary funds involving employees under his/her control and shall make arrangements for the proper management of such funds.
- 9.4.3 Council staff or partners must not administer voluntary funds, either solely or in part in the course of their duties, unless they have been authorised to do so by a Chief Officer.
- 9.4.4 Chief Officers may issue such authority once satisfactory and effective systems of control are in place for the management of the fund.
- 9.4.5 Chief Officers may only give approval where the owners of the fund agree that the Chief Finance Officer will have full access to the records of the fund and be entitled to carry out such checks as considered appropriate.

9.5 External Funding

- 9.5.1 The Chief Finance Officer, or his/her nominee must be advised of all external funding opportunities available to the Council and of the lead Officer in each circumstance.
- 9.5.2 **The lead Officer must provide such information as requested by the Chief Finance Officer, including copies of proposed agreements and conditions of grant and any financial implications (including match funding requirements or ongoing revenue costs).**
- 9.5.3 **All external funding applications must be authorised by the** Chief Finance Officer, or his/her nominee prior to their submission by the **Authority**.
- 9.5.4 The Chief Finance Officer or his/her nominee must be notified of the outcome of external funding applications at the earliest opportunity **and successful external funding applications will be reported to Cabinet as part of the normal monitoring reports.**

9.5.5 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

9.5.6 The Chief Officer responsible for the lead Officer must ensure that all grant conditions are met.

9.6 Work for Third Parties

9.6.1 The Chief Finance Officer, or his/her nominee must be advised of all work for third parties opportunities available to the Authority and of the lead Officer in each circumstance.

9.6.2 The lead Officer must provide such information as requested by the Chief Finance Officer, including copies of proposed agreements and conditions and any financial implications (including match funding requirements or ongoing revenue costs).

9.6.3 All work for third parties must be authorised by the Chief Finance Officer, or his/her nominee prior to agreement to undertake this work by the Authority.

9.6.4 Where the gross value of work does not exceed £100,000, these arrangements can be approved by the Chief Finance Officer and relevant Chief Officer.

9.6.5 Where the gross value of work exceeds £100,000 but does not exceed £250,000, these can be approved by the Chief Finance Officer and Chief Officer, after consultation with the Cabinet Member for Finance and relevant Cabinet Member(s).

9.6.6 Where the gross value of work is in excess of £250,000 these must be approved by the Cabinet, after approval of the Chief Finance Officer.

9.6.7 The Chief Finance Officer or his/her nominee must be notified of the outcome of any bids to work for third parties at the earliest opportunity and successful bids to work for third parties will be reported to Cabinet as part of the normal monitoring reports.

9.6.8 The Chief Finance Officer is responsible for ensuring that all income receivable from third parties is received and properly recorded in the Council's accounts.

9.6.9 The Chief Officer responsible for the lead Officer must ensure that all contractual conditions are met.

10.0 GLOSSARY

Asset Manager	A senior Officer who is a qualified surveyor/valuer with responsibility for managing the Council's land and buildings (other than council housing, parks and certain other specific areas) and who advises the Council on property matters.
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Budget & Policy Framework Procedure Rules	Procedure rules set out in Part 4 of this Constitution.
Capital Strategy	The Council's strategy governing the capital programme.
Chief Officers	Directors are referred to as Chief Officers, also the provisions of these regulations relating to Chief Officers should also be taken to apply to the Chief Executive when exercising his/her departmental responsibilities.
Corporate Governance	Policies and procedures that will enable an Officer to complete their work in a manner approved by the Council.
Forecast	Estimated year-end net financial position based on actual costs to date and known expenditure and income expected to be realised before period/year-end.
Heads of Service	For the purposes of the Financial Regulations, includes all managers who are either Heads of Service or equivalent.
Management Board	The Chief Executive, Directors, Chief Finance Officer (Section 151 Officer) and Monitoring Officer, when meeting together as a team
Medium Term Financial Plan	Multi year rolling plan.
Monitoring Officer	Officer appointed under the Local Government and Housing Act 1989 with responsibility for ensuring that decisions are lawful and fair and other responsibilities as set out in Article 14 of the Council's Constitution.
Outturn	Actual year-end net financial position based on actual costs and accrued income and expenditure.
Section 151	Section 151 of the Local Government Act 1972 requires the Council to maintain an adequate and effective system of internal control. The Section 151 Officer is the designated Finance Officer within the Council with overall responsibility for ensuring that the Council complies with the Act.
Supplementary Estimate	The process where budgets are given additional funds where virement from within the budget cannot fully cover an overspend. Supplementary estimates take funds from reserves and must be repaid at the direction of the Section 151 Officer.

Virement	The approved transfer of funds between budget codes.
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PLANNING COMMITTEE PROTOCOL**Introduction**

1. This Protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its Constitution. In making legally binding decisions therefore, it is important that the Planning Committee meeting is run in an ordered way, with Councillors, Officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Disclosable Pecuniary and Personal Interests

4. The rules relating to the registration and declaration of interests are covered in the Council's Members' Code of Conduct.
5. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

6. Councillors who are members of Planning Committee and who in that capacity attend any ancillary meeting or committee/sub committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Councillor in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Councillor was biased.
7. Therefore, this provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and should not comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

8. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. For advice on predetermination and predisposition, Councillors should seek the advice of the Borough Secretary and Monitoring Officer.

Lobbying

9. Lobbying is a normal part of the planning process. It can however lead to the impartiality of a Councillor being called into question, unless care and common sense is exercised by all the parties concerned.
10. Councillors can raise issues which have been raised by their constituents, with Officers. It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning Committee.
11. If any Councillor, whether or not a committee member speaks on behalf of a lobby group at the decision making committee, they should withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.
12. If a Councillor requires advice about being lobbied, they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Site Visits

13. Site visits should only be undertaken where there is a 'substantial benefit', for example where the impact is difficult to visualise, where comments cannot be expressed adequately in writing, or the proposal is particularly contentious with a wide range of different viewpoints.
14. Where visits are arranged, they must be undertaken in a consistent manner, and Councillors should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.
15. Site visits must never be used as a lobbying opportunity by objectors or supporters and this should be made clear to any members of the public who are present at a site visit.

Call-ins

16. Planning applications can be 'called-in' to Planning Committee for determination. Applications can be called in by any Member of the Council.
17. Call-in requests must be submitted to the Head of Planning in writing using the Call-in form, within 28 days from the beginning of the consultation period.

18. Call-ins have to be based on valid and relevant planning grounds which should be detailed on the Call-in form. Any issue relating to the propriety of the specified planning grounds will be determined by the Monitoring Officer.

Roles at Planning Committee

19. The role of Councillors at Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents.
20. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Democratic Services Officer in attendance, who will provide advice on matters within their own professional expertise.
21. If they have questions about a development proposal, Councillors are encouraged to contact the Planning Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

Speaking at Planning Committee

22. Planning Committee meetings are in public and members of the public are welcome to attend and observe.
23. The arrangements for speaking at Planning Committee are covered in the Protocol for Speaking at Planning Committee, (copy attached).
24. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can adjourn the meeting, or clear the chamber and continue the meeting elsewhere on Council premises.

Determination of planning applications

25. Councillors can always ask for clarification from Officers. However, if there are issues which require factual clarification, preferably these should be directed to the case Officer before the Committee meeting, not at the meeting itself.
26. Councillors will then debate the application, including giving an indication of how they intend to vote.
27. After Councillors have debated the application, a vote will be taken.
29. Whilst Officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to

the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and can of course, reach a decision contrary to Officer advice. Or if in moving contrary to the advice and/or recommendation in an Officer's report Councillors require further advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion. This can include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that any vote should be recorded at any meeting of the Planning Committee.

May 2018

APPENDIX 3

DRAFT

Part 8

Scheme of Delegations to Officers by the Council, its Cabinet and Committees

The following **extracts** from the Scheme are shown below with draft amendments marked as tracked changes:

- Delegations to the Head of Planning
- Delegations to Borough Secretary and Monitoring Officer

DELEGATED POWERS EXERCISABLE BY OFFICERS

PART B – SPECIFIC PROVISIONS

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11. HEAD OF PLANNING

11.1 Building Control

- 11.1.1 To approve with or without conditions and/or reject plans deposited pursuant to the requirements of the Building Regulations and/or to take any action relative thereto and/or to issue certificates thereunder.
- 11.1.2 To reject plans pursuant to the provisions of Sections 19, 20 and 25 of the Building Act 1984 (as amended) (“the Building Act”), or where appropriate, to pass such plans subject to conditions and to take any action in relation thereto.
- 11.1.3 To process building notices in accordance with the Building Regulations.
- 11.1.4 To withdraw approvals pursuant to the provisions of Section 32 of the Building Act.
- 11.1.5 To accept and/or reject or cancel notices pursuant to the provisions of Sections 47, 52 and 54 of the Building Act.
- 11.1.6 To serve notices and/or to undertake any necessary action and/or to recommend to the Borough Secretary the commencement of prosecution or other proceedings pursuant to Sections 36, 71, 72, 73, 74, 78, 79 and 81 of the Building Act and/or Section 29 of the Local Government (Miscellaneous Provisions) Act 1982.
- 11.1.7 To recommend to the Borough Secretary the making of an application to the Magistrates Court pursuant to Section 77 of the Building Act and the execution of work in the event of default.
- 11.1.8 To arrange for the execution of work pursuant to Section 36 of the Building Act

in the event of default.

11.1.9 To approve street names in consultation with the relevant Cabinet Member and Ward Councillors.

11.1.10 To serve notices and/or undertake any necessary action pursuant to Sections 17, 18 and 19 of the Public Health Act 1925.

11.2 Development ~~Control~~ Management

To:

11.2.1 deal with and determine applications pursuant to the provisions of the Town and Country Planning Act 1990 (as amended) (“the Planning Act”) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (“the Listed Buildings Act”);

11.2.2 receive and deal with all prior notifications pursuant to the Planning Act and the Listed Buildings Act;

11.2.3 recommend to the Borough Secretary the making and/or the confirming and/or the varying and/or the revoking of orders pursuant to the provisions of the Planning Act and the Listed Buildings Act;

11.2.4 recommend to the Borough Secretary the issue and/or the service and/or the withdrawal and/or the re-issue of notices pursuant to the provisions of the Planning Act and the Listed Buildings Act;

except:

a) dealing with and determining applications, recommending the making and confirming of orders and/or the issuing and/or the service and/or the withdrawal and/or the re-issue of notices pursuant to the provisions of the Planning Act and the Listed Buildings Act which the Head of Planning considers should be considered by the Planning Committee and/or;

b) dealing with and determining applications referred at the request of any Member to Planning Committee for determination provided that such request is based on proper valid planning grounds (any issue relating to the propriety of the specified planning grounds to be determined by the Monitoring Officer) and is submitted to

- the Head of Planning in writing within ~~the~~ 28 days from the date on which the consultation period begins;
- c) dealing with and determining applications which are a major departure from the development plan for Northampton and require referral to the Secretary of State;
 - d) dealing with and determining applications made by a Member or a person who is related to a Member;
 - e) dealing with and determining applications made by an Officer/employee of the Council or a person who is related to an Officer/employee of the Council;
 - f) dealing with and determining applications made by the Council either as applicant or landowner, either on its own, or jointly with another party ;with the exception of applications for non-material changes under Article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended);
 - g) dealing with and determining applications which fall within paragraphs 3-8 of the Town and Country Planning (Consultation) (England) Directions 2009; and/or
 - h) considering and deciding the service and/or the withdrawal and/or the re-service of Stop Notices as defined in Section 183(l) of the Planning Act
- 11.2.5 make responses to consultations received from the ~~West Northamptonshire Development Corporation~~ Planning Inspectorate, Northamptonshire County Council and neighbouring local planning authorities in respect of applications for which they are the determining planning authority where the applications would not prejudice the policies and provisions of the development plan for Northampton unless the Head of Planning considers that the matter should be referred to the Planning Committee;
- 11.2.6 deal with requests for prior approval of the classes of development described as permitted development in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 1995/2015 (as amended) ;including prior approval of demolition on Council owned land;
- 11.2.7 serve Planning Contravention Notices pursuant to Section 171C of the Planning Act; ~~11.2.8 ——— determine applications for Historic Buildings Grants;~~

11.2.98 deal with Hedgerow Removal Notices and where appropriate serving Hedgerow Retention Notices;

11.2.109 screen applications to determine whether an environmental impact assessment is required and where an environmental impact assessment is required to advise on the scoping of the environmental impact assessment;

11.2.110 decline to determine applications pursuant to Section 70A of the Planning Act;

11.2.121 respond on behalf of the Council to all appeals including deciding not to defend appeals; and

11.2.1312 make determinations regarding applications for outline planning permission in accordance with Article 3(2)5 of the Town and Country Planning (General Development Management Procedure) (England) Order 1995/2015 (as amended);-

11.2.13 deal with and determine applications for certificates of lawfulness of existing or proposed use or development in accordance with Article 39 of Part 8 of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended); and

11.2.14 to charge, process and allocate the community infrastructure levy in accordance with the Community Infrastructure Regulations 2010 (as amended).

11.3 Without prejudice to the specificity of paragraphs 11.1 and 11.2 above, subject to seeking advice from the Borough Secretary as appropriate, in relation to all planning functions to take such actions as are appropriate for the Head of Planning which are in the view of the Head of Planning necessary to protect, maintain, and fulfil the interests, rights and duties of the Council. For the avoidance of doubt, this paragraph shall not displace the requirement for Planning Committee processes to be instituted in the normal way.

.....

16. BOROUGH SECRETARY AND MONITORING OFFICER

16.1 General

- 16.1.1 To take all actions and discharge all functions and responsibilities in discharge of the duties of the Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989, including the taking of any actions that are ancillary and incidental thereto.
 - 16.1.2 To publish and maintain the Council's Constitution with authority to make minor textual changes and amendments to the Constitution to correct typographical errors, to change Officer titles and reallocate delegations following restructures, to make changes following Council decisions on the Constitution and to take into account changes in legislation.
 - 16.1.3 To act as Borough Secretary to the Council for any purposes and to exercise discretion whether to issue or defend proceedings, including injunctions under any legislation on behalf of the Council in any Court, Tribunal or other body with jurisdiction, to enter into arbitration or mediation to settle claims, disputes and proceedings and to take such other actions as are appropriate for the Borough Secretary which are in the Borough Secretary's opinion necessary to protect, maintain and fulfil the interests, rights and duties of the Council and to complete all legal formalities, including the creation and completion of legal documentation required to implement the above.
 - 16.1.4 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council to implement any decision of the Council, Cabinet, Committees, other Council decision – making body or to implement delegated decisions by Officers and to complete all legal formalities, including the creation and completion of legal documentation required to implement the decision.
- 16.2 To obtain Counsel's or other specialist advisor's opinion, where it is considered to be in the Council's interests and to instruct Counsel to represent the Council in any court or tribunal or other appropriate circumstance.
- 16.3 To authorise staff pursuant to section 223 Local Government Act 1972 to appear on behalf of the Council in proceedings before Magistrates Courts where those staff would otherwise not have rights of audience before the court.

- 16.4 In the best interests of the Council:
- 16.4.1 to exercise discretion to appeal against any decisions of all courts and tribunals;
 - 16.4.2 to exercise discretion to defend proceedings and resist appeals in all courts and tribunals; and
 - 16.4.3 to exercise discretion to settle court and tribunal proceedings.
- 16.5 To discharge Local Land Charges functions
- 16.6 To discharge Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004 functions and to maintain the Records Retention Scheme in respect of the Freedom of Information Act 2000 or associated legislation.
- 16.7 Authorising Officers of the Council to prosecute, defend or appear on behalf of the Council in proceedings before any court, tribunal or other relevant forum upon being satisfied that the Officers have the requisite skill, experience and ability to represent the Council in such proceedings.
- 16.8 Authority to sign or seal any document needed to implement any decision taken by, or in the name of the Council and to authorise other Officers to do so.
- 16.9 Signing, issuing, serving and receiving on behalf of the Council all notices or other documents as may be necessary or incidental to the functions and business of the Council (whether or not such action is also within the power of any other Officer, but not where the action can by law only be taken by some other person).
- 16.10 Upon the recommendation of the Head of Housing Needs and Support, taking the following action under Part XI of the Housing Act 1985 relating to houses in multiple occupation:
- 16.10.1 making control orders; and
 - 16.10.2 instituting proceedings in respect of offences.
- 16.11 Implementing the "Right to Buy" legislation and any actions that are ancillary and incidental to the "Right to Buy", any schemes of voluntary house sales and any

necessary actions and processes in relation to shared ownership properties.

16.12 Making of Tree Preservation Orders or authorising named Officers to make Tree Preservation Orders on the advice of the Head of Planning:

16.12.1 in cases of urgency such orders to be signed rather than sealed by the authorising Officer; and

16.12.2 confirming on the advice of Head of Planning, Tree Preservation Orders where there are no outstanding valid objections.

16.13 ~~In consultation with the Director of Regeneration, Enterprise and Planning and the Chair and Deputy Chair of the Planning Committee to serve notices where considered appropriate under section 215 of the Town and Country Planning Act 1990 requiring steps to be taken to improve the condition of a property and/or land in its curtilage. Upon the recommendation of the Head of Planning, the service of notices under Section 215 of the Town and Country Planning Act 1990 (as amended) requiring steps to be taken to improve the condition of the land.~~

16.14 Upon the recommendation of the Head of Public Protection 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.

16.15 Upon the recommendation of the Head of Planning ~~after consultation with the Chair (or Deputy Chair in the absence of the Chair) of the Planning Committee and Opposition Spokespersons the issue of Enforcement Notices and the issue of Temporary Stop Notices under Section 172 of the Town and Country Planning Act 1990 (as amended). in the case of urgency provided that if dissent be shown to the proposed issue of a Stop Notice or Enforcement Notice following the above procedure, a special meeting of the committee be arranged.~~

16.16 Upon the recommendation of the Head of Planning, the ~~issue and~~ service of Breach of Condition Notices ~~under Section 187A of the Town and Country Planning Act (as amended).~~

16.17 Upon the recommendation of the Head of Planning the issue and service of Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended).

- 16.187 Upon the recommendation of the Head of Public Protection, the institution of legal proceedings under the Environment Act 1995 (contaminated land).
- 16.198 The making of Traffic Regulation, Road Closure and Off Street Parking Place Orders which have been agreed on behalf of the Council (whether in the exercise of delegated powers or otherwise) and upon the advice of the Head of Neighbourhood Environmental Services that any necessary works and signs have been completed.
- 16.2019 The institution of proceedings for contravention of the Advance Payments Code under Section 219 of the Highways Act 1980.
- 16.219 Giving consent on behalf of the Council to the issue by a relevant Police Officer of an authorisation under Part 4 of the Anti-Social Behaviour Act 2003.
- 16.224 To establish and maintain a register of interests of Members and Co-opted Members as required by Section 29(1) of the Localism Act 2011.
- 16.232 To ensure that a Council's register of interests is available for public inspection at the Guildhall and is published on the Council's website as required by Sections 29(5) and 29(6) of the Localism Act 2011.
- 16.243 To determine requests from Members or Co-opted Members that any interest be regarded as a "sensitive interest" in accordance with Section 32 of the Localism Act 2011.
- 16.254 To make an initial assessment of allegations of breaches of the Council's adopted Members' Code of Conduct, seek alternative resolution in appropriate cases, instigate and consider Investigating Officers' reports as set out in paragraphs 4, 5, 6 and 7 of the Agreements for Dealing with Allegations of Breaches of the Members' Code of Conduct.
- 16.265 To issue decision notices in accordance with paragraph 9 of the Arrangements for Dealing with Allegations of Breaches of the Members' Code of Conduct.
- 16.276 To deal with any other residual matters, not otherwise delegated, resulting from the Council's adopted Members' Code of Conduct and the adopted Arrangements of Breaches of the Northampton Borough Council Members' Code of Conduct and Codes of Conduct adopted by Parish Councils.

16.287 In accordance with Section 33 of the Localism Act 2011, to grant dispensations together with the discretion to refer any particular request to the Standards Committee in appropriate circumstances.

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Delegated Authority to Interim Appointed Officers**Proposed addition to the Scheme of Delegations to Officers (Part 8 of the Constitution):**

When an officer is appointed to act on behalf of the Council on an interim/temporary basis as a chief officer, senior officer or other role, that officer for the period of their employment with the Council will be authorised to act on behalf of the Council in carrying out the duties of their interim/temporary role providing the following are observed:

- they are initially so authorised in writing by the Chief Executive and/or the Monitoring Officer.
- their contract of employment which sets out the conditions of their employment also refers to their duties and obligations under the Council's Constitution.

A written record is kept by the appointed interim/ temporary officer copied to the Monitoring Officer of any decisions needed to be made which may exceed their delegated authority, which are potentially contentious or may merit wider consultation. In such circumstances the Chief Executive and/or the Monitoring Officer must be consulted and agree in writing to such a decision being made.

Any matter requiring a decision by the Council, Cabinet or relevant committee of the Council will be so referred as required by the Constitution or as determined by the Chief Executive and/ or the Monitoring Officer in consultation with the relevant Cabinet Member:

- where a specific statutory duty could result in prosecution or enforcement action being proposed, then due attention must be paid to compliance with the relevant legislation and/ or regulations governing such actions by the Council and the correct authority is determined for the interim/temporary officer to act on behalf of the Council and failing which, the issue of authority to act will be determined by the Chief Executive and/or the Monitoring Officer.

CONTRACT PROCEDURE RULES

CONTENTS

PART 1: INTRODUCTION AND DEFINITIONS	2
1INTRODUCTION	2
2DEFINITIONS	2
PART 2: SCOPE AND COMPLIANCE	3
3BASIC PRINCIPLES AND COMPLIANCE	3
4EXEMPTIONS	4
5CONDUCT	4
6APPROVED LISTS	5
7FRAMEWORK AGREEMENTS	5
8JOINT PROCUREMENT	6
9CONSULTANTS	6
10DISPOSAL OF ASSETS	6
PART 3: REQUIREMENTS FOR ALL PROCUREMENTS	7
11DELEGATED AUTHORITY	7
12PRE-PROCUREMENT PROCEDURE	7
13ESTIMATING THE CONTRACT VALUE	8
14ELECTRONIC QUOTATIONS AND TENDERS	8
15SUITABILITY	8
PART 4: PROCUREMENT PROCEDURES	9
16CATEGORIES OF CONTENT	9
17LOW VALUE PROCUREMENT (BELOW £100,000) - QUOTATIONS	10
18HIGH VALUE PROCUREMENT (GREATER THAN £100,000)	11
19EU REGULATED CONTRACTS	11
PART 5: TENDERS – HIGH VALUE AND EU REGULATED	11
20TENDERS	11
21INVITATION TO TENDER	11
22SUBMISSION AND OPENING OF TENDERS	12
23ERRORS IN TENDERS	13
24TENDER EVALUATION	13
25BONDS, GUARANTEES AND INSURANCE	13
26ACCEPTANCE OF TENDERS	13
27POST-TENDER NEGOTIATION	14
28DEBRIEFING	14
29CONTRACT AWARD NOTICE	14
PART 6: ALL CONTRACTS	15
30LETTERS ON INTENT	15
31TENDER EVALUATION	15
32BONDS, GUARANTEES AND INSURANCE	15
33CONTRACT TERMS AND CONDITIONS	16
34EXECUTION OF CONTRACTS	16
35RECORDS OF QUOTATIONS, TENDERS AND CONTRACTS	16
36NOMINATED AND NAMED SUBCONTRACTORS	16
37CONTRACT EXTENSION	17
38TERMINATION OF CONTRACT	17
39.....REVIEW AND AMENDMENT OF CONTRACT PROCEDURE RULES	17

INTRODUCTION AND DEFINITIONS

1 INTRODUCTION

- 1.1 The Council is required to make standing orders in respect of contracts pursuant to Section 135 of the Local Government Act 1972. These Contract Procedure Rules ("the Rules") are the standing orders required by that Act and form part of the Council's Constitution.
- 1.2 These Rules apply to all officers of the Council and any companies and/or organisations within the Council's control and as part of the Council's Constitution it is the duty of all officers whatever their terms of employment to ensure they dully understand these rules before commencing any procurement or contract activity.
- 1.3 The purpose of these Rules is to provide a clear set of rules for the procurement by the Council of goods, services and works. They are intended to ensure a framework of openness, integrity, and accountability and to uphold the probity and transparency of any procurement process conducted by the Council.
- 1.4 Purchasing decisions and processes are important because the money involved is public money. The Rules are intended to help to ensure that the Council obtains value for money and to objectively demonstrate that the Council is fulfilling its fiduciary responsibilities.
- 1.5 These Rules do not provide guidelines on what is the best way to purchase works, goods and services. They set out minimum requirements to be followed. *Further information and guidelines are set out on the intranet pages and in the LGSS Procurement Best Practice Guide.*

2 DEFINITIONS

- 2.1 In these Rules the following terms have the following meanings:
 - ❑ **"Approved List"**: A list of Suppliers who have satisfied the Council as to their legal, financial and technical capacity to undertake contracts for the Council and who may therefore be invited to quote or tender for appropriate contracts;
 - ❑ **"Authorised Officer"**: A person with appropriate delegated authority to act on behalf of the Council
 - ❑ **"Contracts Finder"**: A service provided by the Crown Commercial Service and referred to in the Regulations, that enables Suppliers to search for information about contracts.
 - ❑ **"EU Regulated Contract"**: A contract for services, supplies (goods) or works which has a value above the relevant EU Threshold.
 - ❑ **"EU Threshold"**: The financial thresholds set out in the EU Directives on public procurement

- ❑ **“Framework Agreement”**: An agreement between one or more contracting authorities and one or more Suppliers which fixes the terms and conditions under which the Supplier will enter into specific contracts (call off contracts) with a contracting authority.
- ❑ **“ITT”**: Invitation to Tender.
- ❑ **“OJEU”**: Official Journal of the European Union.
- ❑ **“Regulations”**: The UK regulations implementing the EU Directives on public procurement
- ❑ **“RFQ”**: Request for Quotations.
- ❑ **“SQ”**: A Selection Questionnaire.
- ❑ **“Supplier”**: Any person or body of persons providing or seeking to provide goods, services or works to the Council.
- ❑ **“Value for Money”**: The optimum combination of whole life costs and benefits to meet the Council’s requirements.

PART 2: SCOPE AND COMPLIANCE

3. BASIC PRINCIPLES AND COMPLIANCE

3.1 All procurement activity and contracts must:

- ❑ Achieve value for money when spending public money
- ❑ Be consistent with the highest standards of integrity
- ❑ Ensure fairness and transparency in awarding public contracts
- ❑ Ensure that the Council complies with all legal requirements
- ❑ Ensure that non-commercial considerations do not influence any contracting decision
- ❑ Support the Council’s corporate aims and policies.

3.2 The Rules **will apply** to all contracts made by the Council including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council except for the specific types of contracts listed in 3.3 below. In addition, any change in the law which affects these rules must be observed until these Rules are revised.

3.3 The Rules **will not apply** to the following:

3.3.1 Contracts of Employment.

3.3.2 Contracts relating solely to the purchase or sale of interests in land (including leasehold interests).

- 3.3.3 Contracts where the Council is to be reimbursed through an insurance policy and the requirements of the insurer are complied with.
- 3.3.4 Goods, works or services procured in a genuine emergency (eg. Natural disasters such as flooding or fires).
- 3.4 Any other exemption from any of these Rules may be made by direction of the Council, Cabinet, Committee, or as authorised by Rule 4 below (Exemptions). 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, the documentary requirements of Rule 4 followed.

4 EXEMPTIONS

- 4.1 Exemptions to 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.
- 4.2 The requirement for the Council to procure contracts in accordance with these Rules may only be waived in the following circumstances:
 - 4.2.1 For Low Value Contracts and High Value Contracts (but not EU Regulated Contracts), the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property;
 - 4.2.2 Where proprietary or patented goods, services or works sold only at a fixed price from one supplier or being of a specialist nature where no reasonable satisfactory alternative is available; or
 - 4.2.3 Where necessary as a result of unforeseen emergencies which the Chief Executive or the Borough Secretary considers would involve immediate risk to persons, property or serious disruption to Council services.

5 CONDUCT

- 5.1 The highest standards of probity are required of all employees and Members involved in the procurement, award and management of any Council contracts. Members must comply with the Northampton Borough Council Code of Conduct for Councillors and employees must comply with the Northampton Borough Council Employees' Code of Conduct.
- 5.2 All Council Members, employees and third parties, including consultants and temporary agency staff engaged on the Council's behalf must avoid conflicts between their interests and the interests of the Council.
- 5.3 If Members, employees or any others acting on behalf of the Council have an interest, whether financial or personal, in a contract or proposed contract which might, or might be perceived to,

compromise their impartiality and independence they should declare it in writing to the Borough Secretary as soon as they become aware of the interest. This requirement is in addition to any specific requirements of the Employees' Code of Conduct and the Code of Conduct for Councillors.

- 5.4 Members and employees may not accept gifts and/or hospitality from Suppliers or potential Suppliers or from firms or organisations with whom the Council has had, is having or may have any dealings of any kind, except in accordance with the Code of Conduct for Councillors or the Employees' Code of Conduct,.
- 5.5 The Authorised Officer responsible for any procurement must comply with all these Rules and any public procurement legislation, a failure to do so could result in disciplinary action.
- 5.6 The Authorised Officer must ensure the security and confidentiality of all procurement documentation supplied at all stages of a procurement activity and ensure a written record is kept of all minutes of meetings and decisions and actions taken throughout a procurement process.

6 APPROVED LISTS

The Council may maintain, or have maintained on its behalf, Approved Lists. Quotations and Tenders for contracts which are not subject to the Regulations must be invited from Suppliers included on such Approved List except in such circumstances referred to in these Rules.

7 FRAMEWORK AGREEMENTS

- 7.1 Where the terms of a Framework Agreement provide for direct purchase without competition and the terms of such call-off are sufficiently precise, the Authorised Officer may purchase under that agreement without opening such purchase to competition.
- 7.2 In situations where the terms laid down in the Framework Agreement are not sufficiently precise to make a direct award on the terms of the Framework Agreement as specified, the officers concerned must hold a mini-competition in accordance with the provisions of the Framework Agreement as follows:
 - ❑ Inviting all organisations within the Framework Agreement who are capable of executing the subject of the contract to submit a written response to the quotation or tender
 - ❑ Fixing a time limit, which is sufficiently long so as to allow tenders for each specific contract to be submitted, taking into account such factors as the complexity of the contract.
 - ❑ Tenders should be submitted in writing and their content remain confidential until the stipulated time limit for reply has expired

- The Authorised Officer shall award each contract to the bidder who has submitted the best tender on the basis of the award criteria set out in the tender documents for the Framework Agreement

7.3 Any Framework Agreement procured by the Council shall be tendered in accordance with these Rules and the Regulations if applicable. Where the Council has already 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 by following the procedure set out in the Framework Agreement.

8 JOINT PROCUREMENT

8.1 Any joint procurement arrangements with other Local Authorities or public bodies including membership or use of purchasing consortia shall be carried out in accordance with the Regulations and the lead authority's Contract Procedure Rules.

8.2 Approval shall only be given to take part in such joint procurement arrangements where the joint procurement arrangement assures compliance with the Contract Procedure Rules as referred to in 8.1 above.

9 CONSULTANTS

9.1 Any consultants and/or temporary/agency staff used by the Council shall be appointed in accordance with these Rules.

9.2 The Chief Executive, a Director or the Borough Secretary must give approval for the appointment of any consultant or temporary/agency staff.

9.3 Where the Council uses consultants and/or temporary/agency staff to act on its behalf in relation to any procurement, then the relevant Authorised Officer shall ensure that such staff carry out any procurement in accordance with these Rules. The Authorised Officer shall also ensure that the performance of such staff is monitored.

9.4 No consultant or temporary/agency staff shall make any decision on whether to award a Contract or to whom a Contract should be awarded.

10 DISPOSAL OF ASSETS

Where the estimated value of an asset or collection of assets is £50,000 or more, or where the Council, Cabinet (or Cabinet Member if delegated powers apply), or committee determine, the disposal of land, property, plant and equipment shall be either by the invitation of tenders by public notice or public auction except where an independent valuer with relevant qualifications certifies that an alternative method of disposal will better achieve the Council's aims and objectives.

10.1 All such disposals shall comply with the provisions in these Rules.

PART 3: REQUIREMENTS FOR ALL PROCUREMENTS

11 DELEGATED AUTHORITY

- 11.1 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 (Authorised Officers). Such Authorised Officers shall be informed by their Director of the extent of any delegated authority and any applicable financial thresholds for each procurement.
- 11.2 Within approved budgets, Authorised Officers may authorise other employees to place orders against Framework Agreements which have been entered into by the Council.
- 11.3 Any contract award decision 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.

12 PRE-PROCUREMENT PROCEDURE

- 12.1 Before commencing any procurement, it is essential that the Authorised Officer leading the procurement has identified the needs of the Council and fully assessed any options for meeting those needs. The size, scope, term and specification of goods, services and works required must be decided in advance of the procurement process.
- 12.2 Before undertaking a procurement the Authorised Officer shall:
 - 12.2.1 consider all other means of satisfying the Council's needs (including recycling and re-use where appropriate);
 - 12.2.2 consider whether there is an appropriate Framework Agreement which could be used; and
 - 12.2.3 establish a business case for the procurement.
- 12.3 Before commencing any proposed procurement process the Authorised Officer shall:
 - 12.3.1 consult the relevant Cabinet Member 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 the transfer of employees;
 - 12.3.2 consult the Council's procurement advisors or Borough Secretary where the value of any contract is likely to be in excess of **£25,000**;
 - 12.3.3 assess the risks associated with the purchase and how to manage them

- 12.3.4 consider what procurement method is most likely to achieve the objectives
- 12.3.5 consult the Council's procurement advisers where the value of any contract is likely to be less than £25,000 to enable maximum use of core supply agreements; and
- 12.3.6 consult with the Borough Secretary in respect of any Regulations and any other legal or related issues.

12.4 The Authorised Officer shall have regard to any advice, procedures and requirements arising from such consultation and in particular to the need for requirements and formalities associated with these Rules and Regulations and to be carried out with advice from the Borough Secretary.

13 ESTIMATING THE CONTRACT VALUE

- 13.1 For the purposes of these Rules the value of any contract shall be a genuine pre-estimate of the value or consideration for the contract as a whole over the entire contract period (excluding VAT) including extensions and options.
- 13.2 The Council should make the best use of its purchasing power by aggregating purchases wherever possible and should consider the use of lots. Goods, services or works shall not be split in an attempt to avoid the applicability of these Rules or the Regulations.

14 ELECTRONIC QUOTATIONS AND TENDERS

- 14.1 Wherever practical Quotations and Tenders should be issued and submitted by electronic means using the services and advice of the Council's procurement advisors...
- 14.2 For procurements for EU Regulated Contracts, the procurement process shall be conducted by electronic means and free and unrestricted access should be given to the procurement documents in accordance with Regulation 53 of the Regulations (subject to measures taken to protect the confidential nature of information).

15 SUITABILITY

- 15.1 The Council shall only enter into a contract with a Supplier if it is satisfied as to the Supplier's:
 - 15.1.1 suitability to pursue a professional activity;
 - 15.1.2 economic and financial standing; and
 - 15.1.3 technical and professional ability.
- 15.2 Technical ability includes the Supplier's quality management systems, staff and technical resources, health and safety and environmental management systems where relevant and proportionate to the performance of the contract. In addition with regard to technical ability, the Council may impose extra requirements to ensure that the supplier possesses the

necessary staff and technical resources and experience to perform the contract to the Council's required standard.

- 15.3 For all Low Value Contracts and all High Value Contracts which are below the EU Threshold for Services and Supplies, a two stage procedure in which limited numbers of Suppliers are pre-qualified must not be used. The SQ should not be used for these procedures. Instead, the Council may ask suitability assessment questions and all Suppliers meeting the Council's minimum selection criteria in respect of those questions must have their Quotations or Tenders evaluated.

PART 4: PROCUREMENT PROCEDURES

16 CATEGORIES OF CONTRACT

- 16.1 For the purposes of these Rules contracts have been categorised according to value: Please see table below:

Goods, Services of Works Contract Value			Type of enquiry/tender/contract	Advertise	Documents	Approval
From (£)	To (£)					
0	1,999	Low value	No quotation required	Optional	Any	Authorised Officer
2,000	24,999	Low value	Written quotations from a minimum of three suppliers A faxed or e-mailed quotation will be acceptable	Optional	Any	Authorised Officer
25,000	99,999	Low value	Written quotations from a minimum of three suppliers. The enquiry must use the Council's procurement advisor RFQ template and should contain a form of the Council's Terms and Conditions which needs compliance	Contracts Finder	Council RFQ, Council Terms and Conditions	Director/Borough Secretary
100,000	EU Threshold	High value	Invitation to Tender. Minimum 3 bids	Contracts Finder	Procurement Invitation to Tender and Council Terms and Conditions	Director/Borough Secretary

EU Threshold		EU	Invitation to Tender Must follow The Regulations	OJEU/ Contracts Finder	Procurement Invitation to Tender and Council Terms and Conditions	Director/ Borough Secretary
Framework	N/A	Various	Follow the terms and conditions of the relevant framework Agreement	No	Framework Agreement Terms and Conditions	High value Director/ Borough Secretary

17 LOW VALUE PROCUREMENT (BELOW £100,000) - QUOTATIONS

- 17.1 The number and nature of any competitive quotations required for contracts or orders with an estimated value of below £100,000 are detailed within the tables above.
- 17.2 Where applicable, competitive quotations should be sought from Suppliers selected from an Approved List where one exists, in accordance with these Rules.
- 17.3 Where the Approved List does not have any Suppliers of the relevant services, goods or works or has insufficient potential Suppliers, tenders should be sought from other Suppliers in accordance with these Rules.
- 17.4 To consider following discussion - advertising requirements for low value contracts
- 17.5 If a Low Value Contract opportunity is advertised, the contract opportunity must also be published on Contracts Finder. Details of the contract award decision must also be published on Contracts Finder.
- 17.6 To consider following discussion - Quotation documentary requirements and evaluation. Refer back to selection above re separate qualification stage and below threshold provisions.
- 17.7 All quotations shall be evaluated in accordance with the criteria notified in advance to Suppliers submitting quotations.
- 17.8 Quotations for Low Value Contracts may only be accepted by employees with the requisite delegated authority and only after the Authorised Officer has ensured that the relevant budget holder has sufficient funds in place to sustain the contract.
- 17.9 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement regardless of the value.
- 17.10 Any procurement which may involve a transfer of staff shall be treated as a High Value Procurement.

18 HIGH VALUE PROCUREMENT (GREATER THAN £100,000)

- 18.1 For procurements valued at £100,000 or above, a tender shall be conducted in accordance with these Rules.
- 18.2 Tenders for High Value contracts can be invited in accordance with these Rules or the Authorised Officer shall invite tenders by way of a Contract Notice detailing the Council's requirements. The Contract Notice must be published in at least one web based portal (save where specific circumstances render the portal requirement inappropriate) and on Contracts Finder.
- 18.3 Prior to the commencement of the tender procedure the Authorised Officer shall develop a procurement approach, which shall set out the information requirements required by the Council and any national regulations and/or code of practice.
- 18.4 The Tender must be run in accordance with Part 5 below.

19 EU REGULATED CONTRACTS

- 19.1 Where an estimated value of a contract exceeds the relevant current EU threshold then the contract shall be tendered in accordance with the Regulations. Under the Regulations, the contract may be tendered under the Open, Restricted or, in the exceptional circumstances set out in the Regulations the Competitive Dialogue Procedure or Competitive Procedure with Negotiation or innovation partnerships. A call for competition in the prescribed form (Contract Notice or Prior Information Notice) shall be published in the OJEU.
- 19.2 The Regulations set out the minimum timescales for the receipt of expressions of interest, tenders and standstill periods.
- 19.3 The provisions in Part 5 of these Rules also apply to EU regulated procurements.

PART 5: TENDERS – HIGH VALUE AND EU REGULATED

20 TENDERS

- 20.1 This Part 5 of the Rules applies to the procurement of High Value Contracts and EU Regulated Contracts only. It does not apply to Low Value Contracts.

21 INVITATION TO TENDER

- 21.1 The ITT (or appropriate equivalent invitation document) shall include details of the Council's requirements for the particular contract including:

- a description of the services, goods or works being procured;

- the procurement timetable, including the return date and time, which shall allow a reasonable period for applicants to prepare their tenders;
- a specification and instructions on whether any variants are permissible;
- the Council's Terms and Conditions of Contract, which must be approved by the Borough Secretary in writing;
- the evaluation criteria, sub-criteria, including all weightings and sub-criteria weightings;
- the pricing mechanism and instructions for completion;
- if relevant, whether the Council is of the view that TUPE may apply;
- the form and content of any method statements to be provided;
- rules for submission of tenders;
- an assessment of whether a Performance Bond and/or Parent Company Guarantee (if applicable) shall be required from the preferred tenderer;
- the appropriate type of insurance required for the contract (employee liability, public liability, professional indemnity etc.) and the level of insurance required for the contract (such details to be provided in consultation with the Council's Risk Manager); and
- any further information which will inform or assist tenderers in preparing tenders.

21.2 The ITT or other 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, state that the Council reserves the right not to accept any tender or to accept the lowest tender. In addition, the ITT and any other tender documents will state that all tenderers will pay their own costs which are not recoverable.

22 SUBMISSION AND OPENING OF TENDERS

22.1 Tenders shall be submitted in accordance with the requirements set out in the ITT. Any tenders received:

22.1.1 must be submitted either:

- (a) via an approved electronic tendering system that meets the criteria specified;
or
- (b) by post addressed to the Borough Secretary in a sealed envelope endorsed with the word 'tender' followed by the subject matter to which it relates. The envelope shall not be marked in any way that allows the identity of the tenderer to be determined. Tenders shall be kept in a safe place by the

Borough Secretary and remain unopened until the time and date specified for their opening;

22.1.2 A late tender will not be accepted or considered unless the Borough Secretary has given specific written approval after taking all relevant circumstances into account and considering the legal implications of accepting a late tender and consulting with the relevant officers.

22.2 Postal tenders shall be opened by the Authorised Officer and at least one other employee nominated by the Borough Secretary. An immediate record must be made of the tenders received including names, addresses and the date and time of opening. An electronic audit trail of electronic tenders must be maintained.

23 ERRORS IN TENDERS

23.1 Where an error or discrepancy is found in a tender before acceptance, details of it may be given to the Supplier and they shall be given an opportunity of confirming or withdrawing their offer.

23.2 In the case of genuine 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.

24 TENDER EVALUATION

24.1 Where appropriate, the Authorised Officer shall form an evaluation team with responsibility for evaluating Tenders.

24.2 Tenders shall be awarded on the basis of most economically advantageous tender to the Council.

24.3 The evaluation criteria shall be predetermined and set out in the ITT. Tenders shall be evaluated in accordance with those criteria and with the relevant Regulations (where relevant).

25 BONDS, GUARANTEES AND INSURANCE

25.1 For High Value Contracts and EU Regulated Contracts, the Chief Finance Officer and the Borough Secretary shall consider as part of the selection stage assessment and evaluation process whether a Performance Bond and/or a Parent Company Guarantee (if applicable) shall be required from the preferred tenderer.

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

26 ACCEPTANCE OF TENDERS

- 26.1 In the case of High Value Contracts the Chief Executive or the Borough Secretary in conjunction with the Director concerned shall have power to accept the most economically advantageous tender if payment is to be made by the Council **provided that** such tender does **not** exceed or fall short of the approved estimate as the case may be.
- 26.2 In the case of High Value Contracts, no acceptance shall take place until the Council, Cabinet (or Cabinet Member or senior Officer if delegated powers apply), the committees, sub-committee, or Monitoring Officer and Chief Finance Officer in exercise of their powers under these Rules shall have considered a report from the Authorised Officer or other relevant person indicating their recommendation and objectively justifying this, regard being taken in such evaluation both to the Regulations in respect of the most economically advantageous tender in respect of such contract and also the general duty on the Council to procure value for money as reflected (if applicable) in any individual conditions of tender. .In addition, it is important to ensure that where Council, The Cabinet or a Committee of the Council, have considered a process for the award of a high value contract, the appropriate senior officer and elected member delegations, where considered necessary, are in place and recorded in the appropriate minute of the relevant Council meeting, i.e. Full Council, Cabinet or committee.
- 26.3 An acceptance letter for all contracts exceeding £100,000 in value shall only be issued by the appropriate Director.

27 POST-TENDER NEGOTIATION

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

28 DEBRIEFING

- 28.1 The Authorised Officer responsible for each Tender shall provide appropriate information to unsuccessful tenderers on written request, consulting the Council's procurement advisors on the form and content of such information where necessary.
- 28.2 The Authorised Officer in consultation with the Council's procurement advisors will impose a stand still period in accordance with the statutory regulations and advised best practice.

29 CONTRACT AWARD NOTICE

- 29.1 For EU Regulated Contracts, the Council's procurement advisors shall publish a Contract Award Notice in the OJEU within the relevant timescales appropriate thereto.
- 29.2 Notices of the contract award decision should be published on Contracts Finder for all High Value Contracts and EU Regulated Contracts.

PART 6: ALL CONTRACTS

30 LETTERS OF INTENT

- 30.1 Letters of Intent shall only be used in exceptional circumstances as follows:
- 30.1.1 where a tenderer is required to provide services, goods or works prior to formal written acceptance by the Council; or
 - 30.1.2 where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.
- 30.2 Letters of Intent may only be issued by the Borough Secretary after the Authorised Officer has obtained any necessary consents to do so and the legal and financial implications have been carefully considered.
- 30.3 Where an error or discrepancy is found in a tender before acceptance, details of it may be given to the Supplier and they shall be given an opportunity of confirming or withdrawing their offer.
- 30.4 In the case of genuine 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 and if considered necessary the Borough Secretary can be consulted.

31 TENDER EVALUATION

- 31.1 Where appropriate, the Authorised Officer shall form an evaluation team with responsibility for evaluating Tenders.
- 31.2 Tenders shall be awarded on the basis of most economically advantageous tender to the Council
- 31.3 The evaluation criteria shall be predetermined and set out in the ITT. Tenders shall be evaluated in accordance with those criteria and with the relevant regulations (where relevant)

32 BONDS, GUARANTEES AND INSURANCE

- 32.1 For High Value Contracts and EU Regulated Contracts, the Chief Finance Officer and Support and the Borough Secretary shall consider as part of the selection stage assessment and evaluation process whether a Performance Bond and/or a Parent Company Guarantee (if applicable) or any other form of security shall be required from the preferred tenderer.
- 32.2 The Authorised Officer shall consider in consultation with the Council's Risk Manager the appropriate type (e.g. employee liability, professional indemnity etc.) and level of insurance requirements for each contract.

33 CONTRACT TERMS AND CONDITIONS

All contracts shall be entered into on the Council's Terms and Conditions, and subject to all regulations presently in force, which shall be included with each Quotation or Tender. Exceptions to this must be approved by the Borough Secretary.

34 EXECUTION OF CONTRACTS

- 34.1 In the case of contracts for the supply of goods, services, or the execution of works of a value or amount in excess of £250,000 and 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 any further relevant regulations 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 Borough Secretary, the Chief Executive, the Chief Finance Officer or a senior solicitor who is also authorised by the Borough Secretary PROVIDED THAT for the avoidance of doubt, formal contracts exceeding £100,000 in value shall be signed by one of the foregoing.
- 34.2 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Borough Secretary.

35 RECORDS OF QUOTATIONS, TENDERS AND CONTRACTS

- 35.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all quotations or tenders received.
- 35.2 The Authorised Officer must notify the Council's procurement advisors of the details of the award of every contract above £20,000.
- 35.3 A contracts register of all Contracts awarded above £20,000 shall be maintained by the Council's procurement advisor. The contracts register may be maintained electronically.
- 35.4 For all EU Regulated Contracts, the Authorised Officer must maintain a written and detailed report of the procurement and retain sufficient documentation to justify decisions made during that procurement in accordance with these Rules and relevant statutory regulations.

36 NOMINATED AND NAMED SUB-CONTRACTORS

- 36.1 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main Supplier, quotations or tenders for that sub-contract must be invited in accordance with these Rules and the terms of the invitation shall be compatible with the main contract.
- 36.2 The terms of the invitation shall require an undertaking by the sub-contractor 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 services, works or goods included in the sub-contract and enter into an agreement to indemnify the Council in such terms as may be prescribed.

- 36.3 The relevant Director, or other authorised person, shall nominate to the main Supplier the person whose tender is, in their opinion, the most satisfactory and offers the best value, provided that, where the tender is other than the lowest received save where an award is made in accordance with pre-determined criteria and detailed in writing the circumstances shall be reported and recorded as provided by these Rules.

37 CONTRACT EXTENSION

- 37.1 Any contract may be extended in accordance with its terms. Any further extensions shall require the approval of Cabinet (or senior Officer 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.
- 37.2 The Authorised Officer shall always be satisfied that an extension will achieve Value for Money and is reasonable in all the relevant circumstances. Such extension must be approved in writing by the Borough Secretary.

38 TERMINATION OF CONTRACT

The Borough Secretary must be consulted with regard to any termination or proposed termination of any Contract.

39 REVIEW AND AMENDMENT OF CONTRACT PROCEDURE RULES

These Rules shall be reviewed on a yearly basis and form part of the Council's Constitution and can only be amended by the Council on recommendation from the Council's Constitutional Review Working Party or in exceptional/urgent circumstances by a written report to Council from the Council's Chief Executive and/or Borough Secretary.

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

9th July 2018

Agenda Status: Public

Directorate: Chief Executive

Report Title	Community Governance Review
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1. Purpose

- 1.1 The purpose of this Report is for Full Council to consider establishing a community governance review Cross Party Working Group to oversee a community governance review of the unparished areas of the Borough of Northampton.

2. Recommendations

Full Council is recommended to:

- 2.1 Agree that a community governance review under Part 4 of the Local Government and Public Involvement in Health Act 2007 be undertaken in respect of the unparished areas of the Borough of Northampton (shown as the unshaded areas on the map at Appendix 1).
- 2.2 Agree to the establishment of a Cross Party Working Group (the 'Working Group') comprised of six Members of the Council to:
- a) consider the requirements of the community governance review process under the Local Government and Public Involvement in Health Act 2007 and statutory guidance, and to make recommendations to Full Council regarding the Terms of Reference for the review and the process to be followed including the public consultation element;
 - b) as part of the community governance review process, produce proposals for Council's consideration at future meetings in relation to community governance arrangements in the unparished area of the Borough of Northampton; and

- c) consider all further connected and ancillary matters arising from a community governance review of the unparished areas of the Borough of Northampton.
- 2.3 Make appointments to the Working Group proposed in paragraph 2.2 so that it is comprised of three Conservative Members, two Labour Members and one Liberal Democrat Member of the Council.
- 2.4 Delegate authority to the Chief Executive in consultation with the proposed Working Group to enter into any necessary contracts or agreements connected with the work of the Working Group as set out in paragraph 2.2.
- 2.5 Agree to delegate a budget of up to £30,000 to undertake any specialist activity associated with undertaking a community governance review.

3. Issues and Choices

3.1 Report Background

- 3.1.1 At its meeting on 4th June 2018, Full Council considered the issue of local government reorganisation in Northampton. This discussion followed the Best Value Inspector's Report issued in relation to Northamptonshire County Council, which suggested the creation of unitary authorities in Northamptonshire, and the Secretary of State's subsequent invitation to each local authority in the County to submit a proposal for a single tier of local government in Northamptonshire.
- 3.1.2 The report that Full Council considered on 4th June 2018 stated that consideration would need to be given to whether Northampton Borough Council undertake a community governance review ('CGR') to look at the potential for creating a parish council for the town of Northampton, as part of the consideration of the future of all tiers of local government locally. The report explained that a parish council can, if it so determines, once created be known as a town Council which can elect a Mayor annually.
- 3.1.3 A CGR is a process conducted pursuant to provisions in Part 4 of the Local Government and Public Involvement in Health Act 2007 ('LGPIHA 2007'). CGRs enable principal councils to review and make changes to community governance within their area. A CGR process considers matters such as the creation of new parishes and the establishment of parish councils, and other matters such as making changes to parish boundaries and electoral arrangements.
- 3.1.4 At present, there are ten parish councils surrounding the periphery of the Borough but a large proportion of the overall Borough remains unparished. The map of the Borough at Appendix 1 shows the existing parish councils as shaded areas. The remainder of the area is unparished. It is recommended that this area, being the entire unparished area, is the subject of a community CGR.
- 3.1.5 The creation of a town council (which is a parish council) in Northampton could be one of the issues that the CGR process considers. Undertaking a review of

the entire unparished area would give the Council the scope to consider the identities and interests of the communities in that area and whether the creation of one or more parish councils within that area would be effective in community governance terms.

- 3.1.6 In order to formally commence a CGR, in accordance with section 81 of the LGPIHA 2007, the Council would need to publish the Terms of Reference on which the review is to be undertaken. The Terms of Reference would set out how the review would be conducted, the expected timescales, its focus and other key considerations.
- 3.1.7 It would be for the Council to decide how to conduct the review, but there are certain duties that it must comply with including the following:
- Consultation – local government electors for the area under review and any other person or body which appears to the Council to have an interest in the review must be consulted.
 - The requirement to have regard to the need to secure that community governance within the area under review:
 - a) reflects the identities and interests of the community in that area; and
 - b) is effective and convenient.

Further, in deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes and their institutions) that a) have already been made, or b) could be made, for the purposes of community representation or community engagement in respect of the area under review.

- 3.1.8 When conducting a CGR, a principal council is required to have regard to guidance issued by the Secretary of State. The document, *Guidance on Community Governance Reviews* issued by the Secretary of State and the Local Government Boundary Commission for England was published in March 2010.
- 3.1.9 The CGR process results in final recommendations being made by the Council following consideration of representations made during public consultation. Any final recommendations agreed by the Council are published and Members subsequently decide to what extent to give effect to the recommendations. Any final recommendations which are accepted are given effect through the making of Reorganisation Order by the Council. This is a formal legal order which effects the change in community governance arrangements.
- 3.1.10 This is a summary only of the main aspects of the Community Governance Review. The process will need to be considered in further detail by a future meeting of Full Council.

3.2 Decision details

- 3.2.1 Full Council is asked to agree that a community governance review under Part 4 of the LGPIHA 2007 be undertaken in respect of the unparished areas of the Borough of Northampton (shown as the unshaded areas on the map at Appendix 1). It should be noted that a CGR commences when Terms of Reference for the review are approved and published.
- 3.2.2 This report to Full Council seeks to start the process by recommending the establishment of a Cross Party Working Group. The Working Group would not have any decision making powers and would only make recommendations. It is recommended that the Working Group carry out the following activities:
- a) consider the requirements of the CGR process under the LGPIHA 2007 and statutory guidance, and make recommendations to Full Council regarding the Terms of Reference for the review and the process to be followed including the public consultation element;
 - b) as part of the CGR process, produce proposals for Council's consideration at future meetings in relation to community governance arrangements in the unparished area of the Borough of Northampton; and
 - c) consider all further connected and ancillary matters arising from a community governance review of the unparished areas of the Borough of Northampton.
- 3.2.3 The suggested composition of the Working Group is set out at paragraph 2.3.
- 3.2.4 Conducting a CGR process and carrying out the necessary consultation over a wide geographical area is a significant undertaking. Establishing a Councillor Working Group that is supported by Officers would assist in ensuring that a robust process is set up and that the process itself is run effectively.
- 3.2.5 In terms of next steps, if the Working Group is established as recommended in this report, the Working Group would need to meet to consider the CGR and to formulate draft Terms of Reference for consideration by Full Council.
- 3.2.6 It is likely that the Working Group will require some external and/or specialist support in addition to the support that Officers will provide. Full Council is therefore recommended to delegate authority to the Chief Executive in consultation with the proposed Working Group to enter into any necessary contracts or agreements connected with the work of the Working Group. It is proposed a small working budget of £30,000 that can be drawn from, is established.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There is no specific policy reference for this report. However, the proposals in this report are supportive of the Council's Corporate Plan Priority, "Love Northampton" which is for, "Northampton to have a great community spirit,

with people actively participating in local democracy, taking pride in Northampton, its environment and its communities”.

4.2 Resources and Risk

4.2.1 At this stage, in establishing a Working Group, there are no identified risks. However, a full analysis of risks will be undertaken upon the formal commencement of the CGR.

4.2.2 The Working Group will be supported by Officers. This report has recommended that a budget of £30,000 be made available to undertake any specialist activity in connection with a CGR. This will be resourced from the MTFP Cashflow Reserve.

4.3 Legal

4.3.1 The legal framework for conducting CGRs is referenced in the body of this report.

4.4 Equality

4.4.1 There are no equality implications arising directly from this report. However, upon the formal commencement of a CGR process, equalities issues will need to be considered in detail at all stages, in particular when conducting public consultation and when formulating recommendations. Community impact assessments would be carried out at relevant stages of the process.

4.5 Other Implications

4.5.1 None.

5. Background Papers

5.1 None

George Candler
Chief Executive

Francis Fernandes
Borough Secretary

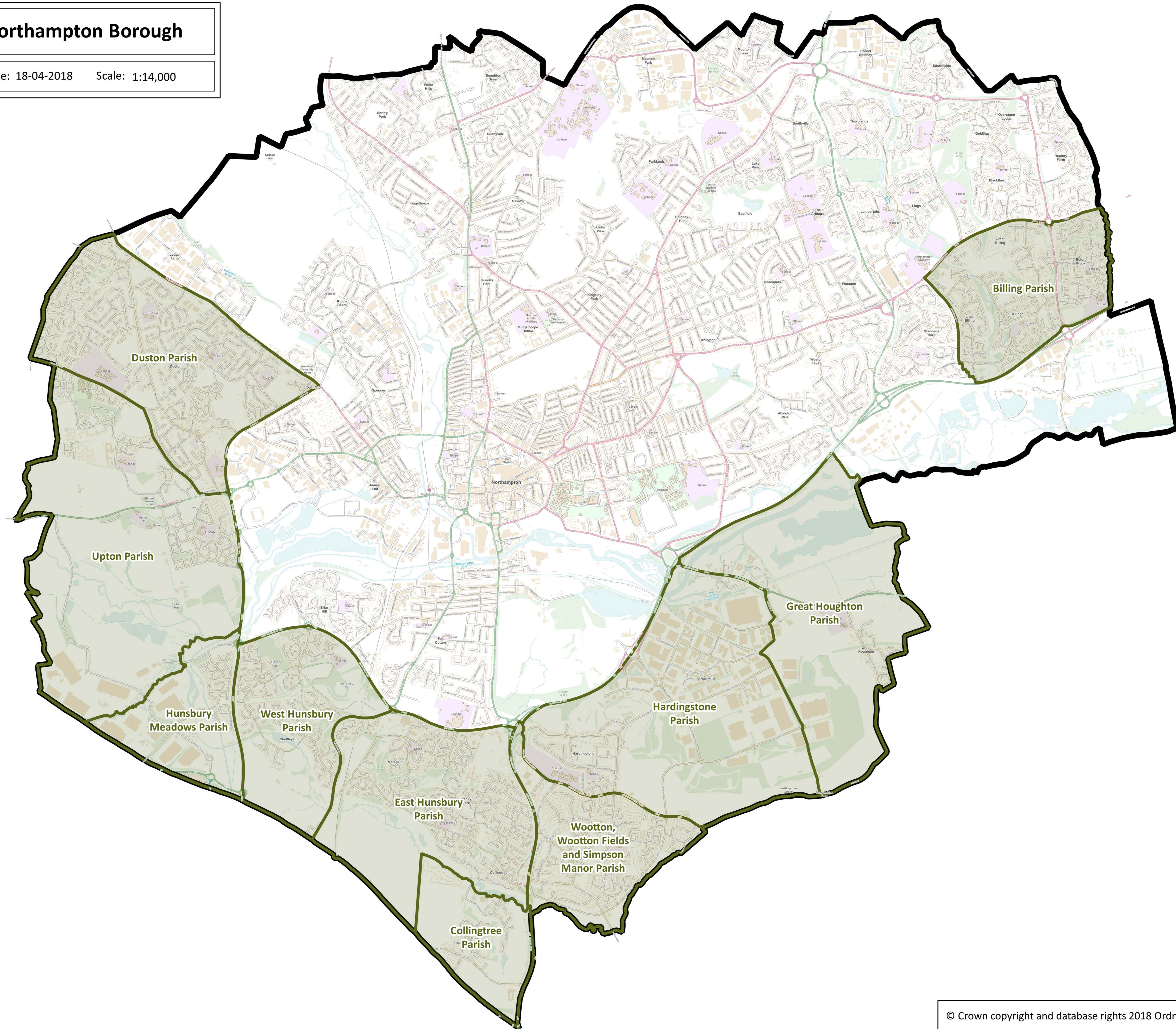
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NORTHAMPTON
BOROUGH COUNCIL

Northampton Borough

Date: 18-04-2018 Scale: 1:14,000



<p>Appendices: 0</p>



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL
9th July 2018

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Appointment of Chief Finance Officer (Section 151)
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1. Purpose

- 1.1 To confirm the appointment of the Chief Finance Officer (Section 151), following the end of the provision of this service by LGSS.

2. Recommendations

- 2.1 That Council confirms the appointment of Stuart McGregor as Chief Finance Officer (Section 151 Officer) from the 1st June 2018.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The position of Chief Finance Officer is critical to the governance of Councils. Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs.
- 3.1.2 Section 151 requires Council to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs.
- 3.1.3 The Chief Finance Officer has a number of statutory duties which include the duty to report any unlawful financial activity involving the authority or failure to set or keep to a balanced budget. The Chief Finance Officer also has a number of statutory powers in order to allow the role to be carried out.

- 3.1.4 Until 31st May 2018, the Chief Finance Officer (Section 151 Officer) was provided to the Council by LGSS through a Partnering and Delegation Agreement.
- 3.1.5 On the 22nd January 2018, Council resolved that Stuart McGregor be appointed as Chief Finance Officer (Section 151 Officer) from 18th February, until 1st June 2018, or later if otherwise agreed as being needed until a permanent appointment be made.
- 3.1.6 On 22nd January 2018 Council also resolved that the Chief Finance Officer (Section 151 Officer) role revert back to the Council's employment on a full-time basis post 1st June 2018, or as soon as reasonably practicable, and that recruitment to that permanent position be undertaken.
- 3.1.7 The Council has brought the Chief Finance Officer (Section 151 Officer) role back in-house from 1st June 2018, so that the post holder is employed directly by the Council as an interim on a fixed-term basis. Due to the ongoing discussions in the County about the potential creation of unitary authorities in the County from 2020, the role will not be recruited to permanently.
- 3.1.8 From 1st June 2018, Stuart McGregor continued to undertake the Chief Finance Officer role. However, the basis of his engagement was changed, so that he became engaged by the Council directly and was no longer provided through the LGSS Contract. Full Council is therefore asked to confirm the appointment of Stuart McGregor as Chief Finance Officer (Section 151 Officer) from the 1st June 2018.
- 3.1.9 As stated in the report to Council in January, Mr McGregor has accountancy experience in the public sector spanning 30 years, the last 14 of which has been primarily in local government - including as Chief Finance Officer (Section 151) for Havant BC and East Hampshire BC, North Wiltshire DC and, most recently, Wycombe DC. He has also acted as Head of Paid Service.
- 3.1.10 The appointment to the post is ordinarily undertaken by the Appointments and Appeals Committee however, due to continuing changes in circumstances this has been referred to Council for confirmation.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 None

4.2 Resources and Risk

- 4.2.1 There are no resource implications arising directly from this Report. The anticipated revenue budget costs of bringing the role in-house were identified to Full Council when it resolved on 22nd January 2018 that the post should revert to the Council's employment.

4.3 Legal

- 4.3.1 Section 151 of the Local Government Act 1972 requires the Council to appoint an Officer to act as its Chief Finance Officer, to be responsible for the administration of the Council's financial affairs.

4.4 Equality

- 4.4.1 There are none.

4.5 Other Implications

- 4.5.1 None

5. Background Papers

- 5.1 None

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