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Part 1

Summary and Explanation

THE CONSTITUTION OF THE COUNCIL

Northampton Borough Council operates in accordance with a new Constitution, which sets out:

- how the Council functions;
- how decisions are made; and
- the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

Some of these processes are required by the law, while others are a matter for the Council to decide.

The Constitution is divided into 18 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate Rules and Protocols annexed to this Constitution.

CONTENTS OF THE CONSTITUTION

Article 1 of the Constitution commits the Council to use its best endeavours to provide economic efficient and effective local governance to its citizens in the best interests of Northampton as a whole. Articles 2-18 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4).
- Chairing the Council (Article 5).
- The Overview and Scrutiny Committee (Article 6).
- The Cabinet (Article 7).
- Regulatory and other Committees (Article 8).

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

HOW THE COUNCIL OPERATES

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

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

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

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

HOW DECISIONS ARE MADE

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

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

OVERVIEW AND SCRUTINY

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

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

FORUMS

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

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

THE COUNCIL'S EMPLOYEES

The Council has people working for it (called "Officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Protocol on Member/Employee Relations governs the relationship between Officers and Members of the Council.

CITIZENS' RIGHTS

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

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee to the extent referred to in the Council's Guidelines for Open Government which are set out in Part 4 of this Constitution;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers, and when;
- attend meetings of the Cabinet where Key Decisions are being discussed or decided;
- subject to the rules as to Confidential and Exempt Information, see reports and background papers, and any record of decisions made by the Council and the Cabinet;

- complain to the Council about its functions or its operation in accordance with its Complaints Procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. They should however only do this after using the Council's own Complaints Procedure;
- complain to the Council's Standards Committee if they have evidence which they think demonstrates that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor; and
- petition the Council in accordance with the Council's Scheme to Respond to Petitions.

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

Part 2

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

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

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as provided by Article 17.

Article 2 - Members of the Council

2.1 Composition and Eligibility

2.1.1 **Composition** - The Council will comprise 45 Councillors, (otherwise called Members). One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Commission for England and approved by the Secretary of State.

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

2.2 Election and Terms of Councillors

Election and Terms - The regular election of Councillors will be held on the first Thursday in May every four years which began in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election (subject to the relevant provisions of the Local Government Act 2000 as amended). In the event of a Councillor not continuing in office, a by-election will be held at the earliest opportunity.

2.3 Roles and Functions of all Councillors

2.3.1 **Key Roles** - All Councillors will:

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

- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

2.3.2 Rights and Duties

- Councillors will have rights to see and access such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- Councillors will not make public information, which is Confidential or Exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- For these purposes, "Confidential" and "Exempt" information are defined in the Guidelines for Open Government in Part 4 of this Constitution.

2.4 Conduct

Councillors will at all times abide by the Model Code of Conduct for Councillors, any other relevant Codes of Conduct and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

2.5 Allowances

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

Article 3 - Citizens and the Council

3.1 Citizens' Rights

The rights of citizens to information and to participate in the democratic process are explained in more detail in the Access to Information Procedure Rules and the Guidelines for Open Government in Part 4 of this Constitution:

3.1.1 **Voting and Petitions** - Citizens on the electoral roll for the Borough of Northampton have the right to vote and sign a petition to request a referendum for an elected mayoral form of executive.

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

- attend meetings of the Council and its committees in accordance with the Council's Guidelines for Open Government except where Confidential or Exempt Information is likely to be disclosed, and the meeting is therefore held in private;
- attend meetings of the Cabinet in accordance with the Cabinet Procedure Rules and the Council's Guidelines for Open Government when Key Decisions are being considered;
- find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
- see reports and background papers, (except where Confidential or Exempt Information is involved,) and any records of decisions made by the Council and the Cabinet;
- inspect the Council's accounts and make their views known to the external auditor;
- address the Council and its committees in accordance with the Council's Guidelines for Open Government; and
- receive information in accordance with the Freedom of Information Act 2000 and/or Environmental Information Regulations 2004.

3.1.3 **Participation** - Citizens are entitled to attend and ask questions or address the Council, its Cabinet or Committees in accordance with rules in this Constitution but must comply with the rulings of the Chair. Citizens may not disrupt meetings or cause undue disturbance, or they may be removed from the meeting.

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

- the Council itself under its Complaints Scheme;
- the Ombudsman after using the Council's own Complaints Scheme;
- the Council's Standards Committee about a breach of the Model Code of Conduct for Councillors.

3.1.5 **Citizens' Responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully damage things owned or in the possession of the Council, Councillors or Officers, or disrupt Council business or cause undue disturbance.

Article 4 - The Full Council

4.1 Meanings

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

- The Council's Corporate Plan;
- The Sustainable Community Strategy for Northampton;
- The Northampton Community Safety Partnership;
- Plans and strategies which together comprise the Development Plan or the Development Plan Framework; and
- The plan and strategy which comprise the Housing Investment Programme.

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

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

4.2 Functions of the Council

Only the Council will exercise the following functions:

4.2.1 adopting and changing and suspending parts of the Constitution as provided by relevant provisions of the Constitution;

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

4.3 Council Meetings

There are three types of Council meeting:

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

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

4.4 Responsibility for Functions

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

Article 5 - Chairing The Council

5.1 Functions of the Mayor

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

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

- 5.1.1 to uphold and promote the purposes of this Constitution, and to interpret this Constitution when necessary;
- 5.1.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- 5.1.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet or hold committee Chairs are able to hold the Cabinet and committee Chairs to account;
- 5.1.4 to promote public involvement in the Council's activities;
- 5.1.5 to be the conscience of the Council; and
- 5.1.6 to attend such civic and ceremonial functions as the Council may determine appropriate.

5.2 Chairing the Council

Meetings of the Council will be chaired by the Mayor or in his/her absence, the Deputy Mayor. Should both be absent the Council will elect a Chair for the Meeting.

Article 6 –The Overview and Scrutiny Committee

6.1 Composition

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

6.2 Terms of Reference

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

6.3 General Role

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

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

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

initial response to their petition.

6.4 Specific Functions

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

6.4.1 Policy Development and Review - The Overview and Scrutiny Committee may:

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

6.4.2 Scrutiny - The Overview and Scrutiny Committee may:

- 6.4.2.1 review and scrutinise the decisions made by and performance of the Cabinet, committees and Council Officers save that where the Overview and Scrutiny Committee is reviewing the decisions of another committee of the Council it will not scrutinise individual decisions particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider policy review, and shall not act as an appeal forum in respect of such individual decisions;
- 6.4.2.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

- 6.4.2.3 question members of the Cabinet and/or committees and [Heads of Service](#) ~~Directors~~ about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- 6.4.2.4 make recommendations to the Cabinet and/or appropriate committees and/or Council arising from the outcome of the overview and scrutiny process;
- 6.4.2.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- 6.4.2.6 question and gather evidence from any person (with their consent).

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

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

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

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

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

6.6 **Overview and Scrutiny Panels**

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

Article 7 - The Cabinet

7.1 Role

The Cabinet is the Council's major decision making body, although certain important, but limited powers are reserved to Full Council or other committees or delegated to Officers.

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

7.2 Form and Composition

Only Councillors may be appointed to Cabinet. There may be no co-optees or deputies or substitutes for Cabinet Members. The Cabinet will consist of the Leader together with not less than two and no more than nine other Councillors appointed to the Cabinet by the Council Leader, (one of whom will be appointed by the Leader to act as Deputy Leader).

7.3 Leader

7.3.1 The Leader will be a Councillor elected to the position of Leader by the Council at the first post-election Annual Council Meeting. If the Council fails to elect a Leader at the post-election Annual Council Meeting, the Leader is to be elected by the Council at a subsequent Full Council Meeting. The Leader will hold office from the day of his/her election as Leader until the day of the post-election Annual Council Meeting which follows his/her election as Leader unless;

7.3.1.1 he/she resigns from office;

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

7.3.1.3 he/she is no longer a Councillor; or

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

7.3.2 If the Full Council passes a resolution pursuant to Article 7.3.1.4 above, a new Leader must be elected at the meeting at which the Leader is removed from office, or at a subsequent meeting.

7.4 Deputy Leader

7.4.1 The Leader of the Council will appoint one of the members of the Executive to be the Deputy Leader of the Council. The Leader must give written notice of such appointment to the person who he/she is appointing as Deputy Leader, the Chief Executive and the Monitoring Officer. The appointment of the Deputy Leader will take effect on receipt by all of these people of the Leader's written notice. The Chief Executive and Monitoring Officer will keep a written record of the appointment of the Deputy Leader and the Leader will report the appointment to Full Council and the Cabinet at the earliest opportunity. The Deputy Leader will hold office until:

7.4.1.1 the end of the term of office of the Leader, subject to Articles 7.4.1.2 to 7.4.1.5 below;

7.4.1.2 he/she resigns from office;

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

7.4.1.4 he/she is no longer a Councillor; or

7.4.1.5 he/she is removed from office by the Leader (such removal taking effect upon receipt by the Chief Executive of a written notice to that effect from the Leader. The Chief Executive and Monitoring Officer will keep a written record of any removal of the Deputy Leader, and the Leader will report any such removal to the Council and the Cabinet at the earliest opportunity).

7.4.2 Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place, in which case the provisions of Article 7.4.1 above shall apply.

7.4.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place.

7.5 Other Cabinet Members

7.5.1 Other Cabinet Members shall be appointed by the Leader. When appointing other Cabinet Members, the Leader must give written notice of the appointment and of the Portfolio to the person he/she is appointing as a Cabinet Member, the Chief Executive and the Monitoring Officer. The appointment of the Cabinet Member will take effect on receipt by all of these people of the Leader's written notice. The Chief Executive and the Monitoring Officer will keep a written record of the appointment of a Cabinet Member and their Portfolio, and the Leader will report the appointment to Full Council and the Cabinet at the earliest opportunity. Such other Cabinet Members will hold office until:

7.5.1.1 they resign from office;

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

7.5.1.3 they are no longer a Councillor;

7.5.1.4 they are removed from office by the Leader either individually or collectively (such removal taking effect upon receipt by the Chief Executive of a written notice to that effect from the Leader); or

7.5.2 If for any reason:

(a) the Leader is unable to act or the office of Leader is vacant; **and**

(b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Executive (the Cabinet) must act in the Leader's place or arrange for another member of the Executive to act in his/her place.

7.6 Proceedings of the Cabinet

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

7.7 Responsibility for Functions

The Leader will determine which individual members of the Cabinet, Committees of the Cabinet, Officers or joint or other bodies are responsible for the exercise of particular Executive Functions. A list will be maintained in Part 3 of this Constitution setting out which individual members of the Cabinet are responsible for the exercise of particular executive functions.

A list will be maintained in Part 8 of this Constitution of functions which are delegated to Officers.

7.8 Executive Arrangements in the Event of no Leader and Cabinet being Elected

Where the Council is unable to appoint a Leader, the following will apply:

- Any function or activity, including executive decision-making which would normally be undertaken by the Cabinet, the Leader or other Cabinet Member will be undertaken by the Chief Executive in consultation with the two Statutory Officers, (the Monitoring Officer and the Chief Finance Officer) and the Leaders of all political Groups.

7.9 Shadow Cabinet

7.9.1 Composition

The Leader of the second largest political Group may choose to form a Shadow Cabinet by their nomination from amongst the Members of the Council and shall notify the Council and the Chief Executive of the names of the Members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time. The distribution of portfolios between and amongst Shadow Cabinet Members will mirror those of the Cabinet, save that a single Member may cover more than one portfolio.

7.9.2 Number of Members

The Shadow Cabinet shall comprise no greater number of Members than the number of Members of the Cabinet.

7.9.3 Role

The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling Cabinet and for contributing constructively to the achievement of the Council's corporate and service objectives and priorities.

7.9.4. Officer Support

7.9.4.1 On request, the Chief Executive, or senior Officers acting under their direction shall attend private meetings of the Shadow Cabinet. At such meetings, the Chief Executive shall brief the Shadow Cabinet on:

- (a) proposals that are to be considered by the Cabinet and that have been published; and
- (b) other matters identified by the Shadow Cabinet.

7.9.4.2 Officer briefings at private Shadow Cabinet meetings shall be factual and professional and non-political in nature and shall not extend to the evaluation of policy options, justifying or defending proposals of the Cabinet, or revealing information and advice that is properly confidential in nature.

7.9.4.3 Officers shall not speak or answer questions at Shadow Cabinet meetings that are open to the general public or anyone who is not a Member of Northampton Borough Council; save for any properly appointed Political Assistant and any Officer present at the request of the Chief Executive.

7.9.4.4 Individual Shadow Cabinet Members are not holders of office within the Council. However, Shadow Cabinet Members may receive advice and support from the Chief Executive or senior Officers acting under their direction. All such advice and support will need to comply with the Protocol on Member/Employee Relations contained in Part 5 of this Constitution.

7.10 Powers

For the avoidance of doubt the Shadow Cabinet will not have any executive powers and in this respect Officers cannot be instructed to act on behalf of the Shadow Cabinet or individual members of the Shadow Cabinet in any way.

Article 8 - Regulatory and other Committees

Regulatory and other Committees

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

Article 9 – The Audit Committee

9.1 The ~~Audit~~ Committee

The Council will establish an Audit Committee:

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

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

9.3 Role and Terms of Reference

9.3.1 To generally consider all relevant processes for risk, control and governance.

9.3.2 To approve and influence (but not direct) internal audit's strategy, plan and performance.

9.3.3 To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.

9.3.4 To consider the reports of external audit and inspection agencies.

9.3.5 To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements and seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

9.3.6 To be satisfied that the Council's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.

9.3.7 To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

- 9.3.8 To review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.
- 9.3.9 To monitor, the implementation of Key recommendations and actions arising from the Council's Improvement Plan.
- 9.3.10 To consider key performance management reports and monitor the effectiveness of performance against the Best Value Performance Plan and key outcomes in the Council's Improvement Plan.
- 9.3.11 To promote relevant value for money studies following particular themes or service areas as appropriate.
- 9.3.12 To approve the Annual Statement of Accounts for submission to the External Auditor and for public consultation and to subsequently approve their adoption.
- 9.3.13 To ensure effective scrutiny of the treasury management strategy and policies.

9.4 Rules of Procedure

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

Article 10 – The Standards Committee

10.1 Standards Committee

The Council Meeting will establish a Standards Committee.

10.2 Membership – The Standards Committee will be composed of nine Councillors. In addition the Standards Committee shall appoint:

- such Independent Members as the Committee considers appropriate. The Independent Members shall not have the right to vote;
- two Parish Council Members without the right to vote.

10.3 Independent Persons

An Independent Person:

- must be consulted and their views taken account of before the Standards Committee/Hearings Panel takes a decision on any allegation that is to be investigated;
- may be consulted by the Monitoring Officer in circumstances where an allegation is not to be investigated;
- may be consulted by a Member against whom an allegation has been made; and
- may be consulted by a Parish Councillor against whom an allegation has been made.

10.4 The Hearings Panel

The Committee shall establish a Hearings Panel.

The Hearings Panel shall be made up of any three Councillors of the Standards Committee, plus an Independent Member (without the right to vote), plus a Parish Council Member (without the right to vote) where a Parish Council issue is to be considered, and shall meet on an ad hoc basis.

The Hearings Panel shall:

- consider any Investigating Officer's report referred to it by the Monitoring Officer and an Independent Person and conduct a hearing to determine if a Member or Co opted Member of the Council (or a member of a Parish Council) has failed to comply with the Members' Code of Conduct (or such Members' Code of Conduct adopted by a Parish Council); and
- announce their findings upon the conclusion of the hearing and if finding a member or Co opted Member of the Council (or Parish Councillor) has failed to comply with the Members' Code of Conduct, set out such sanctions from the list set out in paragraph 8 of the Council's "Arrangements for Dealing with Allegations of Breaches of the Members' Code of Conduct" as they think fit.

10.5 Terms of Reference of the Standards Committee

- 10.5.1 To promote and maintain high standards of conduct by the Members and co-opted members of the Council.
- 10.5.2 To assist Members and co-opted members to observe the Code of Conduct for Councillors.
- 10.5.3 To advise the Council on the adoption or revision of its Code of Conduct.
- 10.5.4 To monitor the operation and effectiveness of the Code of Conduct for Councillors.
- 10.5.5 To advise, train or arrange to train Members and Co-opted Members on matters relating to the Code of Conduct for Councillors and other issues relating to standards and conduct.
- 10.5.6 To assess and review complaints alleging breaches of the Code of Conduct by Members and Co-opted Members.
- 10.5.7 To conduct determinations hearings of complaints alleging breaches of the Code of Conduct through the Hearings Panel as described in 10.4 above.
- 10.5.8 To grant dispensations referred by the Monitoring Officer to Members and Co-opted Members with Disclosable Pecuniary Interests.

- 10.5.9 To promote high ethical standards within Parish Councils.
- 10.5.10 To advise the Council on the adoption or revision of all protocols and/or guidance, insofar as these relate to standards or ethical conduct issues.
- 10.5.11 To consider any matter referred to it by the Monitoring Officer.
- 10.5.12 To exercise such other responsibilities as may be prescribed by law.
- 10.5.13 To undertake any action that improves, promotes, safeguards or facilitates the highest standard, of probity and ethical conduct by the Council its Members and Officers and those with whom it has, or who seek a contractual, financial or other relationship and to advise the Council on the ethical aspects of good governance standards for public service.
- 10.5.14 To monitor the registers of Members' interests made under the Council's Code of Conduct, and to monitor the interests of any Officers who, in accordance with any requirements upon them, are required to declare such interests to the Council.
- 10.5.15 To respond to national reviews and consultations on governance related issues, in so far as they affect standards or ethical conduct issues.

Article 11 - The General Purposes Committee

11.1 General Purposes Committee:

The Council will establish a General Purposes Committee.

11.2 Membership: The General Purposes Committee will be composed of nine Councillors.

11.3 Role and Terms of Reference:

11.3.1 To consider proposals, to make, amend, revoke or re-enact byelaws, to promote or oppose hybrid or personal legislation and to make recommendations to Council and to advise the Council in relation to the making of byelaws in so far as these are not appropriate for consideration by another Committee or body.

11.3.2 To approve personnel, employment and training policies and strategies.

11.3.3 To monitor Health and Safety matters in the context of the Council as an employer.

11.3.4 To consider electoral matters not including those subject to Boundary Commission review.

11.3.5 To consider any matter referred to the Committee by Council or by the Cabinet.

11.3.6 To make recommendations to the Council for the adoption or revision of a scheme of allowances for Members.

11.3.7 To exercise the powers relating to the protection of important hedgerows and the preservation of trees set out in the Town and Country Planning Act 1990 and associated regulations and any relevant legislation and to exercise the function of considering objections to tree preservation orders and deciding whether or not to confirm such orders (with or without modification) where any such objections have been made and not withdrawn.

11.3.8 To exercise those functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the "Functions Regulations") or other relevant legislative provision, are not to be the responsibility of a local authority's executive; and which have not been made the responsibility of any

other Committee of the Council and are not functions that only the full Council can exercise (whether by law or under any provision of the Constitution or because of a specific direction or election by Council to that effect).

11.3.9 To exercise all other functions referred to in Schedule 2 of the Functions Regulations (ie. "local choice" functions) not specifically allocated.

Article 12 - Forums

12.1 Forums

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

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

Disabled People's Forum

Objectives

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

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

Objectives

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

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

Pensioners' Forum

Objectives

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

Diverse Communities Equality Forum

Objectives

1. The Forum seeks to equalise access by people of all ethnic and cultural backgrounds to the services and benefits provided by the Council by:
 - 1.1 providing information about those services and how to access them;
 - 1.2 identifying barriers to access to services which adversely affect groups or individuals of any ethnic, faith or cultural background;
 - 1.3 promoting two-way dialogue between the Council, its Members and senior Officers and representatives of:
 - 1.3.1 ethnic and culturally diverse communities;
 - 1.3.2 newly arrived and emerging communities; and
 - 1.3.3 faith communities; and
 - 1.4 promoting community cohesion through working in ways which promote and support effective relationships and engagement between the Council and the community.
2. To provide a Forum in which:
 - 2.1 the above-mentioned community groups can express their needs for, and their views on, services provided by the Council and its partners through a range of meetings, events and other means;
 - 2.2 the Council can consult representatives of the above-mentioned communities on policy and service delivery issues including in relation to impacts on the above-mentioned communities;
 - 2.3 members of the Forum can feed into national and regional consultations; and
 - 2.4 groups and agencies can exchange information about their own activities and plans.

3. For members of the Forum who have internet access, there is the opportunity to keep informed and share information about community events, consultations etc via the group emails.

4. The Forum may from time to time
 - 4.1 operate sub-groups or project work groups e.g. to focus on inter faiths work; and/or
 - 4.2 work with other groups including other Forums e.g to encourage participation in local democracy through supporting work led by Youth Forum in October each year; e.g. to raise awareness of suffering in the past and today in situations of war and discrimination through active involvement with the Holocaust Memorial Working Group.

Women's Forum

Objectives

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

Youth Forum

Objectives

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

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

Article 13 - Joint Arrangements

13.1 Arrangements to Promote Well-being

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

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

13.2 Joint Arrangements

13.2.1 The Council may, if it so elects, establish joint arrangements with one or more other local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

13.2.2 The Cabinet may, if it so elects, establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

13.2.3 Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the Council as a whole.

13.2.4 The Cabinet may appoint Members to a joint committee from outside the Cabinet in the circumstances where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a ward, which is wholly or partly contained within the area. In such a case the political balance requirements do not apply to such appointments.

13.2.5 Details of any such joint arrangements if applicable, including any delegations to joint committees, will be found in Part 3 of this Constitution.

13.3 Access to Information

13.3.1 The Access to Information Rules in Part 4 of this Constitution apply.

13.3.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

13.3.3 If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

13.4 Delegation to and from other Local Authorities

13.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

13.4.2 The Cabinet may in certain circumstances delegate executive functions to another local authority or the executive of another local authority.

13.4.3 The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

13.5 Contracting Out

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

Article 14 - Officers

14.1 Management Structure

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

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

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all Officers). Provision of professional advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).
<u>Head of Economy, Assets and Culture</u>	<u>Assets; Regeneration Projects, Facilities, Town Centre, Market, Cultural Services</u>
<u>Head of Planning</u>	<u>Building Control; Planning Policy and Heritage; Land Charges; Development Management</u>
<u>Chief Finance Officer</u>	<u>Corporate Governance and Risk; LGSS (Finance, ICT Client Management, Revenues and Benefits); HR (HR Operations, Payroll, Organisational Development, Learning and Development, Health, Safety and Wellbeing).</u>

<u>Head of Customers and Communities</u>	<u>Customers (ICT Delivery, Call Care, Customer Services); Communities (Environmental Health and Licensing, Environmental Services Direct (Rangers and Wardens); Environmental Services (Contract and Support)).</u>
<u>Head of Housing and Wellbeing</u>	<u>Private Sector Housing; Housing Strategy, Housing Options and Advice; Community Strategy and Engagement; NPH Client Management.</u>
<u>Borough Secretary</u>	<u>Legal; Democratic Services; Elections</u>
<u>Director of Regeneration, Enterprise & Planning.</u>	<u>Planning; Regeneration and Development and Asset Management.</u>
<u>Director of Customers & Communities</u>	<u>Public Protection; Neighbourhood Environmental Services; Cultural Services; Town Centre Operations.</u>

14.1.3 **Management Team** - The ~~[Chief Executive](#)~~~~foregoing~~ together with the Monitoring Officer, ~~the Chief Executive, the Director of Regeneration, Enterprise & Planning,~~ the Chief Finance Officer and other Heads of Service, ~~and the Director of Customer & Communities~~ shall constitute the Council's Management Team, who are charged with collective responsibility for oversight, supervision and forward planning of the management of the Council and advice to its Councillors.

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

Post	Designation
Chief Executive	Head of Paid Service
Chief Finance Officer	Chief Finance Officer (Section 151 Officer)
Borough Secretary	Monitoring Officer

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

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

14.2 Functions of the Head of Paid Service

- 14.2.1 **Discharge of Functions by the Council** -- The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- 14.2.2 **Restrictions on Functions**- - The Head of Paid Service may not be the Monitoring Officer.

14.3 Functions of the Monitoring Officer

- 14.3.1 **Maintaining the Constitution**- - The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Councillors, Officers and the public.
- 14.3.2 **Ensuring Lawfulness and Fairness of Decision Making**- - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being

implemented until such report has been considered by Full Council or Cabinet as the case may be.

- 14.3.3 **Supporting the Standards Committee** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- 14.3.4 **Contribution to Corporate Management** - The Monitoring Officer will contribute to the Corporate Management of the Council, in particular through the provision of professional advice on legality, probity and governance issues.
- 14.3.5 **Receiving Reports** - The Monitoring Officer will receive and act on reports made by investigators in Code of Conduct complaint cases made against Councillors ('Standards Cases') and the decisions of any case tribunals.
- 14.3.6 **Conducting Investigations** - The Monitoring Officer will cause to be conducted investigations into Standards Cases in accordance with the Council's Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils, and make reports or recommendations in respect of them to the Standards Committee.
- 14.3.7 **Proper Officer for Access to Information** - The Monitoring Officer will ensure in conjunction with other relevant Officers that executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- 14.3.8 **Advising Whether Executive Decisions are Within the Budget and the Policy Framework** - The Monitoring Officer in association with the Chief Finance Officer will advise whether decisions which are the responsibility of the Cabinet are in accordance with the Budget and Policy Framework.
- 14.3.9 **Providing Advice** - The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, governance and, in conjunction with the Chief Finance Officer, Budget and Policy Framework issues to all Councillors. The Monitoring Officer will provide regular advice to Councillors and Members on restrictions during elections otherwise known as Purdah guidance.

14.3.10 **Restrictions on posts** - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

14.4 Functions of the Chief Finance Officer

14.4.1 **Ensuring Lawfulness and Financial Prudence of Decision Making** - After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Cabinet in relation to an executive function - and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

14.4.2 **Administration of Financial Affairs** - The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

14.4.3 **Contributing to Corporate Management** - The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

14.4.4 **Providing Advice** - The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

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

14.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

14.6 Conduct

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

14.7 Employment

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

Article 15 - Decision Making

15.1 Responsibility for Decision Making

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

15.2 Principles of Decision Making

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

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from Officers;
- respect for human rights and equality ~~(see below for further details)~~;
- a presumption in favour of openness;
- clarity of aims and desired outcomes; and
- the need to have regard to all relevant considerations and ignore all irrelevant considerations.

15.3 Types of Decision

15.3.1 Decisions Reserved to Full Council

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

15.3.2 Key Decisions

A Key Decision is an executive decision which is likely (in the opinion of the potential decision-maker):

- to result in the Council incurring expenditure which is, or making savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- to be significant in terms of the effect on communities living or working in an area comprising two or more wards in the Borough.

For the purposes of the above, any decision likely to result in expenditure or savings of £250,000 or above (in a single transaction or a related series of transactions) will be treated as a Key Decision.

- A decision-maker may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.
- For the purposes of interpretation of this Article a decision, which is ancillary or incidental to a Key Decision, which has been previously taken by or on behalf of the Council, shall not in itself be further deemed to be significant for such purposes.

15.3.3 Exceptions

- All loans to banks and financial institutions made in accordance with the Treasury Management Strategy; and/or
- expenditure which has already been approved as part of the Council's revenue or Capital expenditure budget or plan;

will not be regarded as Key Decisions.

Article 16 - Finance, Contracts and Legal Matters

16.1 Financial management

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

16.2 Contracts

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

16.3 Standing Orders

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

16.4 Legal Proceedings

The Borough Secretary is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Secretary considers that such action is necessary to protect the Council's interests.

Article 17 - Review and Revision of the Constitution

17.1 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In undertaking this function they may:

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

17.2 Changes to the Constitution

Changes to the Constitution other than as specifically provided herein will only be approved by the Full Council.

Article 18 – Interpretation, Publication and Suspension of the Constitution

18.1 Interpretation

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

18.2 Publication

18.2.1 A copy of this Constitution will be given to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.

18.2.2 The Council will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

18.3 Suspension of the Constitution

18.3.1 **Limit to suspension** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.

18.3.2 **Procedure to suspend** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

18.3.3 **Rules capable of suspension** The following Rules may be suspended in accordance with Article 18.3:

18.3.3.1 The Rules of Procedure to the extent from time to time permitted thereby.

18.3.3.2 Such other Rules and Protocols as may from time to time be approved and make specific provision for their suspension, subject in each case to any detailed requirements and conditions applicable to such suspension.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive Arrangements:

- Article 6 (The Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
- Article 7 (The Cabinet) and the Cabinet Procedure Rules;
- Article 12 (Neighbourhood Partnerships, Forums and Consultative Committees);
- Article 13 (Joint Arrangements);
- Article 15 (Decision making) and the Access to Information Procedure Rules;
- Part 3 (Responsibility for Functions); and
- Part 8 (Scheme of Delegations to Officers).

Part 3

Responsibility for Functions

Responsibility for Functions

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

1. Responsibility for Local Choice Functions

Function	Responsible body	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	Cabinet	
2. The determination of an appeal against any decision made by or on behalf of the Council, (other than licensing and related quasi-judicial matters which are the functions of a committee or delegated by them).	Cabinet save that personnel appeals shall be delegated to the Head of Paid Service except for those involving Directors and the Statutory Officers <u>and Heads of Service</u> .	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.

Function	Responsible body	Delegation of functions
<p>3. Any function relating to contaminated land.</p> <p>4. The discharge of any function relating to the control of pollution or the management of air quality.</p> <p>5. The service of an abatement notice in respect of a statutory nuisance.</p> <p>6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.</p> <p>7. The inspection of the Council's area to detect any statutory nuisance.</p> <p>8. The investigation of any complaint as to the existence of a statutory nuisance.</p> <p>9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.</p> <p>10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>11. The appointment of any individual:</p> <p>11.1 to any office other than an office in which he/she is employed by the Council;</p> <p>11.2 to any body other than:</p> <p>11.2.1 the Council;</p>	<p>)</p> <p>Cabinet</p> <p>)</p> <p>Council on recommendation of the Cabinet</p>	<p>Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.</p>

<p>11.2.2 a joint committee of two or more authorities</p> <p>11.3 to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>		
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2. Responsibility for Council Functions

Committee	Membership	Functions	Delegation of functions
Planning	13 Members of the Council	<p>Planning and conservation Functions relating to town and country planning and development control specified in Schedule 1 of the Functions Regulations.</p> <p>Highways use and regulation The exercise of powers relating to the regulation of the use of highways, footpaths, bridleways, public paths and rights of way set out in Schedule 1 of the Functions Regulations as amended.</p>	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.
<p><u>Alcohol and Gambling Licensing Committee</u></p>	11 Members of the Council	<p>Sale/Supply of Alcohol and Provision of Entertainment and Late Night Refreshment and Gambling The licensing functions of the Council under the Licensing Act 2003 and the Gambling Act 2005 (except for such functions as cannot be delegated)*.</p> <p>Taxi, gaming, entertainment, food and miscellaneous licensing Functions relating to licensing and registration set out in Schedule 1 of the Functions Regulations.</p>	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.

Committee	Membership	Functions	Delegation of functions
		<p>Health and Safety Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p>	
<p><u>Taxi & General Licensing Committee</u></p>	<p><u>11 Members of the Council</u></p>	<p><u>Taxi, gaming, entertainment, food and miscellaneous licensing</u> <u>Functions relating to licensing and registration set out in Schedule 1 of the Functions Regulations.*</u></p> <p><u>Health and Safety</u> <u>Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</u></p>	
<p>Standards Committee</p>	<p>9 Members of the Council and such Independent</p>	<p>To exercise all those roles and functions set out in Article 10.</p>	<p>Those functions referred to in Part 8 of this Constitution (Delegations to</p>

Committee	Membership	Functions	Delegation of functions
	Members as the Committee considers appropriate (non-voting) and two Parish Council members (non-voting)		Officers) are delegated to Officers as provided therein.
Hearings Panel	Any 3 Members of the Standards Committee plus a Parish Member where an issue affects a Parish Council (non-voting) and an Independent Member (non-voting)	To exercise all those roles and functions set out in Article 10 as far as they relate to the Panel.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.
Audit Committee	7 Members of the Council (excluding members of the Cabinet) and 1 Co-opted Independent Chair	Generally considering all relevant processes for risk, control and governance set out in Article 9.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.
General Purposes Committee	9 Members of the Council	To exercise all those functions set out in Article 11.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided

Committee	Membership	Functions	Delegation of functions
<p>Appointments and Appeals Committee</p>	<p>6 Members of the Council to include at least 2 Members of Cabinet</p>	<p>(i) To recommend to the Council the appointment of the Chief Executive.</p> <p>(ii) To make appointments of <u>the Chief Finance Officer, Monitoring Officer and other Chief Officers set out in Article 14 of this Constitution and to make appointments of Deputy Chief Officers (Heads of Service).</u></p> <p>(iii) To undertake all associated activities including agreeing job descriptions, person specifications, the interview processes generally.</p> <p>(iv) To establish, agree terms of reference and appoint to the following three Sub-Committees (of the Appointments and Appeals Committee) to hear and determine disciplinary, capability, grievance and appeal matters in relation to Chief Officers, the three Statutory Officers and Deputy Chief Officers (Heads of Service):</p> <ul style="list-style-type: none"> • Investigating and Disciplinary Sub-Committee 	<p>therein.</p> <p>Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.</p>

Committee	Membership	Functions	Delegation of functions
		<ul style="list-style-type: none"> • Grievance Sub-Committee • Appeals Sub-Committee 	
Civic Panel	One Member from each Group and the Mayor, the Deputy Mayor and the immediate past Mayor	To act as an advisory panel (and not a Committee) to provide the Chief Executive with advice in relation to the exercise of the Chief Executive's delegated power in paragraph 1.2.10 in Part B of Part 8 of this Constitution regarding civic and related matters.	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein.

3. Responsibility for Executive Functions

Responsibilities and Portfolios	Detailed Functions	Delegation of functions
The Cabinet has collective responsibility for all executive functions, individual Members having lead responsibility for separate portfolios outlined in the Leader's Scheme of Delegations.	Contained in the Leader's Scheme of Delegations (see post).	Those functions referred to in Part 8 of this Constitution (Delegations to Officers) are delegated to Officers as provided therein. Individual Cabinet Members have the powers delegated to them under the Leader's Scheme of Delegations.

Panel/Group	Membership	Functions	Delegation of Functions
Market Advisory Group	Three Members of the Council appointed broadly in line with political balance by the Chief Executive in consultation with the Leader of the Council, together with the Cabinet Member with responsibility for Market Liaison as the Chair.	To act as an advisory Group (and not a Committee) to provide the Leader of the Council and Cabinet Member leading on Markets Matters with advice in relation to their exercise of their executive powers regarding the governance, strategic direction and operational management of the Market; and to develop proposals in relation to the same for consideration by the Leader and the Cabinet Member leading on Market Matters	None

LEADER'S SCHEME OF DELEGATIONS

A. INTRODUCTION

~~The Council has delegated powers to~~ the Leader of the Council as the Senior Executive Member is able to determine their own Scheme of Delegations for executive functions.

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

B. DELEGATIONS

1. Powers Reserved to Cabinet

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

2. General Powers Delegated to all Cabinet Members

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

- 2.1 After consulting the Chief Executive, responsible Head of Service Director or their nominee, to approve and set priorities, programmes and service plans.
- 2.2 To monitor budgets and the performance of services.
- 2.3 To make executive decisions within their respective portfolios generally, subject to the limitations set out in 3 below.
- 2.4 To agree the submission of bids for funding and resources from the Government or other agencies.
- 2.5 After consulting the Chief Executive, responsible Head of Service Director or their nominee, to agree to the appointment of consultants.
- 2.6 To take those executive decisions which it is within the delegated powers of an Officer to take, and the Officer having such power, nevertheless refers to the Cabinet Member by reason of the decision's importance, sensitivity or precedence value.
- 2.7 To consider reports and agree to recommendations regarding the acceptance of a tender which is not the lowest (where payment is to be made by the Council) or the highest (where payment is to be received by the Council) in accordance with the Council's Contract Procedure Rules.
- ~~2.8~~ ~~2.8~~ ~~To make decisions on requests for waiver of the Procurement Code of Practice.~~
- ~~2.9~~ To be responsible for all staffing matters (so far as these are an executive responsibility) within his/her portfolio area not allocated or delegated to another Officer, individual or body.
- ~~2.9~~¹⁰ To refer any matter within his/her delegated powers to Cabinet for decision.

3. Limitations on Delegated Powers

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

A Key Decision is an executive decision which is likely (in the opinion of the potential decision-maker):

- to result in the Council incurring expenditure which is, or making savings which are, significant having regard to the authority's budget for the service or function to which the decision relates; or
- to be significant in terms of the effect on communities living or working in an area comprising two or more wards in the Borough.

For the purposes of the above, any decision likely to result in expenditure or savings of £250,000 or above (in a single transaction or a related series of transactions) will be treated as a Key Decision.

A decision-maker may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

For the purposes of interpretation, a decision which is ancillary or incidental to a Key Decision which has been previously taken by or on behalf of the Council shall not in itself be further deemed to be significant for such purposes.

EXCEPTIONS

- All loans to banks and financial institutions made in accordance with the Treasury Management Strategy; and/or
- expenditure which has already been approved as part of the Council's revenue or Capital expenditure budget or plan;

will not be regarded as Key Decisions.

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

3.2.1 contrary to the Council's Policy Framework or Budget;

3.2.2 contrary to the Council's Financial Regulations;

3.2.3 contrary to the Council's Contract Procedure Rules;

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

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

- 3.2.6 subject to a requirement by either Cabinet or the Leader to be referred to Cabinet;
- 3.2.7 not the responsibility of the Council's executive; or
- 3.2.8 a decision that has been specifically reserved to the Council, other body or (except where 2.6 above applies) delegated to Officers.

4. Powers Delegated to Particular Cabinet Members

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

4.2 Powers Reserved to the Leader of the Council –

- 4.2.1 To vary this Scheme of Delegations of executive functions including the ability to bring Key Decisions within this Scheme of Delegations.
- 4.2.2 To direct that particular decisions or classes of decisions within the powers of Cabinet Members be referred to the Leader or Cabinet for decision.
- 4.2.3 To exercise any executive powers and duties not reserved to Cabinet or delegated to an Officer, a Cabinet Member, individual or other body.
- 4.2.4 To act on behalf of any other Cabinet Member who is absent or unable to act, or to authorise another Cabinet Member to do so.
- 4.2.5 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated decisions under this Scheme of Delegations.
- 4.2.6 To make Key Decisions.
- 4.2.7 To exercise the executive powers and duties of the Council for the areas within the following portfolio:
- Overall Strategic Direction
 - Partnership
 - Organisation
 - Council Standing and Profile
 - Human Resources

- Legal
- Emergency Planning
- Corporate Risk
- Communications
- SEMLEP

4.3 Powers of the Deputy Leader

4.3.1 To deputise for the Leader in their absence, or at their instruction, in relation to all functions which are the Leader's responsibility.

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

- Support the Leader of the Council
- Scrutiny Liaison & Follow up
- Democratic Services
- Major Contracts including LGSS
- Joined up working
- Sports Clubs
- Councillor Developmet
- Constitution
- Market Liaison
- Enforcement across the Council
- Flood Issues
- Tourism
- Performance Management

4.4 Powers of the Cabinet Member – Community Engagement & Safety

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

~~Performance & Support~~

- Customer Services
- Equalities
- Events, Culture including Museums
- Sport & Leisure, incl. Trust
- Forums
- Voluntary & Community Sector
- Community Safety

4.5 Powers of the Cabinet Member – Finance

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

- Finance/VFM
- Revenue Capital
- Treasury
- Revenue & benefits
- Procurement
- Facilities
- Change & Performance
- ICT

4.6 Powers of the -Cabinet Member- Housing & Wellbeing

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

Housing & Wellbeing

- Housing options/solutions
- Private Sector housing
- Housing Asset Strategy & management
- Estate Renewal
- Sheltered Housing
- Independent Living
- Northampton Partnership Homes
- Community Wellbeing
- Delivery of appropriate affordable & mobility housing through the Planning process
- Homelessness

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

- 4.6.1 Agreeing to the disposal of dwellings (subject to the terms of any specific or general consent of the Secretary of State) in circumstances or in a manner not covered by the Right to Buy, and in particular under arrangements to enable

tenants to finance the purchase of their homes by methods compliant with Islamic law (Sharia).

4.6.2 Agreeing to demand less than the maximum amount of discount recoverable on the further disposal of a sold Council dwelling.

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

4.7 Powers of the ~~Cabinet Member~~ Environment

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

~~Environment~~

- Environmental Services
- Environmental Health
- Carbon Management
- Cemeteries
- Neighbourhood Wardens
- Park Rangers
- Parks & Open Spaces
- Cleanliness of the Town
- Trees
- Licensing Policy

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

4.7.1 Accepting on behalf of the Council facilities provided under projects such as CASPAR and approving arrangements for the ongoing maintenance of such facilities.

4.7.2 Authorising amendments to the rules made by the Council under section 28 of the Smallholdings and Allotments Act 1908 as amended after the Allotment Steering Group have been consulted on and agree to any such amendments.

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

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

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

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

Regeneration Enterprise and Planning

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

4.9 Powers of the Deputy* Cabinet Member – Planning

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

- Planning Policy/Strategic Planning
- Development Control powers
- Building Control
- Conservation

** - The title Deputy is used only to refer to the relative size of the portfolio of responsibilities. For the avoidance of doubt, this position is a Cabinet Member (a member of the Executive for the purposes of the Local Government Act 2000 (as amended)).*

Part 4

Rules of Procedure



COUNCIL PROCEDURE RULES

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1. THE ANNUAL COUNCIL MEETING, EXTRAORDINARY AND SPECIAL MEETINGS OF THE COUNCIL (AND MEETINGS CALLED FOR PARTICULAR PURPOSES)

1.1 The Annual Council Meeting

The Annual Council Meeting shall be held at the Guildhall at 11.00 am on the Thursday in the third full week in May (i.e. when 1st May falls on a Sunday it will be 19th May but when it falls on a Monday it will be 25th May).

1.2 The Mayor

1.2.1 The allocation of the Mayoralty shall follow the formula set out below:

- In May each year, each Group shall be awarded one point for each Member in their Group. This shall be added to the previous year's score.
- The Group with the highest number of points proposes the Deputy Mayor for the ensuing year who shall be the Mayor in the following year. This Group then loses points equivalent to the total number of the Members on the Council.
- Points shall carry over between elections and each score shall be recalculated each January to take account of defections, by-elections and vacancies.

1.2.2 Inherent Power of the Mayor

Notwithstanding any other right that any individual Member may have, the Mayor or the person presiding will have the power to control any meeting of the Council to enable the meeting to conduct the business for which it was convened.

1.3 The Order of Business at the Annual Council Meeting shall be:

1.3.1 Election of Mayor

1.3.2 Vote of thanks to outgoing Mayor & Mayoress

1.3.3 Election of Deputy Mayor

1.3.4 Declarations of Interest

1.3.5 Apologies

1.3.6 Long Service

1.3.7 At post-election Annual Council Meetings only, election of the Leader of the Council

1.3.8 Election of the Leader of the Opposition

1.3.9 Election of the Leader of any other Groups

1.3.10 Council Meetings

1.3.11 Committee Proportionality

1.3.12 Cabinet

1.3.13 Appointments to Committees

1.3.14 Appointments to Outside Bodies

1.3.15 Consultation Appointments.

1.4 Order of Business of Extraordinary and Special meetings:

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

1.4.2 to record any declarations of interest notified by Members;

1.4.3 to receive apologies for non-attendance;

1.4.4 to give directions relating to requests from the public to address the Council or to present a petition in respect of the matter to be discussed by the Council at the meeting; and

1.4.5 to deal with the matter specified in the summons.

There shall be no variation in the order of business at Extraordinary or Special meetings of the Council.

1.5 Order of Business at Meetings called for Particular Purposes:

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

- 1.5.2 to record any declarations of interest notified by Members;
- 1.5.3 to receive apologies for non-attendance;
- 1.5.4 Mayor's announcements;
- 1.5.5 to give directions relating to requests from the public to address the Council or to present a petition in respect of the matter(s) to be discussed by the Council at the meeting;
- 1.5.6 the business specified in the summons; and
- 1.5.7 to deal with any matter requiring urgent attention which the Mayor with leave of the Council specifically wishes to bring to the attention of the Council.

There shall be no variation in the order of business at meetings of the Council called for particular purposes.

2. ORDINARY MEETINGS OF THE COUNCIL

The ordinary meetings of the Council shall be held at the Guildhall at 6.30 pm on such days throughout the year as may be determined at each Annual Council Meeting.

2.1 Order of Business

The order of business at every meeting of the Council, except as otherwise provided by Rule 2.2 shall be:

- 2.1.1 to choose a person to preside if the Mayor and Deputy Mayor be absent;
- 2.1.2 to record any declarations of interest notified by Members;
- 2.1.3 to deal with any business required by statute to be done before any other business;
- 2.1.4 to approve as a correct record and sign the minutes of the last meeting of the Council;
- 2.1.5 to receive apologies for non-attendance;
- 2.1.6 Mayor's announcements;

- 2.1.7 to give directions relating to requests from the public to ask questions of or to address the Council or to present a petition in accordance with the Guidelines for Open Government;
- 2.1.8 to dispose of business (if any) remaining from the last meeting;
- 2.1.9 to hear any Cabinet Member Presentations under Rule 8;
- 2.1.10 to deal with any Opposition Group Business;
- 2.1.11 other business, if any, specified in the summons;
- 2.1.12 to deal with any matter requiring urgent attention which the Mayor with leave of the Council specifically wishes to bring to the attention of the Council; and
- 2.1.13 motions.

2.2 Variation of Order of Business

Business falling within Rules 2.1.1, 2.1.2, 2.1.3 or 2.1.4 of this Rule 2 shall not be displaced, but, subject thereto, the foregoing order of business may be varied:

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

2.3 Mayor's Announcements

Business falling under Rule 2.1.6 shall not, except with the consent of the Mayor, be the subject of comment debate or question.

2.4 Guillotine

2.4.1 Interruption of the Meeting

If the business of a Council meeting has not been concluded by 10.00 pm, the Mayor will draw the attention of the meeting to the time and to this Rule.

2.4.2 Motions and Recommendations not dealt with

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

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

2.4.2.2 any items remaining to be considered will be put to the meeting without further discussion and a vote taken on whether the item should be accepted, rejected, referred, deferred or withdrawn.

3. MINUTES

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

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

4. MOTIONS

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

4.1 Notices of Motion

Notice of every motion (other than a motion which under Rules 4.7 or 9.10 may be moved without notice) shall be ~~or~~ e-mailed not later than 5pm eight working days before the day of the meeting to the office of the Chief Executive. Notices of motion shall be available for inspection at the Chief Executive's Department (Democratic Services Section).

4.2 Motions to be set out in Summons

There shall be set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received (subject to Rule 4.3 below). The Member giving such notice may subsequently indicate before the day of the meeting in writing to the Chief Executive, that they propose to withdraw it from that meeting.

If the Member withdrawing the motion intends that it should be discussed at a subsequent meeting of the Council, the motion shall be resubmitted in accordance with Rule 4.1 above.

4.3 Order of Motions on Council Agenda

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

4.4 Motion Not Moved

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

4.5 Amendments to Motions

Amendments to motions set out in the Council summons will need to be circulated to the Chief Executive, the Group Whips and individual Members not in Groups at the latest by 12 noon two working days before the day of the Council meeting by the proposer of the amendment. The Mayor will have the discretion to allow an amendment not complying with this Rule. (See also Rule 9.6 below).

4.6 Scope of Motions

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

4.6.2 The Monitoring Officer will have the power to disallow a motion if it does not comply with the law or is not within the powers of Full Council to consider and will not be listed on the agenda.

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

4.7 Motions and Amendments which may be Moved without Notice

The following motions and amendments may be moved without notice:

- 4.7.1 appointment of a Chair of the meeting at which the motion is made;
- 4.7.2 motions relating to the accuracy of the minutes;
- 4.7.3 that an item of business specified in the summons have precedence;
- 4.7.4 reference or reference back to the Cabinet or to a committee;
- 4.7.5 appointment of a committee or member thereof occasioned by an item mentioned in the summons to the meeting;
- 4.7.6 adoption of minutes and recommendations of the Cabinet, committees and sub-committees and any consequent resolutions;
- 4.7.7 that leave be given to withdraw a motion;
- 4.7.8 motions arising from reports submitted for consideration;
- 4.7.9 amendments to motions (where notice is not required under this Rule 4 or where the Mayor's discretion has been exercised under rule 4.5 above);
- 4.7.10 that the question be now put;
- 4.7.11 that the Council do now adjourn;
- 4.7.12 suspending Council Procedure Rules where permissible under Rule 25;
- 4.7.13 motions under Section 100A of the Local Government Act 1972 as amended to exclude the public;
- 4.7.14 that a Member named under Rule 11 be not further heard; and

4.7.15 giving consent of the Council where the consent of the Council is required by these Council Procedure Rules.

5. PUBLIC COMMENTS AND PETITIONS

5.1 Restriction on Public Comments and Petitions

Public comments and petitions shall not be taken at the Annual Council Meeting or at other civic or ceremonial meetings. Comments and petitions at meetings called for particular purposes shall relate only to the matters to be discussed.

5.2 Form and Eligibility to Make Comments

5.2.1 A resident or accredited representative of a business ratepayer of the Borough may make a comment on any matter in relation to which the Council has powers.

5.2.2 No prior notice of the nature of a comment to be made is required save the need to register to speak as set out in the Guidelines for Open Government (page 4-30).

5.3 Petitions

5.3.1 The public may petition the Council in accordance with the Council's Petition Scheme. If such a petition qualifies for a debate at Council (paragraph 1.5.3 of the Petition Scheme refers), it will be itemised on the Council Agenda.

5.3.2 The Petitioner will be invited to address the Council for three minutes following which Council will debate the petition.

5.4 Public Comments

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

5.4.2 Each member of the public will have three minutes in total to make comments on up to two matters. This provision shall not prejudice the same member of the public from applying to submit a question under these procedural rules or registering to speak on a motion under 'Notices of Motions' or from presenting a petition for debate as in Rule 5.3.1 above.

5.4.3 Public comments will be taken in order of registration, however the Mayor shall have the discretion to vary this order so as to allow those who have not addressed Council before or recently to be heard first.

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

6. MEMBER AND PUBLIC QUESTION TIME

6.1 Restriction on Question Time

Member and Public Question Time shall not be taken at the Annual Council Meeting or at civic or ceremonial meetings or at Extraordinary or Special Council meetings or meetings called to deal with specific items of business.

6.2 Scope of Questions

The Monitoring Officer may in consultation with the Chief Executive and Group Leaders reject a question if it:

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

6.3 Form and Eligibility to Ask Questions

6.3.1 A Member may ask a maximum of three questions on any matter in relation to which the Council has powers.

6.3.2 A resident or business ratepayer of the Borough may ask a maximum of two written questions at each meeting (limited to 50 words) on any matter in relation to which the Council has powers.

6.3.3 Each question from the public must provide the name and address of the questioner and name the Cabinet Member/committee chair to whom the question should be put.

6.4 Deadlines

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

6.5 Asking the Question at the Meeting

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

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

6.6 Supplemental Question

A questioner who has put a question in person may at the discretion of the Mayor also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 6.2 above.

6.7 Form of Answer

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

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

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

6.8 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer, unless the Leader of the Council, Cabinet Member or appropriate Chair has declined to respond, within seven working days of the Council meeting.

6.9 Reference of Question to the Cabinet or a Committee

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

6.10 Order of Questions answered

6.10.1 Questions shall be dealt with in the order in which they are received.

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

6.11 Length of Question Time

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

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

7. OPPOSITION GROUP BUSINESS

- 7.1 This Rule applies where one political Group has an overall majority of Members of the Council. Opposition Group Business shall be restricted to ten minutes duration. Any Member still speaking at the end of the ten minutes shall, upon advice from the Mayor, cease speaking and sit down.
- 7.2 A Minority Group or individual Member, if not part of a Group, may submit in writing, and signed on behalf of the Leader of that Minority Group or by the individual Member, to the Chief Executive not later than the latest time for receipt of Notices of Motion for that meeting (Rule 4.1), one item of business to be placed on the Agenda to be treated as Opposition Group Business. The submission shall include a brief description of the item of business and the name of the Member presenting it. This description and the name of the presentee shall be included on the Agenda.
- 7.3 Opposition Group Business shall take the form of a statement. The Member nominated on the Agenda shall speak for no more than five minutes and the Member of the Administration responding shall speak for no more than three minutes and any Member from the Group introducing the Opposition Group Business shall have no more than two minutes to sum up. There shall be no public speaking or vote on this item.
- 7.4 Opposition Group Business shall not be taken at the Annual Council Meeting or at civic or ceremonial meetings, or at a meeting called to deal with specific items of business.
- 7.5 The allocation of Opposition Group Business at each ordinary Council meeting will be made by the Monitoring Officer to ensure that so far as is possible each Minority Group's or individual Member's share of such notices accepted onto the Council Agenda fairly reflect the relative size of those Groups or individual Member's proportional representation in the period since the last Annual Council Meeting. If the Group or individual Member allocated to nominate Opposition Group Business to a particular meeting declines to do so, such allocation shall not be reallocated to another Group or individual Member.

8. CABINET MEMBER PRESENTATIONS

- 8.1 A period of up to forty-five minutes will be allowed at Council meetings during which members of the Cabinet will be able to put forward presentations relating to their respective portfolios and upon which Members will be able to ask them questions.
- 8.2 Such presentations may be presented either in writing or verbally or by a combination of the two, but in any event the verbal presentation should not exceed three minutes in duration. If a written presentation is made it should be circulated to all Members before the start of the meeting, and it should be kept concise.

- 8.3** Upon completion of the presentation Members may ask questions relating to it. Subject to Rule 8.4 below there is no limit on the number of questions Members may ask and there is no requirement for prior notice of questions.
- 8.4** In order to keep to the forty-five minutes limit and/or maintain fairness between Members, the Mayor may limit the number of questions (or further questions) to be asked, either in total or by any one Member, or to any one Cabinet Member.
- 8.5** This Rule shall not apply to the Annual Council meeting, or to Council Meetings called to deal with special items of business (including the meeting when the Council Tax is set).

9. RULES OF DEBATE

9.1 Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with Rule 4) it shall, if required by the Mayor, be put in writing and handed to the Mayor before it is further discussed or put to the Meeting.

9.2 Secunder's Speech

A Member when seconding a motion or amendment may, if they then declare an intention to do so, reserve their speech until a later period of the debate.

9.3 Only One Member to Stand at a Time

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

9.4 Content and Length of Speeches

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

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

9.5 When a Member May Speak Again

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

9.5.1 to speak once on an amendment moved by another Member;

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

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

9.5.4 in exercise of a right of reply given by Rules 9.9 or 9.11;

9.5.6 on a point of order; and/or

9.5.7 by way of a personal explanation.

9.6 Amendments to Motions

9.6.1 An amendment shall be relevant to the motion and will either be:

9.6.1.1 to refer the matter to an appropriate body or individual for consideration or re-consideration;

9.6.1.2 to leave out words;

9.6.1.3 to leave out words or add others; or

9.6.1.4 to add words

provided that the effect of Rules 9.6.1.2 to 9.6.1.4 is not to negate the motion or otherwise substantially alter it so as to change its intent or meaning.

9.6.2 The Mayor shall determine whether a proposed amendment to a motion is valid in accordance with the requirements of Rule 9.6.1.

- 9.6.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 9.6.4 If an amendment is not carried, other amendments to the original motion may be moved.
- 9.6.5 If an amendment is carried, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 9.6.6 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

9.7 Alteration to Motion

9.7.1 An alteration to a motion must be either:

- 9.7.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
- 9.7.1.2 to leave out words;
- 9.7.1.3 to leave out words and add others;
- 9.7.1.4 to add words

so long as the effect of Rules 9.7.1.2 to 9.7.1.4 is not to negate the motion.

- 9.7.2 A motion may be altered before it has been moved by the Member who submitted the motion if the majority of those present agree, such agreement to be made without discussion.
- 9.7.3 Any motion may be altered after it has been moved and seconded by the mover of the motion if both the seconder and the majority of those present agree, such agreement to be made without discussion.

9.8 Withdrawal of Motion (once moved or seconded)

A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which consent, if given, shall be signified without

discussion, and no other Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

9.9 Right of Reply

9.9.1. The mover of a motion has a right to reply at the close of the debate on it immediately before it is put to the vote except where a motion is moved under Rule 9.11 (Closure Motions).

9.9.2 If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment and shall not otherwise speak on it. If the amendment is carried, the right of reply to any further debate on the amended motion shall lie with the mover of that amendment.

(If more than one amendment is proposed they shall be discussed separately, in turn and in accordance with Rule 9.6.2 above. The provisions above shall apply in respect of the rights of reply)

9.9.3 If the mover of a motion signifies his/her acceptance of an amendment that has been proposed there shall be no further debate or vote on that amendment. The right of reply to any further debate shall lie with the mover of the original motion as in Rule 9.9.1 above. If a further amendment is proposed then Rule 9.9.2 shall apply.

9.10 Motions which may be Moved during Debate

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

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

9.10.2 to adjourn the meeting;

9.10.3 that the question be now put;

9.10.4 that the Member be not further heard;

9.10.5 by the Mayor under Rule 11.2 that the Member do leave the meeting;

9.10.6 a motion under Section 100A of the Local Government Act 1972 to exclude the public; and/or

9.10.7 to suspend these Rules where permissible under Rule 25.

9.11 Closure Motions

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

9.11.1 on a motion that the question be now put is seconded and the Mayor is of the opinion that the item has been sufficiently discussed, he or she will first put the motion "that the question be now put" to the vote and if passed then the Mayor will put to the vote the motion;

9.11.2 if a motion under Rule 9.11.1 is put and seconded but in the Mayor's opinion has not been sufficiently discussed it shall fall without further discussion;

9.11.3 on a motion to adjourn the meeting: the Mayor shall put the adjournment motion to the vote after giving the mover of the original motion the right to speak for not more than five minutes on the adjournment.

9.12 Procedural Points

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

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

9.13 Respect for the Mayor

Whenever the Mayor rises during a debate a Member then standing shall sit and the Council shall be silent.

10. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any person

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

11. BEHAVIOUR

11.1 Disorderly Conduct

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

11.2 Continuing Misconduct by a Named Member

If the Member named continues the misconduct after a motion under Rule 11.1 above has been carried, the Mayor shall either:

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

11.3 General Disturbance

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

11.4 Disturbance by a Member of the Public

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

12. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Rule 4 bears the names of at least twelve Members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months; provided that this Rule shall not apply to motions moved in pursuance of a recommendation of the Cabinet or a committee.

13. VOTING

- 13.1** Subject to Rule 13.3 below, the mode of voting at meetings of the Council shall be by show of hands; provided that, on the requisition of any Member of the Council (made before the vote is taken and supported by four other Members who signify their support by rising in their places) the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave their vote. The name of any Member present and not voting shall also be recorded.
- 13.2** Where any Member so requires immediately after a vote is taken at a meeting of the Council, the minutes shall record whether that Member voted for or against the motion or abstained.
- 13.3** At the annual Budget meeting of the Council, the voting on any budget decision shall be by roll call and immediately after any such vote is taken, the names of the Members who cast a vote for the decision or against the decision or who abstained from voting shall be recorded in the minutes. A budget decision is any of the decisions related to the budget or council tax calculations and specified in The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) as requiring a recorded vote.

14. VOTING ON APPOINTMENTS

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

15. CERTAIN MATTERS TO BE CONFIDENTIAL

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

16. SEALING OF DOCUMENTS

16.1 The resolution of

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

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

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

17. INSPECTION OF DOCUMENTS

17.1 A Member may, for the purposes of their duty, but not otherwise, inspect any document relating to the Cabinet or any committee of the Council and if copies are available, shall on request be supplied with copies of it.

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

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

18. INSPECTION OF LANDS, PREMISES ETC.

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

19. COMMITTEES AND SUB-COMMITTEES

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

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

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

20.2 The person nominated shall not be a member of the Cabinet (not applicable to the Appointments and Appeals Committee) nor already be a member of the Committee concerned, and shall be a member of the same political group as the Member whose place they take. The person nominated shall not be entitled to assume any special position or status with respect to that Committee which the nominating Member may possess.

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

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

21. POWERS OF CABINET AND COMMITTEES

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

22. MEETINGS OF CABINET AND COMMITTEES

- 22.1** The Cabinet and each committee shall meet at such times and on such dates as may be prescribed on behalf of the Council.
- 22.2** The Leader of the Council may call a special meeting of the Cabinet at any time.
- 22.3** The Chair of a committee may call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of at least a quarter of the total number of members of the relevant committee delivered in writing to the Chief Executive but in no case shall less than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat.
- 22.4** The Chair shall have the power to cancel any meeting if the Chair is of the opinion there is insufficient business to justify it being held.
- 22.5** The quorum of each committee shall be not less than one quarter of the Council members of such committee.
- 22.6** At every meeting the Chair, if present, shall preside. In the absence of the Chair the Deputy-Chair, if present, shall preside but otherwise the Members shall choose someone of their number to preside, or in the event of it not being possible to reach agreement, a Member chosen by lot shall preside.
- 22.7** All questions shall be determined by a majority of votes of the Members present. The votes shall be taken by a show of hands. Where any Member so requires immediately after a vote is taken at any meeting, the minutes shall record whether that Member voted for or against the motion or abstained.
- 22.8** Notwithstanding any other right that any individual Member may have, the Chair of Cabinet or any Committee meeting will have the power to control the meeting to enable the meeting to conduct the business for which it was convened.

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

- 23.1** A Member of the Council who has moved a motion which has been referred to the Cabinet or any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion. The Member shall have the right to attend the meeting and if so shall have an opportunity of explaining the motion.
- 23.2** Subject to the Rules outlined in the Guidelines for Open Government, Members will be permitted to address Cabinet upon any substantive item on that meeting's published agenda (except where the Cabinet is required to follow statutory procedure in relation to that item or exercise thereof would prejudice the Council's duty to act quasi judicially). Such addresses on any one item shall not, without the specific consent of Cabinet, exceed three minutes and the Chair will also have the discretion to limit the number of Members speaking on any one item. Members will have a right to speak on any item in order to declare personal and disclosable pecuniary interests in that item.
- 23.3** Members of the Council who have instigated a call-in to the Overview and Scrutiny Committee may, for the avoidance of doubt, attend and speak on any such item, and shall not be constrained by the rights as to public participation contained in the Guidelines for Open Government annexed to the Access to Information Procedure Rules (page 4-28). This right shall nevertheless be subject to the normal rules as to the conduct and procedure at meetings set out above.

24. RULES APPLICABLE TO MEETINGS OF THE CABINET AND COMMITTEES

The Rules numbered 3, 11, 12, 15, 16, 25 and 26 respectively shall with any necessary modifications apply to Cabinet and committee meetings.

25. SUSPENSION OF RULES

- 25.1** Subject to Rule 25.2, any of these Rules (other than Rules 3.2, 13.2, and 22.6 and the Employment Procedure Rules which have been made under the provisions of the Local Authorities (Standing Orders) Regulations 1993) may be suspended in respect of any business at the meeting where the suspension is moved.
- 25.2** A motion to suspend these Council Procedure Rules shall not be moved without notice under Rule 4.7 unless there shall be present at least half of the whole number of the members of the Council.

25.3 In the event that any of these Rules are suspended pursuant to this Rule 25, there shall be a presumption that any such suspension shall take effect only for the duration of the item of business in relation to which the motion to suspend the Rule(s) was moved, (and not for the duration of the remainder of the meeting) unless Full Council decides otherwise.

26. INTERPRETATION OF RULES

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

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

- the Overview and Scrutiny Committee;
- the Audit Committee;
- the Standards Committee;
- a Neighbourhood Partnership.

27. INTERESTS

Any Member who has a personal interest defined by any relevant code of conduct whether national or local in any matter shall forthwith disclose that interest but may remain, speak and vote unless the interest is a disclosable pecuniary interest as prescribed by any such code, in which case they may address the committee in accordance with any public speaking rights that apply and then shall withdraw from the room.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at The Guildhall, St Giles Square, Northampton, NN1 1DE (the designated office) and on the Council's website: www.northampton.gov.uk

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

6.1.1 any agenda and reports which are open to public inspection;

6.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

6.1.3 if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

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

7. SUMMARY OF RIGHTS OF THE PUBLIC

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

8. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Appendix B to the Guidelines for Open Government (page 4-30), the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

9. APPLICATION OF RULES TO THE CABINET

If the Cabinet meets to take a Key Decision then it must also comply with Rules 1-8 of these Rules, Rules 4 and 5 of the Guidelines for Open Government and Appendix B of the Guidelines for Open Government unless Rule 7 of the Cabinet Procedure Rules (general exception) or Rule 8 of the Cabinet Procedure Rules (special urgency) apply. A Key Decision is as defined in Article 15.3 of this Constitution.

If the Cabinet meets to discuss a Key Decision to be taken collectively, with an Officer other than a political assistant present, within 28 days of the date according to the ~~Forward Plan~~ Executive Business List by which it is to be decided, then it must also comply with Rules 1-8 of these Rules, Rules 4 and 5 of the Guidelines for Open Government and Appendix B of the Guidelines for Open Government unless Rule 7 of the Cabinet Procedure Rules (general exception) or Rule 8 of the Cabinet Procedure Rules (special urgency) apply. This requirement does not include meetings whose sole purpose is for Officers to brief Members.

GUIDELINES FOR OPEN GOVERNMENT

1. OPEN MEETINGS

The Council, its Cabinet, committees and sub-committees shall be open to the press and public subject to the exceptions set out in Appendix B or otherwise provided for by the law.

2. CONFIDENTIALITY OF REPORTS

Every effort shall be made to ensure that as many reports as possible are not treated as Exempt (see Appendix B) and that such reports are made available at the earliest opportunity. These Rules do not affect any other specific rights to information contained in this Constitution or the law.

3. ACCESS TO REPORTS

3.1 Subject to the detailed provisions of the Constitution:

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

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

3.2 The Democratic Services Officer shall make agendas, reports and minutes available to the public on the Council internet site and for public inspection at the Council offices.

3.3 All reports shall, where possible, be circulated with the agenda as soon as practical after notice of a meeting has been given. Dates for meetings are set up to one year in advance. Agendas are sent out a minimum of five working days before the date of the meeting. Any reports not circulated with the agenda will be made available to the public on the Council's internet site as soon as they become available.

4. ACCESS TO MINUTES ETC AFTER THE MEETING

4.1 The Council will make the following available for public inspection for six years after a meeting:

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

5. BACKGROUND PAPERS

5.1 List of background papers

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

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

but does not include published works or those which disclose Exempt or Confidential Information (as defined in Appendix B to these Rules) and in respect of Cabinet reports, the advice of any political advisor.

5.2 Public inspection of background papers

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

In relation to executive decisions, background papers will be made available for public inspection on the Council's website for a period of at least four years beginning on the date on which the decision, to which the background papers relate, was made.

6 ACCESS TO FULL COUNCIL

6.1 The Council shall at an ordinary meeting:

6.1.1 give an opportunity for members of the public to present a petition, make comments or question Councillors on any matter in relation to which the Council has powers or duties provided that notice of an initial question (in contrast to any supplementaries) shall have been given in accordance with Rule 6 of the Council's Rules of Procedure; and

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

- (i) a maximum of two individuals or representatives from a deputation will be allowed to speak on any one motion;
- (ii) such address on any one item shall not exceed three minutes in duration;
- (iii) a member of the public will be able to ask a question, make a comment, speak to a motion or present a petition at the same meeting;
- (iv) proposed speakers have given notification, in writing, e-mail or fax to Democratic Services by 12 noon on the working day before the Council meeting of their intention to speak; and
- (v) the Leader, Cabinet Member or appropriate Chair shall forthwith be given an opportunity to respond to a public question or they may decline to do so.

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

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

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

6.2.1 Subject to Rules 6.2.2, 6.2.3 and 6.2.4 below, the Cabinet, any committee or sub-committee may by a majority of the Members then present at any meeting resolve to:

6.2.1.1 receive a deputation; and/or

- 6.2.1.2 permit representatives of any such deputation or any other member of the public to address it upon any substantive item on that meeting's published agenda. Such addresses on any one item shall not without the specific consent of the committee or other body exceed three minutes in duration. Immediately after such address the Leader, Chair of the committee or sub-committee shall give each of its Members an opportunity to question the person who has addressed them provided that the overall period for such questions and any answers shall be kept within a reasonable limit by the Chair.
- 6.2.2 The procedures set out above shall not apply where a committee or sub-committee is required to follow a statutory procedure in relation to an item of business or when to do so would prejudice a duty to act quasi-judicially in relation to any matter.
- 6.2.3 In respect of Planning Committee, the procedures for public speaking in relation to applications are set out in the Protocol on Speaking at Planning Committees in Part 5 of this Constitution, and shall be in place of those set out above.
- 6.2.4 In respect of meetings of Cabinet, the procedures set out above shall be subject to the following restrictions:
- 6.2.4.1 Persons (other than Members) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting.
- Registration can be by:
- Telephone (01604) 837722
- In writing to: Democratic Services, The Guildhall, St Giles Square, Northampton NN1 1DE for the attention of Democratic Services Officer, Cabinet
- By e-mail to: democraticservices@northampton.gov.uk
- 6.2.5 In respect of meetings of Cabinet, the following shall apply in relation to the right of Members to address Cabinet:
- 6.2.5.1 Members shall notify the Chair prior to the commencement of the meeting of their intention to speak. A maximum of thirty minutes in total will be allowed for addresses by Members unless the Chair exercises their discretion to allow longer. Addresses by Members will normally be

heard immediately after the public addresses referred to in Rule 6.2.6.1 below. Members will normally be heard in the order in which they registered to speak, subject to the Chair using their discretion to endeavour to ensure that a diverse range and balance of views are heard.

6.2.5.2 There will be a presumption that unless the Chair exercises their discretion to allow otherwise, ordinarily there will be a maximum of two Member addresses per Group on each substantive agenda item and that each address will be for a maximum of three minutes. In exercising this discretion the Chair will endeavour to ensure that a diverse range and balance of views are heard.

6.2.6 In respect of meetings of Cabinet, the following shall apply in relation to the right of the public to address Cabinet:

6.2.6.1 Thirty minutes in total will be allowed for public addresses, so that if speakers each take three minutes no more than ten speakers will be heard. In accordance with Rule 6.2.1.2 each speaker will be allowed to speak for a maximum of three minutes at each meeting. Speakers will normally be heard in the order in which they registered to speak. The Chair shall, bearing in mind the overall business that the meeting needs to transact; the number of speakers registered to speak; and in the interests of hearing a greater diversity and balance of views, have the discretion to limit the number of addresses from individuals. In this case it shall be in order for individuals wishing to speak to nominate one speaker to represent their collective views.

6.2.7 In respect of meetings of Cabinet, the following principle shall apply in relation to all speakers:

6.2.7.1 For the purpose of enabling the meeting to conduct the business for which it was convened, for the avoidance of doubt the Chair will have the total discretion to manage the meeting by, but not limited to, extending or reducing the length of addresses or not allowing addresses at all, limiting the number of individual speakers and/or Members allowed to speak.

6.3 Access to Officers

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

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

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

7. ACCESS TO INFORMATION

The Council shall have procedures in place for ensuring that requests for information are dealt with in accordance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998.

8 PUBLIC INVOLVEMENT AND PUBLIC MEETINGS

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

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

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

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

9 PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

9.1 Subject to paragraphs 9.2 to 9.4 below, anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings.

9.2 The Chair of the meeting shall have the discretion to revoke the permission in paragraph 9.1 above in the event that the exercise of the permission is disturbing the conduct of the

meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting.

9.3 For the avoidance of doubt:

9.3.1 the permission in paragraph 9.1 above may only be exercised where the public have the right to attend the meeting; and

9.3.2 if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meeting are removed.

9.4 The Protocol on Photography and Audio/Visual Recordings of Meetings must be complied with in connection with the exercise of the permission in paragraph 9.1.

APPENDIX A

PUBLIC MEETINGS

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

APPENDIX B

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

1. Members of the public may attend all meetings, and inspect all accompanying reports subject only to the exceptions set out below, as confirmed by the Proper Officer, or as otherwise provided for by the law. Excluded reports will be marked "Not for Publication" together with the category of information to be disclosed.

2. **Confidential Information - requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that Confidential Information (as defined in paragraph 4 of this Appendix B) would be disclosed.

3. **Exempt Information - discretion to exclude public**

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

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

4. **Meaning of Confidential Information**

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

5. **Meaning of Exempt Information**

Exempt Information means information falling within the following seven categories outlined in schedule 12A of the Local Government Act 1972:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above Exempt Information:

- (a) Information falling within paragraph 3 of Part 1 above is not Exempt Information by virtue of that paragraph if it is required under – (a) the Companies Acts (as defined in section 2 of the Companies Act 2006) (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Co-operative and Community Benefit Societies Act 2014~~Industrial and Provident Societies Acts 1965—1978~~ (e) the Building Societies Act 1986 or (f) The Charities Act ~~1993~~2011.

- (b) Information is not Exempt Information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Information which – (a) falls within any of paragraphs 1-7 of Part 1 above; and (b) is not prevented from being exempt by virtue of paragraph (a) or (b) above is Exempt Information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

HANDLING OF CUSTOMER COMPLAINTS

The Council shall have in place procedures for handling complaints. Copies of the procedure are available from the customer feedback team (telephone 0300 330 7000) or email customerfeedback@northampton.gov.uk or on the Council's website.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

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

2. PROCESS FOR DEVELOPING THE BUDGET AND THE POLICY FRAMEWORK

2.1 The Cabinet will publicise by including in the Forward Plan, published at the Council's offices and by other methods - e.g. on its web site or in the local press, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chair of the Overview and Scrutiny Committee will also be notified.

2.2 At the end of the consultation period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committee is responsible for fixing its own work programmes, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response. In considering the matter the Council shall have before it the Cabinet's proposals and any report from the Overview and Scrutiny Committee.

2.3 Once the Cabinet has approved the firm proposals, the Proper Officer will refer them at the earliest opportunity to the Council for decision.

2.4 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

2.5 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision, which has immediate effect. Otherwise, it may only make an in-

principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- 2.6 The decision will be publicised to Members and a copy shall be given to the Leader of the Council.
- 2.7 An in-principle decision will automatically become effective five days from the date of the Council's decision, unless the Leader informs the Proper Officer in writing within three days that he/she objects to the decision becoming effective and provides reasons why.
- 2.8 In that case, the Proper Officer will call a Council meeting within a further three days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may:
 - 2.8.1 approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - 2.8.2 approve a different decision, which does not accord with the recommendation of the Cabinet by a simple majority.
- 2.9 The decision shall then be publicised to Members, and shall be implemented immediately.

3. DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- 3.1 Subject to the provisions of the Council's regulations for in-year changes, the Cabinet, committees of the Cabinet and any Officers, or other arrangements discharging executive functions may only take decisions, which are in line with the Budget and the Policy Framework. If any of these bodies or persons wish to make a decision, which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to Rule 4 below.
- 3.2 If the Cabinet, committees of the Cabinet and any Officers, or other arrangements discharging executive functions want to make such a decision, they shall take advice from the Chief Finance Officer and/or the Monitoring Officer (as appropriate) as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for

decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the Budget and Policy Framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Cabinet, Officers or Joint Arrangements discharging executive functions may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

4.1.1 if it is not practical to convene a quorate meeting of the Full Council; and

4.1.2 if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor must be noted and in the absence of both, the consent of the Deputy Mayor will be sufficient.

4.2 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. AMENDMENTS TO APPROVED BUDGETS

Provision for, and the scope, of amendments to the approved budgets, including virements are contained in the Financial Regulations forming part of this Constitution.

6. IN-YEAR CHANGES TO THE POLICY FRAMEWORK

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

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1 Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or, if made, would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Chief Finance Officer and/or the Monitoring Officer.
- 7.2 In respect of functions which are the responsibility of the Cabinet, any report of the Chief Finance Officer and/or the Monitoring Officer shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Chief Finance Officer's or Monitoring Officer's report and to prepare a report to Council in the event that the Chief Finance Officer or the Monitoring Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Chief Finance Officer or the Monitoring Officer conclude that the decision was not a departure.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Chief Finance Officer and/or the Monitoring Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet as soon as practicable after the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Chief Finance Officer and/or the Monitoring Officer. The Council may:
- 7.3.1 endorse a decision or proposal of the Cabinet as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
 - 7.3.2 amend the Council's Financial Regulations or policies concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - 7.3.3 where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Chief Finance Officer or the Monitoring Officer as the case may be.

Financial Regulations

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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~~Heads of Service 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~~ ~~3.10~~ — ~~Heads of Service~~

~~3.11~~ ~~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.~~

~~3.12~~ 3.10 ~~Chief Officers~~ Heads of Service

3.10.1 ~~Chief Officers~~ Heads of Service are fully accountable to the Chief Executive and Cabinet for the financial management of the activities of their Service Areas ~~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.

3.10.2 Heads of Service ~~Chief Officers~~ may delegate aspects of their Financial Management responsibilities to ~~Heads of Service~~ Service Managers 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'. The Chief Finance Officer must be advised of such delegation. 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.

3.10.3 ~~Chief Officers~~Heads of Service 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.

3.10.4 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.

3.10.5 ~~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.

3.11 Other Roles with Financial Responsibilities

3.11.1 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 a~~ 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.

3.11.2 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.

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

3.12 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~~Corporate Management Board member the urgency of the situation will not admit delay, necessary expenditure may be incurred. The ~~Chief Officer~~Corporate Management Board member 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 Plan~~Strategy~~

4.4.1 The ~~Efficiency and~~ Medium Term Financial Plan~~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 Plan~~Strategy~~ is prepared and updated at least annually for consideration by the Cabinet and approval by the Council. The ~~Strategy~~ Medium Term Financial Plan will be consistent with, and designed to further the achievement of, the Council's priorities. This ~~Strategy~~ Plan 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 balanced Budget for ~~at least the next Financial Year 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~~Head of Service 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~~Heads of Service 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 Executive ~~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-following year's budget, for capital and revenue, based on the ~~Chief Officers and~~ Heads of Services' forecasts for the HRA and general fund;
- The Medium Term Financial Plan (next financial year plus three years)
 - 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~~ with due regard to 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 future year plus 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~~Heads of Service 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 the next Financial Year plus three ~~3~~-years for the general fund and HRA, will be prepared by the relevant ~~Chief Officer(s)~~Heads of Service 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 for having financial consideration 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~~ Full Council.

5.2.2 With respect to reports to a Committee, failure to submit a report having financial implications to the Chief Finance Officer (or his/her nominee) for his/her observations prior to inclusion on an agenda will render such report liable to be withdrawn.

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~~ Head of Service 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~~Heads of Service 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 Corporate Management Board and the Cabinet Member for Finance on a regular basis. Monitoring reports will be ~~published~~provided, with the exception of period 1, monthly ~~onto the internet following signoff by~~ to the Corporate Management Board and Cabinet Member for Finance. Formal quarterly monitoring and outturn projection reports signed off by the Cabinet Member for Finance 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 final outturn will be reported as early as possible to Cabinet at the end of the Financial Year.

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~~Heads of Service 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 (or his/her nominated 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~~Head of Service 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 ~~member of the Corporate Management Board 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 not normally 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 ~~£100250,000~~ 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 ~~£10250,000~~ but does not exceed ~~£250500,000~~ 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 ~~£2500,000~~ 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 £~~10~~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 (such approval to be subsequently reported to the Cabinet).
- 6.5.3 Where the amount is in excess of £~~25~~00,000 or impacts on future financial years, these can be approved by the Cabinet.
- 6.5.4 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~~Chief Finance Officer 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 Chief Finance Officer ~~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~~Heads of Service 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 through their~~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~~Heads of Service 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~~Heads of Service as appropriate.

7.4 Indemnities

~~Heads of Service 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 ~~Heads of Service 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 ~~Heads of Service Chief Officers~~ shall give guidance on the appropriate critical functions to aid planning and recovery of services.

7.5.3 ~~Heads of Service 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, through the Governance and Risk Manager. 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 external Auditor ~~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~~ Chief Finance 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 Chief Executive, Chief Finance Officer, Monitoring Officer, Governance and Risk Manager ~~Chief Finance Officer~~ or their ~~Chief Officer~~Head of Service any suspected fraud, corruption or irregularity.
- 7.8.4 The ~~Monitoring Officer~~Governance and Risk Manager, 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~~Head of Service 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~~Chief Finance Officer or his/her nominated representative shall inform the ~~Chief Finance Officer~~, Chief Executive, Monitoring Officer, Leader and/or Chair of the Audit Committee where appropriate.
- 7.8.6 Where the Chief Finance Officer in conjunction with 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~~Head of Service 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 -Head of Service responsible for Assets~~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~~ due regard to the 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~~ due regard to 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 with due regard to 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~~Heads of Service 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~~Members of the Corporate Management Board / 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~~Head of Service, (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 in conjunction with the Officer responsible for IT client services, recommend an IT Strategy for the Authority to the Corporate Management Board for agreement, having consulted with the Chief Finance Officer and ~~Chief Officers~~Heads of Service. 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, in conjunction with the Officer responsible for IT client services 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~~ the Chief Executive and each Head of Service in conjunction with the Chief Finance Officer to ensure that a proper Scheme of written delegation in accordance with Part 8 of this Constitution has been established in respect of budget matters ~~in their Service Area~~. The Scheme of Delegation should identify staff authorised to act on the ~~Chief Officer~~ Budget Holder'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~~Chief Executive 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~~Heads of Service are responsible for advising the ~~Borough Secretary~~Chief Finance Officer of any changes to data affecting the payments in paragraph 8.5.1 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~~Head of Service 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~~Service (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~~Head of Service concerned.
- 8.9.2 Each ~~Chief Officer~~Head of Service 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~~Heads of Service 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 Head of Service (or their delegated nominee)~~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~~Head of Service. The names of employees authorised to sign such records shall be sent to the Chief Finance Officer (or nominee) by

each ~~Head of Service~~~~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~~Head of Service 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~~Heads of Service 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~~Head of Service shall be responsible for the care and custody of the stocks and stores within his/her ~~Directorate~~Service Area.
- 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 ~~Heads of Service 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~~ Head of Service 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~~ Chief Finance Officer (or nominee) or under arrangements approved by him/her.
- 8.16.2 The ~~Borough Secretary~~ Chief Finance Officer (or nominee) shall be notified by the appropriate ~~Chief Officer~~ Head of Service 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~~Head of Service (or their nominee) 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~~ Chief Finance 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~~Heads of Service 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 and the authority and responsibilities of the Chief Finance Officer as Section 151 Officer cannot be overwritten.

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~~ member of the Corporate Management Board / Head of Service 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~~ Head of Service.
- 9.4.4 Heads of Service ~~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 Heads of Service ~~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~~Head of Service.
- 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.
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.
Corporate Governance	Policies and procedures that will enable an Officer to complete their work in a manner approved by the Council.
<u>Corporate Management Board</u>	The Chief Executive, Directors , Chief Finance Officer (Section 151 Officer) and Monitoring Officer, <u>and Heads of Service</u> when meeting together as a team
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.
<u>Chief Officers/Heads of Service</u>	Those Officers that are responsible for management of a Council Service Area as specified in Article 14.1.2 of the Council. Directors are referred to as Chief Officers, also the The provisions of these regulations relating to <u>Chief Officers/Heads of Service</u> should also be taken to apply to the Chief Executive when exercising his/her departmental responsibilities.
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.

CONTRACT PROCEDURE RULES

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PART 1: 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:

4.3 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;

- 4.4 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
- 4.5 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 or a Head of Service ~~– 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.

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 Head of Service ~~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 <u>Head of Service</u> / Chief Finance Officer
100,000	EU Threshold	High value	Invitation to Tender. Minimum 3 bids	Contracts Finder	Procurement Invitation to Tender and Council Terms and	Director/ Borough Secretary <u>Head of Service</u> / Chief Finance

					Conditions	Officer
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 <u>Head of Service</u>
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 <u>Head of Service</u> / Chief Finance Officer

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

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~~ consultation with the ~~Director~~ Head of Service 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 ~~Chief Executive~~~~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~~Head of Service, 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.

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make Executive Decisions?

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

1.1.1 the Cabinet as a whole;

1.1.2 a committee of the Cabinet;

1.1.3 an individual member of the Cabinet. (The Leader's Scheme of Delegations in Part 3 of the Constitution sets out the arrangements in this regard);

1.1.4 an Officer;

~~1.1.5~~

1.1.65 Joint Arrangements; or

1.1.76 another Local Authority.

1.2 Sub-delegation of Executive Functions

1.2.1 Where the Cabinet, any committee of the Cabinet or an individual member of the Cabinet may be responsible for an executive function, they may delegate further to Joint Arrangements or to an Officer.

1.2.2 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.3 Conflicts of Interest

1.3.1 Where the Leader or a member of the Cabinet has a conflict of interest this should be dealt with as set out in the Code of Conduct for Councillors in Part 5 of this Constitution.

1.3.2 If the exercise of an executive function has been delegated to any committee of the Cabinet, an individual Member or an Officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Code of Conduct for Councillors in Part 5 of this Constitution.

1.4 Cabinet meetings - when and where?

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

1.5 Public or private meetings of the Cabinet?

The Guidelines for Open Government in Part 4 of this Constitution set out the requirements covering public and private meetings. [Rule 12 of these Rules sets out the procedure that must be followed before a meeting of Cabinet or part of a meeting of Cabinet is held in private.](#)

1.6 Quorum

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

1.7 How are decisions to be taken by the Cabinet?

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

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present they will preside. In their absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

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

2.3 What business?

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

- 2.3.1 consideration of the minutes of the last meeting;
- 2.3.2 declarations of interest, if any;

- 2.3.3 matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- 2.3.4 consideration of reports from the Overview and Scrutiny Committee; and
- 2.3.5 matters set out in the agenda for the meeting, which shall indicate which involve Key Decisions and which do not.

2.4 Consultation

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

2.5 Who can put items on the Cabinet agenda?

- 2.5.1 The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- 2.5.2 Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 2.5.3 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Committee.
- 2.5.4 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to

be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. OVERVIEW AND SCRUTINY

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

4. CABINET COMMITTEES

4.1 The Cabinet may appoint committees from among their membership either as standing committees or on an ad hoc basis to deal with specific issues.

4.2 Cabinet may appoint the Chair to a Cabinet committee or leave it to the committee to appoint their own Chair.

4.3 Cabinet committees may invite non-Cabinet Councillors to participate in their discussions, but without voting rights.

4.3

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

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

5. PROCEDURE BEFORE TAKING KEY DECISIONS

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

□ a notice (called here the Executive Business List) has been made available for inspection by the public-

a) at the offices of the Council; and

a)b) on the Council's website published in connection with the matter in question;

- at least 28 clear days have elapsed since the publication of the Executive Business List that for the inclusion includes notice of the Key Decisions; and
- where the decision is to be taken at a meeting of the Cabinet, and notice of the meeting has been given in accordance with Rule 4 of the Access to Information Procedure Rules (notice of meetings).

6. THE EXECUTIVE BUSINESS LIST

6.1 ~~Period of~~ The Executive Business List

6.1.1 The ~~e~~Executive Business List will be prepared by and on behalf of the Leader of the Council. This will be published on the authority's Council's website at least 28 clear days prior to Cabinet meetings where it is anticipated ~~k~~Key ~~d~~Decisions will be made.

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

6.2 Contents of the Executive Business List

The Executive Business List must state:

6.2.1 that a Key Decision is to be made on behalf of the Council;

6.2.2 the matter in respect of which a decision is to be made;

6.2.23 where the decision taker is an individual (if so delegated by the Council), their name and title, if any, and where the decision taker is a body, its name and details of membership;

6.2.34 the date on which, or the period within which, it is anticipated that the decision will be taken;

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

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

6.2.66.2.7 _____ that _____ other documents relevant to those matters may be submitted to the decision maker and the procedure for requesting details of those documents (if any) as they become available;

[6.2.84 the identity of any principal groups whom the decision taker proposes to consult before taking the decision;

6.2.59 the means by which any such consultation is proposed to be undertaken;]

6.2.6-10 the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

~~6.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter; and~~

6.2.811 where in relation to any matter, the public may be excluded from the meeting, or documents relating to the decision need not be disclosed to the public due to containing Confidential Information or Exempt Information, the Executive Decision Notice shall disclose -particulars of that item, but may not contain save that no any Confidential or Exempt Information shall be disclosed or particulars of the advice of a political assistant.

6.3

Key decisions

- 1) ~~A "key decision" means an executive decision, which is likely—~~
- ~~(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or~~
 - ~~(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.~~

- ~~(2) — In determining the meaning of “significant” for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).~~
- ~~(3) — A key decision is any decision likely to result in expenditure or savings of £250,000 or above (in a single transaction or a related series of transactions) will be treated as a key decisions. Further information is contained in Article 15 of this Constitution.~~

Publicity in connection with key decisions

- ~~1) — Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph (2), which states —~~
- ~~(a) — that a key decision is to be made on behalf of the relevant local authority;~~
 - ~~(b) — the matter in respect of which the decision is to be made;~~
 - ~~(c) — where the decision maker is an individual, that individual’s name, and title if any and, where the decision maker is a decision making body, its name and a list of its members;~~
 - ~~(d) — the date on which, or the period within which, the decision is to be made;~~
 - ~~(e) — a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;~~
 - ~~(f) — the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;~~
 - ~~(g) — that other documents relevant to those matters may be submitted to the decision maker; and~~
 - ~~(h) — the procedure for requesting details of those documents (if any) as they become available.~~
- ~~(2) — At least 28 clear days before a key decision is made, the document referred to in paragraph (1) must be made available for inspection by the public —~~
- ~~(a) at the offices of the relevant local authority; and~~
 - ~~(b) on the relevant local authority’s website, if it has one.~~
- ~~(3) — Where, in relation to any matter —~~
- ~~(a) — the public may be excluded under regulation 4(2) from the meeting at which the matter is to be discussed; or~~
 - ~~(b) — documents relating to the decision need not, because of regulation 20(3), be disclosed to the public, the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.~~

7. GENERAL EXCEPTION

7.1 —

~~7.1(1) Subject to **regulation 11** **Rule 8 (Special Urgency)**, where the publication of the intention to make a **k**Key **d**Decision under **regulation 9** **Rules 5 and 6** is impracticable, that decision may only be made —~~

~~(a)~~ ~~(a)~~—where the ~~p~~Proper ~~e~~Officer has informed the ~~e~~Chairman of the ~~r~~elevant ~~e~~Overview and ~~s~~Scrutiny ~~e~~Committee or, if there is no such person, each member of the ~~r~~elevant ~~e~~Overview and ~~s~~Scrutiny ~~e~~Committee by notice in writing, of the matter about which the decision is to be made;

~~(b)~~ ~~(b)~~—where the ~~p~~Proper ~~e~~Officer has made available at the offices of the ~~r~~elevant ~~l~~ocal ~~a~~uthority ~~C~~ouncil for inspection by the public and published on the ~~C~~ouncil ~~r~~elevant ~~l~~ocal ~~a~~uthority's website, ~~if it has one~~, a copy of the notice given pursuant to ~~sub-paragraph~~ Rule 7.1(a); and

~~(c)~~ ~~(c)~~—after five clear days have elapsed following the day on which the ~~p~~Proper ~~e~~Officer made available the notice referred to in ~~sub-paragraph~~ Rule 7.1(b).

~~(2)~~ 7.2 —Where ~~paragraph~~ Rule 7.1(1) applies to any matter, ~~regulation 9~~ the requirement to give 28 clear days notice of a Key Decision need not be complied with in relation to that matter.

~~(3)~~ 7.3 - As soon as reasonably practicable after the ~~p~~Proper ~~e~~Officer has complied with ~~paragraph~~ Rule 7.1(1), he or she must —

~~(a)~~ ~~(a)~~—make available at the offices of the ~~r~~elevant ~~l~~ocal ~~a~~uthority ~~C~~ouncil a notice setting out the reasons why compliance with ~~R~~egulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is impracticable; and

~~(b)~~ publish that notice on the ~~r~~elevant ~~l~~ocal ~~a~~uthority ~~C~~ouncil's website, ~~if it has one~~.

8. SPECIAL URGENCY

8.1) Where the date by which a ~~k~~Key ~~d~~Decision must be made, makes compliance with ~~regulation 10~~ Rule 7 (General Exception) impracticable, the decision may only be made where the decision maker has obtained agreement from —

~~(a)~~ ~~(a)~~—the ~~e~~Chairman of the ~~r~~elevant ~~e~~Overview and ~~s~~Scrutiny ~~e~~Committee;
or

~~(b)~~ ~~(b)~~—if there is no such person, or if the ~~e~~Chairman of the ~~r~~elevant ~~e~~Overview and ~~s~~Scrutiny ~~e~~Committee is unable to act, the ~~M~~ayor ~~c~~hairman of the ~~r~~elevant ~~l~~ocal ~~a~~uthority; or

~~(c)~~ ~~(e)~~—where there is no ~~e~~Chair ~~man~~ of either the ~~relevant~~ ~~o~~Overview and ~~S~~scrutiny ~~e~~Committee ~~or~~ ~~and~~ ~~no~~ ~~Mayor~~ ~~of~~ ~~the~~ ~~relevant~~ ~~local~~ ~~authority~~, the ~~vice-~~ ~~chairman~~ ~~of~~ ~~the~~ ~~relevant~~ ~~local~~ ~~authority~~ Deputy Mayor,

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

~~(8.2)~~ As soon as reasonably practicable after the decision maker has obtained agreement under ~~paragraph (1)~~ Rule 8.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—

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

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

9. REPORT TO COUNCIL

9.1 When the Overview and Scrutiny Committee can require a report

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

9.1.1 included in the Executive Business List or

9.1.2 the subject of the general exception procedure; or

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

9.1.4 in accordance with the Council's adopted Budget or Policy Framework

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

9.32 Quarterly reports on special urgency decisions

In any event, the Leader will cause to be submitted, quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 8 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

10. RECORD OF EXECUTIVE DECISIONS MADE AT MEETINGS

10.1 ~~(1)~~—As soon as reasonably practicable after Cabinet or any meeting of a decision-making body at which an executive decision was made, the ~~p~~Proper ~~O~~Officer, or if the ~~p~~Proper ~~e~~Officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in ~~paragraph (2)~~Rule 10.2.

10.2 ~~(2)~~—The statement referred to in ~~paragraph Rule 10.(1)~~ must include—

- ~~(a)~~ (a) a record of the decision including the date it was made;
- ~~(b)~~ (b) a record of the reasons for the decision;
- ~~(c)~~ (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- ~~(d)~~ (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- ~~(e)~~ (e) in respect of any declared conflict of interest, a note of dispensation granted by the ~~relevant local authority's h~~Head of ~~p~~Paid ~~s~~Service.

10.3 ~~(3)~~—For the purposes of ~~paragraph (Rule 10.1)~~ “person presiding” means the person actually presiding or the person nominated to preside at that meeting.

[10.

~~(4)~~ Executive decisions made by decision-making bodies are prescribed decisions for the purposes of section 9G(3) of the Local Government Act 2000 Act (duty to keep written records of private meetings). 1

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

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

12. NOTICE AND PROCEDURES PRIOR TO PRIVATE MEETINGS OF THE CABINET

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

12.2

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

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

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

12.

~~(3)~~ (4) A notice under ~~paragraph (2)~~ Rule 12.2 must include a statement of the reasons for the meeting to be held in private.

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

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

(b)

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

~~(12.5)~~ A notice under ~~paragraph (Rule 142.4)~~ must include—

- ~~(a) (a)~~ a statement of the reasons for the meeting to be held in private;
- ~~(b) (b)~~ details of any representations received by ~~the decision-making body~~Cabinet about why the meeting should be open to the public; and
- ~~(c) (c)~~ a statement of its response to any such representations.

~~(6)12.6~~ Where the date by which a Cabinet meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where ~~the decision-making body~~Cabinet has obtained agreement from—

- ~~(a) (a)~~ the ~~chairman~~Chair of the ~~relevant o~~Overview and ~~s~~Scrutiny ~~e~~Committee; or
-
- ~~(b) (b)~~ if there is no such person, or if the ~~chairman~~Chair of the ~~relevant o~~Overview and ~~s~~Scrutiny ~~e~~Committee is unable to act, the ~~chairman of the relevant local authority~~Mayor; or
- ~~(c) (c)~~ where there is no ~~e~~Chairman of ~~either~~ the ~~relevant o~~Overview and ~~s~~Scrutiny ~~e~~Committee or ~~no Mayor of the relevant local authority~~, the ~~vice Deputy-chairman~~Mayor of the relevant local authority,

that the meeting is urgent and cannot reasonably be deferred.

~~(12.77)~~ As soon as reasonably practicable after ~~the decision-making body~~Cabinet has obtained agreement under ~~paragraph (6)Rule 12.6~~ to hold a private meeting, it must—

- ~~(a) (a)~~ make available at the offices of the ~~relevant local authority~~Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- ~~(b) (b)~~ publish that notice on the ~~relevant local authority~~Council's website, ~~if it has one~~.

13. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

13.1 Overview and Scrutiny Committee Members

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

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

13.1.3 Any Member of the Council who has exercised the right to call-in and up to two nominated members of the Overview and Scrutiny Committee making a recommendation to the Cabinet arising from it may, subject to the Council Procedure Rules, address the Cabinet thereon and respond thereto.

13.2 Officers

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

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

In all of the above examples, the provisions of Rule 10 (recording and publicising decisions) will apply.

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

14.1 Reports Intended to be taken into Account

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

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

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

14.3 Record of Individual Decision

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

15. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

15.1 Rights to Copies

Subject to Rule 15.2 below, the Overview and Scrutiny Committee (including any sub-committee) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to

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

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

15.2 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to:

15.2.1 any document that is in draft form;

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

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

16. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

16.1 Material relating to Previous Business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees (if any) and contains material relating to any business previously transacted at a private meeting unless either Rule 16.1.1 or 16.1.2 below applies:

16.1.1 It contains Exempt Information falling within categories 1, 2, 5 or 7 of the categories of Exempt Information; or

16.1.2 it contains the advice of a political adviser.

Provided that this Rule shall not preclude any other rights which a Member may have to such document (Compare Council Procedure Rule 17).

16.2 Material relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet (or its committees (if any) which relates to any Key Decision unless Rule 16.1.1 or 16.1.2 above applies.

16.3 Nature of Rights

These rights of a Member are additional to any other right they may have.

OVERVIEW AND SCRUTINY PROCEDURE RULES

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

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

2. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEE?

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

3. MEETINGS OF OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee shall meet on a meetings cycle for each year. In addition, other meetings may be called from time to time as and when appropriate. Such a meeting may be called by the Chair of the Committee, by any two members of the Committee or by the Proper Officer if they consider it necessary or appropriate.

4. QUORUM

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

5. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

The appointment of the Chair of the Overview and Scrutiny Committee will comply with the general provisions as to Chairs set out in the Council Procedure Rules.

6. PROTOCOLS

The Overview and Scrutiny Committee will abide by and apply those Protocols relevant to the Committee's work and contained in Part 5 of this Constitution if relevant or otherwise as agreed by the Committee.

7. WORK PROGRAMME

The Overview and Scrutiny Committee will be responsible for setting its own work programmes and in doing so it shall take into account wishes of Members on the

Committee who are not members of the largest political group on the Council, and the wishes of Cabinet. Requests from Members and/or the public will also be taken into account, if appropriate.

8. AGENDA ITEMS, "COUNCILLOR CALL FOR ACTION" AND REFERENCES FROM CABINET

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

8.2 Councillor Call for Action

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

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

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

(a "Councillor Call for Action").

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

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

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

- 8.2.5** The Overview and Scrutiny Committee may when considering whether or not to exercise its powers in relation to a Councillor Call For Action, have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers.
- 8.2.6** Where the Overview and Scrutiny Committee decides not to exercise any of its powers in relation to a Councillor Call for Action, it will notify the Member of its decision and the reasons for it.
- 8.2.7** Where the Overview and Scrutiny Committee makes a report or recommendations to the Council or Cabinet it shall provide a copy of the report or recommendations to the Member who referred the matter in question and any other responsible authorities and co-operating persons and bodies as it thinks appropriate.
- 8.2.8** For the purposes of paragraph 8.2.1.1 above a “local government” matter in relation to a Member means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area but excludes any matter which is a local crime and disorder matter as defined in paragraph 8.2.9 below or any matter of any description specified as excluded in an Order made by the Secretary of State.
- 8.2.9** For the purposes of paragraph 8.2.1.2 above a “local crime and disorder matter” in relation to a Member means a matter concerning crime and disorder (including in particular, forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment) or the misuse of drugs, alcohol and other substances which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.
- 8.2.10** The determination of whether a matter is a “local government matter” or a “local crime and disorder matter” under paragraphs 8.2.8 and 8.2.9 above shall be made by the Chair of the Overview and Scrutiny Committee in consultation with the Monitoring Officer.
- 8.3** The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Cabinet. The Overview and Scrutiny Committee shall report its findings and any recommendations back to Cabinet and/or the Council as the case may be. The Council and/or the Cabinet shall consider any report of the Overview and Scrutiny Committee as soon as possible thereafter.

9. POLICY REVIEW AND DEVELOPMENT

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

10. REPORTS, RECOMMENDATIONS AND REVIEWS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

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

Officers (where appropriate) should be instructed to implement them. The Cabinet should provide a written response from the Leader or relevant Cabinet Member (who may instruct an appropriate Officer to make the response on their behalf) to the Overview and Scrutiny Committee explaining the outcome of the recommendations and any effect on their decisions.

11. MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

11.1 The agenda for the Cabinet meetings shall include an item entitled "Issues arising from Scrutiny". Any reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

11.2 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its report for consideration by the Cabinet or the Council depending upon whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the report is referred to Council, a copy will also be served on the Leader with notice that the matter is to be referred to Council. The Cabinet will have four weeks in which to respond to such Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on such a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Cabinet to the proposals.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

12.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12.2 Nothing in these Rules prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. COUNCILLORS AND OFFICERS GIVING ACCOUNT

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

13.1.1 any particular decision or series of decisions; and/or

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

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

13.2 Where any Councillor or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving reasonable notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

13.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

14. ATTENDANCE BY OTHERS

The Overview and Scrutiny Committee may invite people other than those people referred to in Rule 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

15. CALL-IN

- 15.1** When a decision is made by the Cabinet, a committee of the Cabinet or an individual Cabinet Member or a Key Decision is made by an Officer with delegated authority from the Cabinet or Council or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the principal offices of the Council normally within three days of being made. The Chair of the Overview and Scrutiny Committee will be sent a copy of the records of all such decisions within the same timescale.
- 15.2** That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Overview and Scrutiny Committee exercises the right to call-in within that period.
- 15.3** During that period, the Proper Officer shall request the call-in of a decision for scrutiny by the Overview and Scrutiny Committee if so requested by the Chair or formally by any two Members of the Council in accordance with paragraph 15.9 below, and shall then notify the decision-taker that a call-in request has been made.

The Proper Officer shall call a meeting of the Committee on such date as they may determine, where possible after consultation with the Chair or in the absence of the Chair, the Deputy-Chair of the Committee, and in any case such meeting shall be held within seven working days of the request to call-in although, in exceptional circumstances the period may be extended to twenty-one working days at the discretion of both the Chief Executive and the Monitoring Officer (such decision to extend the time limit and the reason for it to be formally recorded in writing).

The Member or Members requesting such call-in shall have the right to speak at such meeting, as shall the Leader and relevant Cabinet Member or Members. Should either of the call-in authors be a member of the Overview and Scrutiny Committee, they will be present in their capacity as call-in author and not as a member of the Overview and Scrutiny Committee. They should not sit on the Committee nor take part in the debate nor vote, as this could be seen as a conflict of interest. The call-in author should therefore send a substitute for the call-in hearing.

- 15.4** Following receipt of a call-in request from the Proper Officer, the Overview and Scrutiny Committee will consider the decision and the 'Criteria for Call-In'. These criteria can be found in paragraph 15.9 below.

If, having considered the decision in view of the 'Criteria for Call-In', the Overview and Scrutiny Committee is still concerned about it, then provided that a majority of the

members of the Overview and Scrutiny Committee agree, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or, in the case of decisions outside the Council's Budget and Policy Framework, refer the matter to Full Council as provided in the Budget and Policy Framework Procedure Rules.

If referred to the decision making person or body they shall then reconsider as soon as reasonably practicable amending the decision or not, before adopting a final decision, which shall not then be subject to further call-in (unless the final decision is different to or proposes a different course of action to the decision that was called-in).

In all cases of reference back, the Cabinet (or other decision making person or body) shall formally advise the Overview and Scrutiny Committee of their consideration of such referral and their final decision.

15.5 If following receipt of a call-in request, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of the period in which the Overview and Scrutiny Committee should have met, whichever is the earlier.

15.6 If the matter was referred to Full Council as provided herein and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it will have no power to alter the decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget.

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

15.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making person or body, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

15.8 In the event that an executive decision has been taken by a Neighbourhood Partnership (having delegated power so to do) then the right to request a call-in shall extend to any other Neighbourhood Partnership which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny Committee for consideration in accordance with these provisions. A Neighbourhood Partnership may only ask the Proper Officer to request the call-in of the decision of another Neighbourhood Partnership if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in request had been made in accordance with 15.3 above.

15.9 Criteria for Call-In

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

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

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

15.9.2.2 the Chair of the Overview and Scrutiny Committee; or

15.9.2.3 a Neighbourhood Partnership pursuant to 15.8 above

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

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

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

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

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

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

- 15.9.4.2 the reason for call-in is answered by information already found in the report relating to the decision;
- 15.9.4.3 the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called-in;
- 15.9.4.4 the reason for call-in is repetitious being in respect of a decision taken by Cabinet following call-in of an earlier decision;
- 15.9.4.5 it appears that the call-in request is vexatious, frivolous or defamatory, or if it appears the call-in is intended to delay the implementation of the decision rather than to examine its merits; or
- 15.9.4.6 the reason given is not a substantial reason for such a call-in; the following paragraphs (a) to (h) being a non-exhaustive list of reasons that the Council considers substantial reasons for call-in:
- (a) there has been a failure to conduct adequate consultation (adequate consultation being consultation that has been conducted in accordance with any extant Council consultation toolkit or policy, that meets any statutory requirements and complies with Government guidance relevant to the decision in question);
 - (b) there is an absence of adequate evidence on which to base the decision;
 - (c) the decision appears to be contrary to the Policy Framework or the Budget (in which case it may be appropriate for the call-in request to be referred to Full Council) or the decision appears to be inconsistent with any other form of policy approved by Full Council, the Cabinet or the Regulatory Committees;
 - (d) the decision in question has generated particular controversy amongst those likely to be affected by it or the decision is likely to cause significant concern or distress to the local community;
 - (e) insufficient legal and/or financial advice have been sought or there has been insufficient consideration of legal and/or financial advice prior to the decision being made;

- (f) there is a considerable lack of clarity, material inaccuracy or insufficient information in the report that the decision is based on;
- (g) it appears that the decision maker has overlooked a relevant consideration in making the decision; and
- (h) the action that would be taken as a result of the decision is not proportionate to the desired outcome.

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

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

15.9.7 Once a call-in has been deemed valid and accepted by the Chief Executive or Monitoring Officer it cannot be withdrawn and must follow the procedure as defined within the Constitution, unless paragraph 15.9.7.1 below applies:

15.9.7.1 Should a situation occur where the decision in question can no longer be implemented, the Proper Officer will inform the Chair and the Deputy Chair of the Overview and Scrutiny Committee, and consult with them. In such a situation, the Chair and the Deputy Chair of the Committee will have the discretion to cancel the call-in hearing and communicate the reasons for this to the Committee, key witnesses and call-in authors. In cases where the call-in hearing is cancelled, the issue in question will be placed on the agenda of the next scheduled meeting of the Overview and Scrutiny Committee, to enable the Committee to decide whether it wishes to scrutinise the issue.

15.10 Call-In and Urgency

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

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

16. THE PARTY WHIP

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

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

17.1.1 minutes of the last meeting;

17.1.2 declarations of interest (including whipping declarations);

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

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

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

- 17.2** Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to contribute at Committee meetings, which are to be conducted in accordance with the following principles:
- 17.2.1 that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 17.2.2 that those assisting the Committee by giving evidence or otherwise contributing be treated with respect and courtesy; and
 - 17.2.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 17.3** Following any investigation or review, the Committee shall prepare a report of any recommendations or conclusions in the name of the Chair, for submission to the Cabinet and Council as appropriate and shall make its report and findings public.

18. SCRUTINY PANELS

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

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

19. PRIVATE MATTERS

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

EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations

1.1.1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council; or of the partner of such persons.

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

1.2 Seeking support for appointment

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

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

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CERTAIN OTHER OFFICERS

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

2.1 draw up a statement specifying:

2.1.1 the duties of the Officer concerned; and

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

- 2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 2.3 make arrangements for a copy of the statement mentioned in Rule 1 to be sent to any person on request.

3. APPOINTMENT OF HEAD OF PAID SERVICE

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

4. APPOINTMENT OF CHIEF OFFICERS AND CERTAIN OTHER OFFICERS

- 4.1 A committee or sub-committee of the Council will appoint the- Chief Finance Officer, Monitoring Officer and Heads of Service~~Officers referred to in Rule 2 and Deputy Chief Officers (Heads of Service)~~. That committee or sub-committee must include at least one member of the Cabinet.
- 4.2 An offer of employment to such Officers shall only be made where within a specified period of time no well-founded and material objection from any member of the Cabinet has been received.

5. OTHER APPOINTMENTS

5.1 Other Officers

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

5.2 Assistants to political groups

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

6. DISCIPLINARY ACTION

6.1 Dismissals of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

In respect of disciplinary action (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), the following provisions apply:

- 6.1.2 The Head of Paid Service, Chief Finance Officer and Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following Rules is complied with.
- 6.1.3 The Council must appoint a Panel for the purposes of advising the Full Council on matters relating to the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer. The Panel must be a committee of the authority. The Council must appoint the Panel at least 20 working days before the meeting of Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer.
- 6.1.4 The Council must invite relevant Independent Persons as defined in Rule 6.1.5 to be considered for appointment to the Panel, with a view to appointing at least two Independent Persons to the Panel.
- 6.1.5
- a) An Independent Person means an Independent Person who has been appointed under section 28(7) of the Localism Act 2011 (in relation to the Members' Code of Conduct);
 - b) A relevant Independent Person is an Independent Person who has been appointed by the Council or where there are fewer than two such persons appointed by the Council, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 6.1.6 The Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with Rule 6.1.4, in accordance with the following priority order:
- a) a relevant Independent Person who has been appointed by the Council and who is a local government elector;

- b) any other relevant Independent Person who has been appointed by the Council;
- c) a relevant Independent Person who has been appointed by another authority or authorities

6.1.7 The Council may appoint more than two relevant Independent Persons in accordance with Rule 6.1.6, but is not required to do so.

6.1.8 Before Full Council takes a vote on whether or not to approve a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

- a) any advice, views or recommendations of the Panel;
- b) the conclusions of any investigation into the proposed dismissal; and
- c) any representations from the Officer in question.

7. APPOINTMENT AND DISMISSALS

7.1 Appointments and Dismissals of Officers within Rule 2 must further comply with the formalities and procedures contained in Part II of the First Schedule of the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015 so far as applicable to such appointment or dismissal.

8. DISMISSAL

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

Part 5

Codes and Protocols

NORTHAMPTON BOROUGH COUNCIL

MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors and Co-opted Members of the Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be borne in mind when interpreting the meaning of the Code. Councillors and Co-opted Members should behave with:

- i. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
- iv. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** – and should promote and support these principles by leadership and example.

PART 1 GENERAL PROVISIONS

1. Introduction and Interpretation

- 1.1. This Code applies to all elected Councillors and Co-opted Members of Northampton Borough Council.
- 1.2. The term “**the Authority**” used in this Code refers to Northampton Borough Council.
- 1.3. “**Councillor**” means any person being an elected or Co-opted Member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this Code:

“**Meeting**” means any meeting of:
 - (a) the Authority
 - (b) the executive of the Authority
 - (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees
 - (d) any of the Authority’s advisory groups and executive boards, working parties and panels
- 1.6. “**Relevant Authority**” includes a County Council, a District Council or Parish Council. (It has the meaning given to it by Section 27(6) of the Localism Act 2011.)

2. **Scope**

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Councillor.
- 2.2. Where you act as a representative of the Authority:
 - (a) on another Relevant Authority, you must, when acting for that other authority, comply with their Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except where it conflicts with any other lawful obligations to which that other body may be subject.

3. General Obligations

3.1. You must treat others with respect.

3.2. You must not:

- (a) do anything which may cause the Authority to fall foul of UK equalities legislation
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or may be:
 - (i) a complainant
 - (ii) a witness; or
 - (iii) involved in the administration of this Code
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with this Code of Conduct, do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Authority
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute

4. You must not:

4.1. Pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:

- (a) you have the consent of a person authorised to give it
- (b) you are required by law to do so
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
- (d) the disclosure is:

- (i) reasonable and in the public interest; and
- (ii) made in good faith and in compliance with the reasonable requirements of the Authority; or

4.2. Prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:

5.1. Use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

6. You must:

6.1. When using, or authorising the use by others of, the resources of the Authority:

- (a) act in accordance with the Authority's reasonable requirements
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

6.2. Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

7.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) the Authority's Chief Finance Officer; or
- (b) the Authority's Monitoring Officer

where that officer is acting in that role.

7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

PART 2

INTERESTS

8. Disclosable Pecuniary Interests

- 8.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 8.2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

8.3 Disclosable Pecuniary Interests are:

<u>INTEREST</u>	<u>DESCRIPTION</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the Authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to your knowledge)</p> <p>(a) the landlord is the Authority; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) where the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

9. Registration of Disclosable Pecuniary Interests and Personal Interests

- 9.1. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of your election or appointment notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.
- 9.2. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to them, notify the Authority's Monitoring Officer in writing of that new Pecuniary Interest or change.

10. Disclosable Pecuniary Interests/Personal Interests in matters considered at meetings or by a single Member

- 10.1 If you attend a meeting and have a Disclosable Pecuniary Interest or Personal Interest in any matter to be considered, or being considered, at that meeting and the interest is not entered in the Authority's Register of Members' Interests, you must, subject to sub-paragraph 11.1 below, disclose that interest to the meeting. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure, and
- 10.2 Whether the Disclosable Pecuniary Interest is registered or not, you must not, unless you have obtained a dispensation from the Authority's Monitoring Officer or the Standards Committee:
 - (i) participate, or participate further, in any discussion of the matter at the meeting (except to make representations, give evidence or answer questions prior to any debate on the matter); or
 - (ii) remain in the meeting room whilst the matter is being debated; or
 - (iii) participate in any vote taken on the matter
- 10.3 If you have declared a Personal Interest (as defined in paragraph 12.1 below) to the meeting you may take part in any debate on the matter under consideration and vote upon it.

Single Member Action

- 10.4 If you are empowered to discharge functions of the Authority acting alone (for example, through being a Cabinet Member), and have and are aware

that you have a Disclosable Pecuniary Interest in any matter dealt with by you in that role, you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means). If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure.

11. Sensitive Interests

11.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

12. Personal Interests

12.1. You have a personal interest in any business of the Authority where either

(a) it relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority

(ii) any body:

(aa) exercising functions of a public nature (for example, a County Council or Parish Council)

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trades union),

of which you are a member or in a position of general control or management

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person (see 12.2 below) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward.

12.2 Personal Interests should be declared at a meeting or where a Councillor is making a decision alone (see paragraph 10.4 above). Failure to do so will be regarded as a breach of this Code of Conduct.

PART 3

RELATED DOCUMENTS

Arrangements for dealing with alleged breaches of the Northampton Borough Council's Members' Code of Conduct.



Northampton Borough Council

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

1. Context

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

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

2. The Code of Conduct

The Council has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on the authority's website:

<https://www.northampton.gov.uk/downloads/file/5450/arrangements>
and on request from the One Stop Shop at the Guildhall.

3. Making a complaint

If you wish to make a complaint, please write to:

The Monitoring Officer

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

or e-mail the Monitoring Officer at:

monitoringofficer@northampton.gov.uk

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

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

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

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

4. Initial Assessment of Complaints Received

The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person (see section 12 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,

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

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

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

- i) Whether there is sufficient information upon which to base a decision;
- ii) How serious is the alleged complaint;
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Did the action complained about occur recently or not;
- v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.

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

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

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

Alternative Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer may consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person, if appropriate) will take account of this in deciding whether the complaint warrants a formal investigation.

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

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

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

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

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

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

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

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

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

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

7.1 Local Resolution

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

7.2 Local Hearing

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

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be contentious at the hearing. The Chair of the Hearings Panel may issue

directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

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

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

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

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

The Hearings Panel may:

- 8.1 Publish its findings in respect of the Member's conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend that Council remove the Member from any or all Committees or Sub-Committees of the Council for a specified period of time;
- 8.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular portfolio responsibilities for a specified period of time;

- 8.5 Instruct the Monitoring Officer to arrange training for the Member;
- 8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;
- 8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the authority where the complaint relates to that appointment and for a specified period of time;
- 8.8 Recommend to Full Council the ~~W~~withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or
- 8.9 Recommend to Full Council the ~~E~~exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

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

9. What happens at the end of the hearing?

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

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

10. Appeals

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

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

11. Who are the Hearings Panel?

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee. If the conduct of a Parish Councillor is to be considered, a Parish Council Member will form an additional Member of the Panel.

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

12. Who is the Independent Person?

Council has appointed ~~three~~two Independent Persons.

* A person cannot be "independent" if they:

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

12.2 ~~is~~are a relative or close friend, of a person within paragraph 12.1. For this purpose, "relative" means:

(a) the other person's spouse or civil partner;

(b) living with the other person as husband and wife or as if they were civil partners;

(c) a grandparent of the other person;

(d) a lineal descendant of a grandparent of the other person;

(e) a parent, sibling or child of a person within paragraphs (a) or (b);

(f) the spouse or civil partner of a person within paragraph (c), (d) or (e); or

- (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

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

13. Revision of these arrangements

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

Appendix A The authority's Members' Code of Conduct

Protocol on Member/Employee Relations

1. Introduction

- 1.1 As a supplement to the Northampton Borough Council Code of Conduct for Councillors, this Protocol seeks to provide clarity in respect of Member/employee relations in the current local government environment.
- 1.2 Given the variety and complexity of Member/employee relations, this Protocol, which is intended as guidance and explanation, does not seek to cover everything or to be prescriptive in its application. General guidance is offered on some of the issues, which most commonly arise or cause concern. It is hoped, however, that the approach, which this Protocol adopts will serve as a guide to dealing with other related issues, which may arise from time to time.
- 1.3 The Protocol seeks to encourage best practice and to promote greater clarity and certainty. If any Member is unsure about any matter they should contact the relevant Chief Whip and/or the Chief Executive for appropriate advice and assistance. If any employee is unsure about any matter, they should initially contact the relevant ~~Director~~Head of Service.

NB A separate Protocol on Planning can be found in Part 5 of this Constitution in respect of conduct on planning matters. There is also a Northampton Borough Council Employees' Code of Conduct, which can be found on the intranet.

2. General Member/Employment Issues

Key Issues

- 2.1 In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the **key guiding principle** for Members and employees is one of **“engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect”**.
- 2.2 **Employees must act in the best interests of the Council as a whole**, and must not give politically partisan advice. Anyone breaching this requirement could face disciplinary action.

- 2.3 Political Group meetings, while they perform an important part in the preliminaries to Council decision-making, are **not** formal decision-making bodies of the Council and, as such, are **not empowered, to make decisions** on behalf of the Council. Conclusions reached at such meetings do not, therefore, **rank as Council decisions**.
- 2.4 Employee support to political Groups must **not** extend beyond providing information and advice in relation to **Council business**.
- 2.5 It is good practice for party political debates and decision-making at political Group meetings to take place **in the absence of employees**, in order to avoid any suspicion of impropriety or misunderstanding.
- 2.6 Employees must respect the confidentiality of any discussions on formulation of policy with Members at which they were present.
- 2.7 Any breach of this part of the Protocol by an employee must be brought to the attention of the Chief Executive for consideration.

Legal and District Audit Considerations

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

Standards Issues

- 2.10 Any member of the public (including employees) can complain to the Council’s Monitoring Officer in respect of any alleged breach of the Code of Conduct for Councillors in accordance with the Arrangements for Dealing with Allegations of Breaches of the Northampton Borough Council Members’ Code of Conduct and of

Codes of Conduct adopted by Parish Councils and/or bring private civil litigation proceedings against an elected Member. The External Auditor can also take legal action against an elected Member and/or the Council as a whole, for any breaches of the law.

Public Relations Issues

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

3. Specific Points on Member/Employee Relations

3.1 The relationship between Members and employees generally is characterised by **mutual trust, respect and courtesy**. These are **essential** for good local government and serve to enhance local democracy.

3.2 Close personal familiarity between individual Members and employees can damage professional relationships and can prove embarrassing to other Members and employees. Therefore, situations should be avoided which could give rise to suspicion and/or the appearance of improper conduct or behaviour.

Chief Executive

3.3 The Chief Executive is the employee of the Council as a whole with overriding responsibility to the Council, and not to any party political group.

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

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

3.4 All Members of the Council have a right of access to the Chief Executive. Where a

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

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

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

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

Subject to the confidentiality required by paragraph 3.15 the Chief Executive will ensure that the Leadership of the Administration is aware of any factual information that they have provided to representatives of other Groups, unless it either be of a routine or trivial nature or to do so would be a breach of confidence or other statutory, formal or Guideline requirement.

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

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

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

Other Employees

3.7 The foregoing principles apply similarly to all ~~Director~~Heads of Service (and employees acting under their direction), all of whom shall act under the general

direction and after seeking the advice of the Chief Executive as statutory Head of Paid Service.

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

Equality Issues

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

Employee Conduct or Capability Issues

- 3.12 Members should not raise matters relating to the conduct or capability of an employee (or of employees collectively) at meetings held in public or before the press, as employees have no means of responding publicly. If any Member feels

that they have not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an employee, they should raise the matter privately with the relevant employee and, if necessary, with the Head of Service Director concerned. Any concerns with regard to a Head of Service Director should be discussed privately with the Chief Executive and/or the Leader of the relevant Political Group.

Political Groups

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

4. Specific Points on Overview and Scrutiny Arrangements

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

Unacceptable or Inappropriate Behaviour:

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

NB Note on Use of Local Authority Resources

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

PROTOCOL OF CONDUCT
IN RELATION TO THE CONSIDERATION AND DETERMINATION
OF PLANNING MATTERS “PROTOCOL ON PLANNING”

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.

PROTOCOL ON SPEAKING AT PLANNING COMMITTEES

This Protocol details the rules on speaking at Planning Committees.

As an overarching, guiding principle, decisions should always be taken in a fair and transparent manner to ensure there are no grounds for suggesting that a planning decision has in any way been biased, partial, or not well founded.

The separate Protocol on Planning (also found in Part 5 of this Constitution) applies to Members at all times when they are involving themselves in the planning process. The Monitoring Officer can also provide guidance to Members in relation to conduct on planning matters as necessary.

1. Speaking at Planning Committee Meetings

1.1 The Following can Speak at Planning Committee Meetings

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

1.2 Arrangements for Speaking

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

Registration can be by:

Telephone: 01604 837722

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

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

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

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

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

2. Procedure at the Meeting

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

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

2.1 Time

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

2.2 Notes

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

COUNCILLOR INVOLVEMENT IN PARTICULAR COMMITTEES

Only those Councillors who have undertaken appropriate training may sit on Licensing, Planning and Standards Committees. The Monitoring Officer or nominated Officer will determine the criteria to be met and will determine whether individual Councillors have met those criteria.

PART 5 ANNEXURE

The following documents, though not part of the formal Constitution are annexed to it as related documents, which have been approved by the Council. If there is any conflict between the provisions in these documents and the formal Constitution, then the formal Constitution shall prevail.

Title	Page
1. Cabinet Member Decisions Protocol	5-36



NORTHAMPTON
BOROUGH COUNCIL

Cabinet Member Decisions Protocol

CABINET MEMBER DECISIONS – PROTOCOL

1. INTRODUCTION

- 1.1 ~~The Council has formally delegated powers to the Leader of the Council to prepare a Scheme of Delegations for individual Cabinet Members.~~ The Leader of the Council has power to prepare a scheme of delegation to delegate functions to individual Cabinet Members and Officers. This ~~s~~Scheme is separate from the Scheme of Delegations to Officers. To prevent any confusion between the different schemes, this Protocol will refer to the Leader's Scheme of Delegations. This Protocol accompanies the Leader's Scheme of Delegations but does not formally form part of it. However, this Protocol will be annexed to the Constitution.

Under the Leader's Scheme of Delegations the following will have delegated powers to make executive decisions:-

- Cabinet collectively
- The Leader
- The Deputy Leader
- Individual Cabinet Members

Under the current Leader's Scheme of Delegations, individual Cabinet Members, apart from the Leader will **not** be able to make Key Decisions. However, the Leader can determine to change this and bring Key Decisions for other Cabinet Members within the scope of the Leader's Scheme of Delegations. Cabinet will be the main body making Key Decisions, although the Leader or the Deputy Leader, when deputising for the Leader, will be able to make Key Decisions.

This Protocol is aimed at:

- Cabinet Members
- Senior Officers advising Cabinet Members
- Officers responsible for preparing and submitting reports for decision
- Officers operating the Protocol's requirements (e.g. Democratic Services)

The Leader will be able to change their Leader's Scheme of Delegations but will only be able to do so where the following requirements are complied with. At least 21 calendar days written notice must be given to all Cabinet Members, the Chair of Overview and Scrutiny, the Head of Paid Service, the Monitoring Officer and the Section 151 Officer. Any changes to the Leader's Scheme of Delegations will not affect the validity of decisions already taken.

1.2 Decision Making - Some Brief Comments

Council functions and the decisions that follow have various legal classifications. The classification impacts upon who can make a decision. This Protocol will only cover what the law classifies as "executive functions".

Executive functions are defined by the Local Government Act 2000 (the "2000 Act") and its associated regulations. The Executive (Cabinet) is responsible for functions of Northampton Borough Council which are not allocated by legislation or by the Constitution elsewhere. There are some decisions that can only be made by the Executive, some decisions that may be made by the Executive (referred to as Local Choice Functions) and some decisions that cannot be made by the Executive (for example development control and licensing decisions).

Full Council is responsible for the broad strategic/policy decisions, for example the Policy Framework and the Executive are responsible for decisions within that framework (unless of course they have been allocated elsewhere). The legal analysis can be complicated and often there needs to be a proper legal assessment of whether a decision is an executive decision, or whether some other body should make the decision, for example, Full Council.

2. DELEGATED DECISIONS

Once the need for an executive decision has been identified, the issue the report writer needs to consider is who will be making the decision. There are a number of possibilities. It may be covered by the Scheme of Delegations to Officers in which case the Officer with the delegated power should be approached in the normal way. If the decision is covered by the Leader's Scheme of Delegations, an assessment needs to be made as to whether it is a decision for Cabinet, the Leader or an individual Cabinet Member. **If in doubt, seek legal assistance.**

In each case the Officer requiring a decision will have to prepare a formal report. A decision by a Cabinet Member must **not** under any circumstances be made without a full written report outlining all the relevant issues. A report will have to be completed in the format attached at **Appendix 1**. The report must include clear recommendations and the body of the report must include sufficient information to

enable the decision-maker to make an informed decision. Normal compliance issues such as legal and financial implications will need to be considered very carefully. It is important to bear in mind that the approach taken in relation to delegated decision-making should be the same as the approach applied in relation to normal decision-making meetings.

Officers and Cabinet Members should develop effective working relationships. Whilst the report represents the end product of a required decision, the expectation is that there should be clear and effective dialogue between the Cabinet Member concerned and senior management before a report is prepared and presented for decision.

2.1 The Process to be Followed

Before the decision is made:

- a copy of the report in the required format together with appendices must be prepared by Officers and presented to the relevant Cabinet Member for approval.

The Cabinet Member concerned may make the decision by endorsing the report as approved and providing his or her name and portfolio.

2.2 Once a Decision is Made

Once the decision has been formally made by the Cabinet Member, a Decision Notice in the form of the template at **Appendix 2** will be completed and posted on the Council's website together with a copy of the report upon which the decision was based. Access to the full report may be restricted to Members and Officers only if confidential information as defined by Schedule 12A of the Local Government Act 1972 is contained within the report. The Decision Notice will clearly specify the date the decision was made, the date it was posted on the Council's website and the date the call-in period expires. The decision will not be implemented by Officers until three clear working days have passed from the date of publication of the Decision Notice (unless the Urgency and Special Urgency provisions apply). This is to enable the normal call-in provisions to apply.

All Councillors will be notified of publication of the Decision Notice and Cabinet Member Report by e-mail by Democratic Services.

2.3 General Principles for Individual Cabinet Members' Decisions

Individual Cabinet Members will apply the same strict criteria to decision-making that they would in normal open meetings:

A decision should not be made if;

- a conflict of interest arises;
- a personal and prejudicial interest exists;
- the procedures outlined in this Protocol have not been complied with; or
- the Monitoring Officer or the Section 151 Officer has advised that the decision cannot be made.

In making any decision, Cabinet Members **must have due regard to professional advice received from Officers, especially legal and financial advice.** No decision should be made unless proper advice has been sought and provided. Normally details of professional advice should be clear within the body of the report.

2.4 Reporting Requirements

Each Cabinet Member will be required to report periodically (at least every six months) to Cabinet on all the delegated decisions made by the Cabinet Member concerned. Details of all items considered together with the decision and the date of the decision will be provided.

2.5 Matters of Urgency

There may be times where urgent decisions will need to be made where if they are not made, the Council's or the public's interests will be seriously prejudiced. In these cases it may not be practical for normal procedures to be followed.

In these cases the decision can still be made so long as the procedures in clause 15.10 of the Overview and Scrutiny Procedure Rules (in Part 4 of the Council's Constitution) are complied with. These rules provide that:

“the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency”.

This will exempt the decision from call-in so that the decision will take effect as soon as it is made.

Normally a Key Decision can only be made if it is on the ~~Forward Plan~~Executive Business List. Where the Key Decision is not on the ~~Forward Plan~~Executive Business List, then the urgency provisions and the special urgency provisions will apply (as outlined in the Cabinet Procedure Rules in Part 4 of the Council's Constitution).

These rules provide for decisions to be made and implemented immediately so long as notice requirements are complied with and the Chair of the Overview and Scrutiny Committee is consulted and in some cases his or her agreement is obtained.

Whilst the Leader has the power under the Leader's Scheme of Delegations to make urgent Key Decisions, this power will only be used in exceptional circumstances. Key Decisions will therefore, in the main, be made by Cabinet collectively.

Matters for Cabinet Members to consider before making a decision

- *Were you consulted or contacted prior to the report being prepared?*
- *Has a report in the proper format been submitted?*
- *Does the decision fall within the Leader's Scheme of Delegations?*
- *Is the decision one you would rather or the Leader has requested be referred to Cabinet?*
- *Have there been proper departmental consultations especially legal and financial implications?*
- *Is a Key Decision involved?*
- *Are there any reasons why you cannot make the decision, for example a personal and prejudicial interest?*
- *Can the decision be made in private or should it be made in a public meeting?*

Matters for consideration by Officers requesting a decision

- *As above*
- *Have you got senior management authority to submit a report for decision?*
- *Have you had early discussions with the Cabinet Member about any report to be submitted?*
- *If you are asking for an urgent decision, have you taken legal advice on whether the urgency criteria apply?*

Useful Contact Numbers:

- Francis Fernandes

Borough Secretary ext 7334

- Emma Powley
Democratic Services ext 7089



NORTHAMPTON
BOROUGH COUNCIL

Cabinet Member Delegated Decision

Report Title	Insert title
--------------	--------------

AGENDA STATUS: PUBLIC / PRIVATE

Expected Date of Decision:	Insert expected date of decision
Within Policy:	YES / NO
Policy Document:	YES / NO
<u>Directorate</u> <u>Service Area:</u>	<u>Name of Service Area</u> <u>Name of Directorate</u>
Cabinet Member for:	
Ward(s)	Name of Cabinet Member, Portfolio Title
	Ward Name(s)

1. Purpose

1.1 Short Summary of the Report

2. Recommendations

2.1 Short, sharp and clear about what you are asking the Cabinet Member to do. Each recommendation must be separately numbered.

3. Issues and Choices

3.1 Report Background

3.2 Issues

3.3 Choices (Options)

4. Implications (including financial implications)

4.1 Policy

Does the Report set policy or have implications on any existing policies?

4.2 Resources and Risk

Financial Implications, Risk and Non-financial resource (e.g.staffing) implications

4.3 Legal

Legal Implications

4.4 Equality

Does the Report address Equality and Diversity issues? Are there any Equality and Diversity implications? Is anyone disadvantaged?

4.5 Consultees (Internal and External)

Who has been consulted and what is the response?

4.6 How the Proposals deliver Priority Outcomes

Relate these to the Improvement Plan, Corporate Plan, Community Strategy etc and how they support other strategies and partnerships.

4.7 Other Implications

Anything else of note not covered above

5. Background Papers

5.1 State Background Papers - Description of papers if not obvious - Source of papers

Report Author, Title and Extension

Report Title:	Insert title
----------------------	---------------------

Cabinet Member:

I declare no conflict of interest applies

I agree the report's recommendations

I do not agree the report's recommendations

I agree the report's recommendations subject to the following amendments:

The reasons for the decision are as follows:

Cabinet Member For: [.....]

Signature:

Date:



DELEGATED DECISION NOTICE

NOTE: A summary of the decision taken is set out below. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Implementation of Decision

Once the Decision is approved it will be implemented subject to the Call-In procedure and after the Call-In.

SUBJECT

**DECISION
SUMMARY**

DECISION OF

DECISION DATE

CALL-IN EXPIRY

Lead Officer If you have any queries about this decision please contact the Lead
Name and Contact Officer, via 01604 or
alternatively by e-mail at the below

address.....@northampton.gov.uk

Northampton Borough Council

Scheme to Respond to Petitions

Introduction

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

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

Paper petitions can be sent to:

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

Or petitions can be created, signed and submitted online by following this link:

<http://www.northamptonboroughcouncil.com/councillors/ieLogon.aspx?RPID=3649890&HPID=3649890&Forms=1>

Petitions can also be presented to a meeting of the Council. These meetings take place on an approximately 6 weekly basis, dates and times can be found here:

www.northampton.gov.uk

If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact **Democratic Services** on 01604 837722 at least 10 working days before the agenda needs to be published for the meeting and they will talk you through the process. If your petition has received 2000 signatures or more it will also be scheduled for a Council debate and we will let you know when this will take place.

1.1 What is a Petition?

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

1.2 What should a petition contain?

A petition should include:

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

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

- 1.2.2 The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an email address.
- 1.2.3 The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this must include an actual signature from each petitioner and their name and address. Where the

petition is in electronic form, a list of the names of the petitioners together with a valid email address is required. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific Officer will be required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see below).

1.3 What is excluded from this scheme?

- Petitions in response to a Council consultation on a specific matter. Such petitions should be returned to the person at the address set out in that particular consultation document.
- Petitions relating to vexatious, abusive or otherwise inappropriate matters (inappropriate may include matters which are subject to ongoing legal proceedings or those that target individual members of a community).
- Petitions made under other legislation, for example seeking a referendum on an elected Mayor.
- Any matter relating to a planning decision including about a development plan document or the community infrastructure levy.
- Any matter relating to an alcohol, gambling or sex establishment licensing decision.
- Any matter relating to an individual or entity where a right of review or appeal is given by other legislation, such as Council Tax banding.
- A petition which raises issues of possible Councillor misconduct. These will be taken as complaints arising under the Local Government Act 2000 and will be reported where appropriate to the Standards Assessments Sub-Committee.
- A petition that raises issues of officer competence or misconduct. This will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the Council’s Disciplinary Procedures.
- Duplicate Petitions - where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but

only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

- Repeat Petitions - a petition will not normally be considered if it is received within 6 months of another petition being considered by the authority on the same matter.

1.4 Who should you send a petition to?

1.4.1 The Democratic Services Manager has responsibility for receiving, managing and reporting all petitions sent to the authority. Please refer to the address set out in the Introduction

1.4.2 The Democratic Services Manager will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website:

<http://www.northamptonboroughcouncil.com/councillors/mgEPetitionListDisplay.aspx?bcr=1>

and that the website is regularly updated with information on the progress of your petition. The Democratic Services Manager can also provide you with advice about how to petition the authority or the progress of your petition.

1.5 Types of Petition

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

1.5.1 Ordinary Petitions

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

1.5.2 Statutory Petitions

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

1.5.3 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 2000 signatories or petitioners (1% of the population). In the spirit of promoting participation in the democratic process, the Council will vary the threshold for considering petitions at Full Council on localised issues (where it can be expected to be of interest or concern to less than 1% of the population). For example, where it receives a petition about anti-social behaviour in a particular street. The threshold for such localised issues, affecting a single ward, will be 250 signatories or petitioners.

1.5.4 Petitions to Hold an Officer to Account

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

1.6 **E-petitions**

1.6.1 The Council welcomes e-petitions which are created and submitted through our website.

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

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

petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

- 1.6.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Section. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Democratic Services Section on the telephone number detailed above within 10 working days of receipt of the acknowledgement.
- 1.6.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

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

Whenever a petition is received –

- 1.7.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again. It will also be published on the Council's website.
- 1.7.2 In the first instance, the Democratic Services Manager will endeavour to resolve the petitioners' request directly, by asking the relevant Cabinet Member or Officer to take appropriate action. For example where the petition relates to fly tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider that the matter is resolved.
- 1.7.3 Where the petition relates to a matter, which is within the delegated powers of an individual Cabinet Member they may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.
- 1.7.4 If the matter cannot be resolved in this manner, the Democratic Services Manager will confirm to whom the petition will be reported for consideration. This will include details of when and where that will take place and invite the petition organiser to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.

- 1.7.5 Whilst the Council is committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before the publication of an agenda for a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Democratic Services Manager to decide that the petition will be held over until the following meeting of the relevant body.
- 1.7.6 At the same time as notifying the petition organiser, the Democratic Services Manager will notify the Ward Councillors of the receipt of the petition.
- 1.7.7 At each stage of the consideration of the petition, within 5 working days of any decision, the Democratic Services Manager will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.
- 1.7.8 The process after this stage differs for the various types of petitions – see below.

1.8 What happens to Petitions for Debate?

- 1.8.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council nor at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.
- 1.8.2 As set out below, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition. The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

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

- 1.9.1 Petitions to Hold an Officer to Account will be reported to the next convenient meeting of the Overview and Scrutiny Committee.
- 1.9.2 In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions, which they would like put to the Officer at the meeting. These questions will be provided to the Chair of the Committee, who will decide whether they are appropriate, and to the Officer concerned, in advance of the meeting.

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

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

1.10 What happens to an Ordinary Petition?

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

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

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

1.11.2 The decision-taker or the Chair of the meeting may invite a relevant Officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. The petition organiser may be questioned by the members of the meeting. The decision taker or the Chair may then invite relevant ward councillors to address the meeting on the matter for up to 3 minutes each. Relevant Officers will then be invited to advise the meeting after which the matter will be open to debate among members of the meeting. Where the matter is to be determined by a Cabinet

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

Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council, Cabinet or a Committee of the Council for determination.

1.11.3 Within 5 working days of the consideration of the petition by the relevant decision-taker or relevant meeting, the Democratic Services Manager will notify the petition organiser of the decision and advise them that if they are not satisfied with that decision, they may request that the matter be reported to the next convenient meeting of the Overview and Scrutiny Committee for review.

1.11.4 At each stage, the Democratic Services Manager will enter the relevant information on the website at the same time as it is sent to the petition organiser.

1.12 Appeal to the Overview and Scrutiny Committee

1.12.1 If the petition organiser is not satisfied with the outcome of the authority's consideration of their petition, they may appeal to the Overview and Scrutiny Committee by notifying the Democratic Services Manager of their intention to appeal within 20 working days of being notified of the Council's decision on the petition.

1.12.2 Within 5 working days of receipt of intention to appeal, the Democratic Services Manager will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 3 minutes on why they consider that the Council's decision on the petition is inadequate.

1.12.3 At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why they consider that the response was insufficient. The Overview and Scrutiny Committee may not override the decision, but the relevant decision-maker must consider any recommendations made by the Overview and Scrutiny Committee.

Part 6

Members' Allowances Scheme

Members' Allowances Scheme

1. Citation

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

This Scheme may be cited as the Northampton Borough Council Members' Allowance Scheme, and took effect from 18th September 2017.

2. Interpretation

In this Scheme,

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

“year” means the 12 months ending on 31st March.

3. Independent Remuneration Panel

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

4. Basic Allowance

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

5. Special Responsibility Allowances

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

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

Remuneration Panel each year.

- 5.3 Where any Councillor holds more than one position of special responsibility, only one Special Responsibility Allowance (the higher amount) may be claimed.

6. **Dependant Carer's Allowance**

For each year a Dependant Carer's Allowance will be paid to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking Approved Duties as defined in Schedule 2. This allowance will be specified by the Council upon the advice of the Independent Remuneration Panel.

7. **Financial Limits**

- 7.1 Any payment under this Scheme is conditional upon the aggregate of the amounts which the Council has paid out or is liable to pay out in respect of Basic Allowances, Special Responsibility and Dependant Carer's allowances to that Councillor not exceeding the limit prescribed by the Council each year.

- 7.2 Any payment by way of Special Responsibility Allowance is conditional on the aggregate amount which the Council has paid out or is already liable to pay out by way of Special Responsibility Allowance to that Councillor not exceeding the limit prescribed each year by the Council.

8. **Renunciation**

A Councillor may by notice in writing given to the Borough Secretary elect to forego any part of their entitlement to an Allowance under this Scheme.

9. **Part-Year Entitlements**

- 9.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic, Special Responsibility and Dependant Carer's allowances where, in the course of a year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility or accepts or relinquishes a Dependant Carer's Allowance.

- 9.2 If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance,

then in relation to each of the periods:

9.2.1 beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

9.2.2 beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

the entitlement shall be to the part payment of the Allowance during the relevant period in the same proportion as the number of the days in the period bears to the number of days in the year.

9.3 Where the term of office of a Councillor begins or ends other than at the beginning or end of a year, entitlement to a Basic Allowance shall be to payment in the same proportion as the number of days during which their term of office subsists, bears to the number of days in that year.

9.4 Where this Scheme is amended as mentioned in sub-paragraph 9.2, and the term of office of a Councillor does not run throughout the period mentioned in sub-paragraph 9.2.1, the entitlement to a Basic Allowance shall be to such part referable to each such period (ascertained in accordance with that sub-paragraph) in the same proportion as the number of days during which their term of office as a Councillor subsists bears to the number of days in that period.

9.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle them to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance in the same proportion as the number of days during which they have such special responsibilities bears to the number of days in that year.

9.6 Where this Scheme is amended as mentioned in sub-paragraph 9.2, and a Councillor has during part, but does not have throughout the whole of any period mentioned in sub-paragraph 9.2.1 any such special responsibilities as entitle them to a Special Responsibility Allowance, that Councillor's entitlement shall be limited to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which they have such special responsibilities bears to the number of days in that period.

9.7 Where a Councillor claims the Dependant Carer's Allowance the amount paid shall not exceed the proportion of the total amount of Basic and Special

Responsibility Allowances paid to them specified by the Independent Remuneration Panel during the year. Where the Councillor is only entitled to a part year allowance this is to mean the actual amounts paid to them and not the amount due for the full year.

10. Claims and Payments

10.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 10.2, in instalments of one twelfth of the amount specified in this Scheme on the 20th of each month.

10.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in a Councillor receiving more than the amount to which, by virtue of paragraph 9, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

10.3 Dependent Carer's Allowance is to be paid on the basis of the actual cost of care incurred by the Councillor subject to a ceiling of a specified proportion of the Basic and Special Responsibility Allowance paid to such Councillor. Payment will be on the basis of claims submitted by the Councillor supported by receipts for the expenditure incurred. Payment in any one month will be restricted so that the Councillor will have received no more on a cumulative basis than the proportion of the total Dependent Carer's Allowance that is due up to that point in time.

11. Travelling and Subsistence Allowance

The rates applying to travel and subsistence are determined with reference to the Independent Remuneration Panel and current approved rates published by the Inland Revenue for the financial year. Details of the approved rates can be found in the *Councillor Travelling Allowance – Guidance for Members* on the intranet.

12. Co-optees

12.1 This Scheme makes provision for the payment of a co-optees' allowance, for attendance at conferences and meetings, to any co-opted and appointed members of the Council's committees or sub-committees.

12.2 The co-optees' allowance is an annual allowance as determined by the Independent Remuneration Panel. Where a co-optee serves on a committee

or sub-committee for a part year, the allowance will be paid in proportion to the whole year.

- 12.3** Where a co-optee is appointed Chair of the committee on which they are co-opted or appointed, the co-optees' allowance they receive shall be of an amount no less than the equivalent special responsibility allowance paid to chairs of equivalent committees of the Council.

SCHEDULE 1

1. The following are specified as the special responsibilities in respect of which Special Responsibility Allowances are payable, the amounts of such allowances being determined each year by the Council following advice from the Independent Remuneration Panel.

Special Responsibility Allowances

- Leader
- Deputy Leader
- Leader of the Main Opposition Group
- Leader of the third Group (being the Group with the third largest number of Members)
- Members of the Cabinet*

* *Where the Planning, Regeneration and Enterprise Cabinet Member responsibilities are split on a percentage basis between two Members so that there is a Cabinet Member for Regeneration and Enterprise responsible for 60% of the responsibilities and a Deputy Cabinet Member for Planning responsible for 40% of the responsibilities, the one Cabinet Member Special Responsibility Allowance will be split between those two Members on the same percentage basis. (For the avoidance of doubt, there will not be two separate Special Responsibility Allowances).*

Chairs

- Licensing Committee
- Overview and Scrutiny Committee
- Planning Committee
- Standards Committee

2. A Co-optees Allowance will be payable to the following Co-optees, the amounts of such allowances being determined by the Council following advice from the Independent Remuneration Panel.

Co-optees

- Chair of Audit Committee
- Independent Members of Standards Committee
- Parish Council Members of Standards Committee

3. **Conference Attendance Allowances (Local Government Act 1972 Section 175)**

Attendance at conferences or meetings organised by any person or body.

(Allowances in respect of attendance at conferences and meetings remain under the separate system instituted by section 175 of the Local Government Act 1972. For county, district, London borough and town, community and parish councils, this system covers any conferences or meetings organised by any person or body who is not doing so by way of trade, or by any body whose objects are not wholly or partly political, where the purpose of the conference or meeting is to discuss matters which in the Council's opinion relate to the interests of their area, or part of it, or to the inhabitants of their areas, or some of them.)

SCHEDULE 2

1. **Dependant Carer's Allowance**

Approved Duties

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

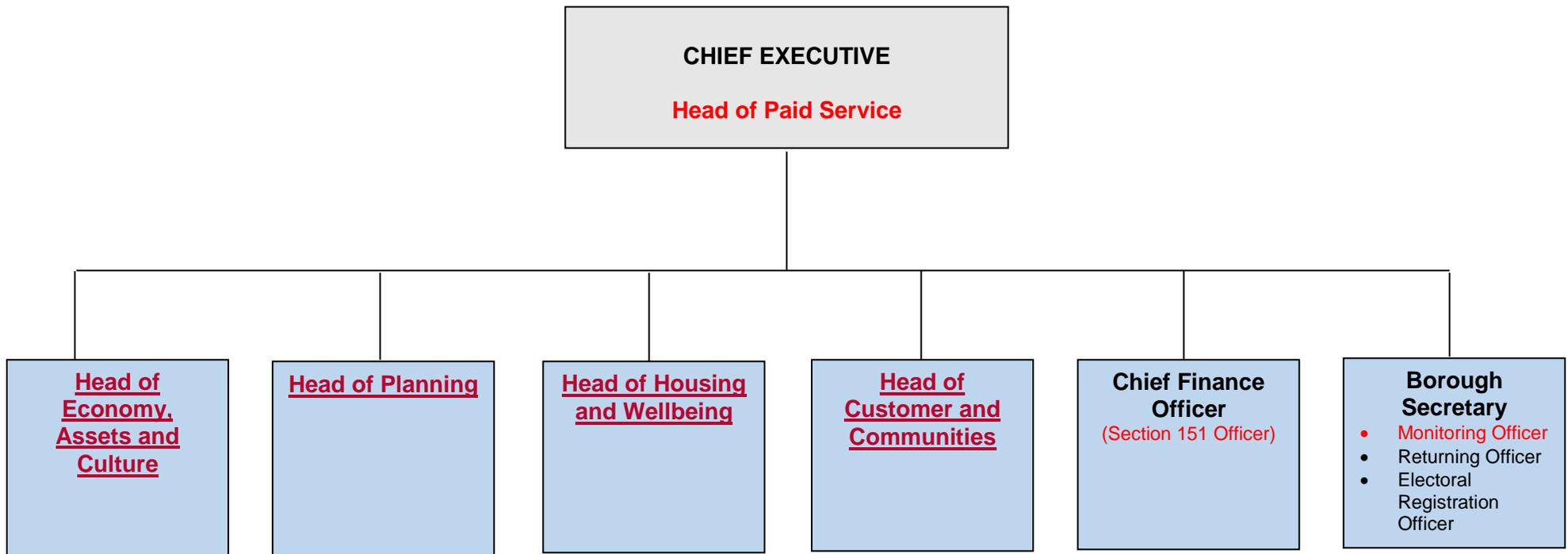
- meetings of the Cabinet, committees of the Cabinet (if any), Council, or committees and sub-committees of Council and Forums;
- meetings of some other body to which the Council makes appointments or nominations, or meetings of a committee or sub-committee of some other body to which the Council makes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

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

Part 7

Management Structure

SENIOR MANAGEMENT STRUCTURE ~~CHIEF EXECUTIVE/DIRECTORS/STATUTORY OFFICERS~~



(Statutory Officer designations shown in red text).

Part 8

Scheme of Delegations to Officers by the Council, its Cabinet and Committees

DELEGATED POWERS EXERCISABLE BY OFFICERS

PART A - GENERAL PROVISIONS

1. INTRODUCTION

- 1.1 Councils, like all public bodies, may only do things that the law specifically or generally allows. The Council therefore has systems in place through which its functions are directed and controlled. This is called corporate governance.
- 1.2 To conduct its business efficiently, the Council can authorise Officers to carry out functions on its behalf. These functions are commonly referred to as delegated powers.
- 1.3 The Council must maintain a list of these delegated powers stating the title of the Officer who is authorised to act. The list must be available for public inspection.
- 1.4 This Scheme of Delegations to Officers (“Scheme”) provides this list, forms part of the Council’s overall corporate governance framework and complements other governance documents such as the Financial Regulations and the Contract Procedure Rules.
- 1.5 The delegated powers contained within the Scheme fall broadly into three categories:

1.5.1 Statutory duties

In some instances, the law will require designated Officers to carry out certain functions. In these circumstances the Council does not have any discretion as to whether to delegate these powers to an Officer. The Council must designate an Officer to carry out those functions. For example, the Chief Executive is designated as the Head of Paid Service, the Borough- Secretary is designated as the Monitoring Officer and the ~~Director-Head~~ of Finance- is designated as the Chief Finance Officer. As such, these Officers must undertake certain duties and responsibilities set out in the law.

1.5.2 Delegated functions

Where it would be impracticable for the Council or one of its committees or the Cabinet to make the type or frequency of decision required, or where it would be more appropriate the Council, Committees and sub-committees -can exercise

~~its~~ discretion and authorise an Officer to make these decisions on ~~its~~ behalf of that body.

Similarly the Leader of the Council, the Cabinet or individual Cabinet members who have been authorised by the Leader to exercise functions may delegate executive functions to Officers.

1.5.3 Managerial responsibilities

Finally, the Chief Executive, ~~Directors~~ and Heads of Service have a range of managerial and professional responsibilities for their service areas drawn from the Council's own internal rules and regulations.

2. GENERAL PRINCIPLES

- 2.1 The scheme is based on the following general principles, which provide a set of rules within which Officers **must** exercise delegated powers.
- 2.2 The Chief Executive, ~~Directors~~ and Heads of Service are authorised to carry out those functions of the Council, statutory duties and managerial responsibilities delegated to them as set out in this Scheme.
- 2.3 The Chief Executive is authorised to exercise any of those functions delegated to the ~~Directors and~~ Heads of Service or any other Officer post specifically identified by post in this Scheme, provided he/she is not prohibited from doing so by any other legal or constitutional requirement.
- 2.4 The Heads of Service ~~Directors~~ are authorised to exercise any of those functions delegated to ~~the Heads of Service~~ any Officer within their Service Areas ~~directorates~~, provided they are not prohibited from doing so by any other legal or constitutional requirement and subject to the ~~Director~~ Head of Service being satisfied that they have the necessary technical competence.

3. SUB-DELEGATION

- 3.1 The Chief Executive Heads of Service and other Officers specifically identified by post in Part B of this Scheme may authorise other Officers to exercise their delegated powers and duties on their behalf. In these circumstances:

3.1.1 documentary evidence of the authorisation **must**:

3.1.1.1 be included in a Scheme of Sub-Delegations, the form and content of which must comply with the Monitoring Officer's Protocol on Sub-Delegations; and

3.1.1.2 be sent to the Monitoring Officer for approval before such Scheme of Sub-Delegations can take effect

and the Monitoring Officer will maintain a central register of all approved Schemes of Sub-Delegation;

3.1.2 the Chief Executive, ~~Director or~~ Head of Service or other Officer with the original delegation shall remain accountable for any decision made on their behalf; and

3.1.3 the Chief Executive, ~~Director or~~ Head of Service or other Officer with the original delegation **must** ensure that the Officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.

4. DEPUTISING

4.1 Where the Chief Executive is absent or unable to act, the Chief Executive will have the authority to delegate some or all of his/her functions to any Officer who will be authorised to exercise the functions delegated to the Chief Executive provided they are not prohibited from doing so by any other legal or constitutional requirement. In these circumstances:

4.1.1 documentary evidence of the authorisation **must**:

4.1.1.1 be kept in the form of an e-mail or memorandum sent from the Chief Executive to the relevant Officer; and

4.1.1.2 must be copied to the Monitoring Officer who will maintain a central record of authorised deputising.

4.1.2 the Monitoring Officer **must** be satisfied that the Officer who has been authorised to act is not prohibited from doing so by any other legal or

constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.

4.2 Where a ~~Director~~ Head of Service is absent or unable to act the Chief Executive or the ~~Director~~ Head of Service will have the authority to delegate the ~~Director~~ Head of Service's functions to another Officer. In these circumstances:

4.2.1 documentary evidence of the authorisation **must**:

4.2.1.1 be kept in the form of an e-mail or memorandum sent from the Chief Executive or ~~Director~~ Head of Service to the relevant Officer; and

4.2.1.2 be copied to the Monitoring Officer who will maintain a central record of authorised deputising; and

4.2.2 the Monitoring Officer **must** be satisfied that the Officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.

4.3 Where an Officer specifically identified by post in Part B of this Scheme (other than the Chief Executive or a Head of Service) is absent or unable to act the Chief Executive and ~~any relevant Director~~ Head of Service will have the authority to delegate ~~the Head of Service~~ that Officer's function to another Officer. In these circumstances:

4.3.1 documentary evidence of the authorisation **must**:

4.3.1.1 be kept in the form of an e-mail or memorandum sent from the Chief Executive or ~~Director~~ Head of Service to the relevant Officer; and

4.3.1.2 be copied to the Monitoring Officer who will maintain a central record of authorised deputising; and

4.3.2 the Monitoring Officer ~~or Director~~ **must** be satisfied that the Officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.

5. INTERIM/TEMPORARY OFFICERS

5.1 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:

5.1.1 they are initially so authorised in writing by the Chief Executive through a Scheme of Sub-Delegations made in accordance with paragraph 3 of this Part A; and/or the Monitoring Officer ~~and~~ .

5.1.2 their contract of employment or terms of engagement ~~which sets out the conditions of their employment also~~ refers to their duties and obligations under the Council's Constitution.

~~5.2 A written record must be 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.~~

5.2 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.

5.3 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.

PART B – SPECIFIC PROVISIONS

The following Officers shall exercise the respective powers as outlined below subject in each case to:

- the appropriate Budgetary provision, the law, the Council's Constitution, the Contract Procedure Rules, Financial Regulations and the Council's approved policies, plans and strategies;
- any limitation or restriction as may exist or may hereafter be imposed by the Council, the Cabinet, or a committee as the case may be;
- such exercise not involving revenue expenditure in excess of the relevant item of the Annual Estimates, Capital Programme or any other fund administered by the Council; and
- the requirements of legislation including the Local Government Act 2000 and the Council's Constitution so far as any exercise relates to any Key Decisions within the meaning of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations ~~2000~~2012 (which requirements are the responsibility of the Officer exercising such power to observe).

In exercising the respective delegated powers as hereinafter specified the following Officers **must**:

- not make decisions about matters in which they have a personal interest. If an Officer has a personal interest, whether financial or not, which could overlap or bring about conflict with the Council's work, it must be declared in accordance with the Employees' Code of Conduct;
- consult the relevant Cabinet Member (in relation to executive matters) and/or the Chair of the relevant committee (in relation to non-executive matters) prior to taking action:
 - where the taking of action has policy or significant financial implications; or
 - where the Cabinet Member or Chair has given a prior indication that he/she wishes to be consulted on a matter or type of matter;
- consult any other appropriate Officer including legal, financial and relevant technical officers and/or Ward Members if appropriate;
- keep a written record of the decision in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (including further documentary evidence where appropriate) of the exercise of the delegated power and the consultation undertaken; and

- make the documentary evidence available on request to the public unless the document is exempt under [the Access to Information provisions](#), a provision of the Freedom of Information Act 2000 or its disclosure would be a breach of the Data Protection Act 1998.

For the avoidance of doubt where a function is delegated to more than one officer each officer may exercise those functions independently and without recourse to the other named officer(s) and each named post-holder may sub-delegate as they consider appropriate provided they follow the requirements set out in Paragraph 3 of Part A.

When executive or other functions are delegated, whether by the Council, its committees or the Cabinet, this shall not preclude the discharge of such functions by the person or body who delegated the same, or by the Cabinet or committee (as the case may be) having overall responsibility for the function to which the delegation attaches.

1. CHIEF EXECUTIVE and HEAD OF PAID SERVICE

1.1.1 The general authority ~~(subject to the direction of the Leader in matters significantly affecting the Council's Strategic policies or procedures save in respect of the specific delegations hereinafter contained)~~ to take any action or to do anything or procure the taking or doing thereof which is calculated to facilitate or is conducive or incidental to the discharge of any of the Council's functions so far as such action may be within the Council's approved policies and procedures.

1.1.2 ~~1.1.2~~ Taking all actions and performing all functions and responsibilities in discharge of the duties of the Head of Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989, including the taking of any actions that are ancillary and incidental thereto.

1.1.3 To exercise any functions where a power has been delegated to an officer and that officer is unable or unwilling to act.

1.1.4 To deal with such other decisions at the discretion of the Head of Paid Service that s/he considers need to be taken immediately

1.2 Without prejudice to the generality of the foregoing the Chief Executive shall also

exercise the following powers:

- 1.2.1 overall corporate management and operational responsibility for all Officers;
- 1.2.2 the provision of professional advice to all parties in the decision-making process in compliance with the Protocol on Member/Employee Relations or any other relevant protocol approved by the Council;
- 1.2.3 exercising the Council's Powers and duties under the Civil Contingencies Act 2004 (or other relevant legislation);
- 1.2.4 the general authority to make all executive decisions where the Council has not as yet appointed a Leader or there is no Deputy Leader in office;
- 1.2.5 to deal with issues relating to the Commission for Local Administration (Ombudsman) and to make payments in cases of maladministration in consultation with the Monitoring Officer;
- 1.2.6 to be the Returning Officer and Registration Officer for the Borough of Northampton;
- 1.2.7 to discharge the Council's functions regarding Parliamentary, Local Government and European Elections and Referendums;
- 1.2.8 to make Proper Officer appointments not specifically covered by the provisions of this Constitution;
- 1.2.9 to act on behalf of the Council in respect of matters of urgency where the delay is likely to seriously prejudice the interests of the Council or the public after consultation with the Leader of the Council, the Leader of the Main Opposition Group and the Chair of the Overview and Scrutiny Committee in relation to such proposed action;
- 1.2.10 upon taking the advice from the Civic Panel, the exercise of all necessary functions and decisions with regard to the civic, ceremonial and procedural roles of the Council and related civic hospitality;
- 1.2.11 all matters related to the disbursement and management of grants to voluntary and community organisations through the partnership grant allocation process, for a grant period of up to three years, subject to approval each year by Full

Council of the relevant budget, and after consultation in the case of grants in excess of £500, with such Members as may from time to time be nominated on behalf of the Council, whether on a temporary or other basis (known as the Community Enabling Fund Advisory Panel);

1.2.12 the declaration of a vacancy in office pursuant to section 86 of the Local Government Act 1972;

1.2.13 the determination of requests for use of the Borough crest, coat of arms or logo;

1.2.14 the approval of early retirements on ill-health grounds for employees where a medical recommendation for such has been received;

1.2.15 the early payment of pension scheme benefits for former employees on grounds of permanent ill-health;

1.2.16 approving applications for early retirement or voluntary redundancy;

1.2.17 to lead on planning and strategic management to ensure a coordinated approach to commissioning and service delivery across the Council

~~1.2.17~~ to exercise his or her discretion to restrict or refuse access to buildings and premises under the occupation, control or ownership of the Council by members of the public where such restriction is, in the Chief Executive's view, in the best interests of the Council, Members or Officers.

~~1.2.18~~ under Part IV, Chapter 3 of the Anti-Social Behaviour Crime and Policing Act 2014, pursuant to section 77, issue of a Closure Notice up to a maximum period of 48 hours, issue of an extension notice in accordance with that section, designation of another person for these purposes in accordance with section 77 and signing cancellation or variation notices in appropriate circumstances in accordance with section 78.

1.2.20 to determine authorisations for surveillance undertaken under the Regulation of Investigatory Powers Act 2000, including the acquisition of confidential information.

2. CHIEF EXECUTIVE ~~AND~~ ALL HEADS OF SERVICE DIRECTORS AND

BOROUGH SECRETARY

2.1 General

- 2.1.1 To be responsible for strategic and operational matters within their remit and to take decisions on behalf of the Council on all matters where they have managerial or professional responsibilities for their ~~Directorate~~Service Area.
- 2.1.2 To manage services and resources, including physical assets within their remit in accordance with the approved Budget, Policy Framework, Financial Regulations, Contract Procedure Rules and relevant Constitution provisions and any other limitations imposed by Council, Cabinet or other decision-making committee, the law and any protocols in this Constitution.
- 2.1.3 In compliance with any approved policy to carry out all employer functions in relation to staff employed in the relevant area, including temporary or agency staff and in cases where decisions are likely to have significant implications on employees to liaise with the Leader, relevant Cabinet Member and Chair of General Purposes Committee.
- 2.1.4 To respond on behalf of the Council to external consultations, in consultation with the relevant Cabinet Member unless the Cabinet Member directs that the response is made by Cabinet or some other Council decision-making body.
- 2.1.5 In consultation with the Borough Secretary where appropriate, to serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty or function of the Council in relation to their particular ~~Directorate~~Service Area or office or specifically delegated powers under this Constitution.
- 2.1.6 To seek any formal regulatory approval which may be required for a project, scheme or programme which has been approved by the Cabinet, Council or any Officer acting under delegated powers.
- 2.1.7 The taking of such administrative and other ancillary action and the exercise of such related rights as are necessary or incidental to ensure that any decision of the Council, its Cabinet and committees or any delegations are put into effect and complied with, within the functions which are such Officers' responsibility.

2.2 Contracts

- 2.2.1 To procure and order goods, works and services and undertake other associated functions provided that there is budgetary approval and the requirements of this Constitution, in particular the Financial Regulations and the Contract Procedure Rules are met.
- 2.2.2 Engaging Quantity Surveyors, Consulting Engineers or other specialist Consultants for a specific authorised project.
- 2.2.3 In consultation with the Borough Secretary to submit tenders to other public bodies, as defined by the Local Authorities Goods and Services Act 1970, for work falling within the capability of the Council and if successful to authorise the Borough Secretary to complete the appropriate contract documents.
- 2.2.4 To sign agreements on behalf of the Council in circumstances in which the agreement need not be under seal and there is no requirement under the Council's Constitution, Contract Procedure Rules, Financial Regulations or any other provisions of this Scheme that the agreement requires the signature of a specified Officer. In addition, the agreement must be in a standard form to which no variation would be permitted and no negotiations or discretion would be permitted on levels of service or payments to be made following the signing.

2.3 Emergency Planning and Business Continuity

2.3.1 Emergency Planning

Role of the Designated Gold Officer

- 2.3.1.1 The Chief Executive will act in the role of Gold Officer and will have the authority to designate Officers to undertake the role of Gold Officer. The Gold Officer, or designated Officer, will be delegated authority to take action to avert, alleviate or eradicate the effects or potential effects of an emergency.
- 2.3.1.2 The Gold Officer, or designated Officer, will assess any incident or developing situation and determine whether a Critical Incident should be declared and managed in accordance with the Critical Incident Plan. This decision will be appropriately documented and the Leader of the Council notified.

2.3.1.3 Upon declaration of a Critical ~~i~~Incident the Gold Officer, or designated Officer, will coordinate the activity of the Council in order to manage the effects of the emergency and is authorised to act in the following ways:

- (a) To commit Council Officers and resources to address the immediate needs of the incident.
- (b) To redirect the activity of any service area or to implement any decision of the Council as the case may be.
- (c) To represent and make decisions on behalf of the Council within the multi-agency strategic coordinating group.
- (d) In consultation with the Chief Finance Officer and the Monitoring Officer to authorise expenditure without recourse to the provisions of the Financial Regulations and/or Contract Procedure Rules in accordance with the Council's emergency planning policies and procedures.
- (e) To make any proportionate and justifiable decision necessary in connection with the emergency where the urgency of such a decision does not allow for reference elsewhere.

2.3.1.4 The Gold Officer, or designated Officer, will provide a full account of actions and decisions they have taken in connection with the emergency to the Council.

2.3.2 Business Continuity

In consultation with the Chief Finance Officer and the Monitoring Officer to authorise expenditure without recourse to the provisions of the Financial Regulations and/or Contract Procedure Rules in accordance with the Council's business continuity policies and procedures.

2.4 Fees and Charges

To set fees and charges for the delivery of services in accordance with the Council's policy.

2.5 Financial Management

To exercise the functions, duties and responsibilities relating to the financial management of their service areas as set out in Financial Regulations.

2.6 Grants

To award grants to voluntary and community organisations and individuals in accordance with the Financial Regulations, delegated budgets and Council policy.

2.7 Licensing and Gambling

2.7.1 To make representations, objections or applications to the Licensing Authority under the Licensing Act 2003 where permitted by the Act.

2.7.2 To make representations or applications to the Licensing Authority under the Gambling Act 2005 where permitted by the Act.

2.8 Outside Bodies

2.8.1 To represent the Council at meetings, as appropriate, of any organisations where the Council has an involvement or interest; subject to:

2.8.1.1 a record being kept when a representation is likely to be for a significant period; and

2.8.1.2 consultation with the Borough Secretary in respect of any formal indemnification that may be necessary.

2.9 Right of Entry and Authorisations

2.9.1 To appoint Officers as authorised Officers of the Council and to sign warrant and authorisation cards enabling staff to undertake their duties and enter land and premises pursuant to statute.

2.9.2 To serve any notice or requisition for information under any legislation requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority.

2.10 Employment Issues

Without prejudice to the generality of paragraph 2.1.3 to appoint, dismiss or suspend employees in accordance with the Employment Procedure Rules in this Constitution and other extant policies and procedures or to delegate this function in accordance with the sub-delegation scheme referred to at paragraph 3 of Part A of this Scheme.

2.11 ~~Directorate Service Area~~ Structures

2.11.1 Subject to paragraphs 2.11.2 and 2.11.3 below to vary and approve ~~Directorate Service Area~~ structures within existing budgets subject to compliance with approved policies and procedures.

2.11.2 Any proposal likely to incur additional cost is not covered by the delegation in paragraph 2.11.1 above and neither the Chief Executive nor ~~Directors-Heads of Service~~ can use this delegation to change their own position.

2.11.3 The delegation in paragraph 2.11.1 above will not be used in any way to circumvent the Council's existing redundancy, early retirement, disciplinary or grievance procedures.

2.12 Appointment of Health and Safety Inspectors

To sign written instruments appointing individual Officers with suitable qualifications as Inspectors under Section 19 of the Health and Safety at Work etc. Act 1974.

2.13 LGSS

On behalf of the authority, exercise the client functions under the LGSS arrangement.

~~2.12~~ ~~Miscellaneous~~

~~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.~~

3. SPECIAL DELEGATIONS

Without prejudice to the generality of the delegated powers given to the Chief Executive and ~~Directors-Heads of Service~~ and their ability to sub-delegate those

powers in accordance with this Scheme, the following specific delegations apply:

~~4. HEAD OF BUSINESS CHANGE~~

~~— Making amendments to human resources policies including amendments to reflect changes to legislation, subject to consultation with the relevant Cabinet Member and Chair of the General Purposes Committee if relevant. For the avoidance of doubt, substantial changes will need authorisation by the Council through the relevant committee or the Cabinet or other decision maker as appropriate.~~

~~6. HEAD OF CULTURE AND LEISURE SERVICES~~

~~6.1 Permitting the use by outside organisations of leisure and recreation property (including Open Space) under the Director of Environment and Culture's control, subject to such conditions as may from time to time be laid down by the Council.~~

~~6.2 Making all necessary arrangements (including the allocation of stalls and pitches) for the Council's outdoor events (save in respect of the Council's markets).~~

~~8. HEAD OF NEIGHBOURHOOD ENVIRONMENTAL SERVICES~~

~~8.1 Approving applications for grave grants and grave maintenance.~~

~~8.2 Approving applications to keep livestock (including bees) on allotments, and terminating tenancies of allotment holders who, without reasonable excuse, fail to cultivate satisfactorily their plots or do not in other ways comply with the terms of their tenancy agreements.~~

~~8.3 Highways~~

~~8.3.1 Subject (if applicable) to the terms and requirements of any Highways Partnership with Northamptonshire County Council:~~

~~8.3.1.1 the authorisation and implementation of temporary Orders under Section 21 of the Town Police Clauses Act 1847;~~

~~8.3.1.2 approving agreements relating to walkways;~~

~~8.3.1.3 approving suitable sites for bus passenger shelters;~~

~~8.3.1.4 after consultation with appropriate Ward Councillors authorising the removal of benches on highway land where significant misuse occurs; and~~

~~8.3.1.5 approving agreements for urgent public transport services.~~

94. HEAD OF HOUSING AND WELLBEING NEEDS AND SUPPORT

4.1 Managing the Landlord services carried out by the Council's Arms Length Management Organisation (ALMO) Northampton Partnership Homes and overseeing the exercise of functions delegated to and contracted to the ALMO.

4.12 Allocating accommodation to the homeless and entering into reciprocal arrangements with relevant authorities for transfer or acceptance of responsibility for making accommodation available for the homeless as circumstances dictate.

4.23 Entering into agreements in association with the ~~Director~~Head of Finance ~~and Support~~ with former Council tenants temporarily accommodated as homeless in respect of debts accrued in the course of their former tenancies.

4.34 The following matters under the Housing Act 1985 (as amended):

Part X - Service of Overcrowding Notices for the abatement of statutory overcrowding in houses.

4.45 The following matters under the Housing Act 2004:

4.45.1 Part 1 Chapter 2 – service of improvement notices, prohibition orders and hazard awareness notices;

4.45.2 Part 1 Chapter 3 – taking emergency remedial action in respect of residential premises and serving related notices and emergency prohibition orders;

4.45.3 Part 2 – granting or refusing licences for houses in multiple occupation, which are required to be licensed;

4.45.4 Part 4 Chapter 3 – service of over-crowding notices in relation to houses in multiple occupation to which Chapter 3 applies.

4.54.6 The following matters under the Housing Grants, Construction and Regeneration Act

1996:

- 4.56.1 Part 1 and subsequent legislation - approval of Home Renovation Grants;
- 4.56.2 refusal of Home Renovation Grants where the applicant's contribution is in excess of the cost of eligible works; and
- 4.56.3 determining (after consultation with the Housing Cabinet Member and/or the Leader) not to demand repayment, or to demand a lesser sum in repayment, under the conditions attached to Home Renovation Grants in the circumstances allowed by the Housing Grants Construction and Regeneration Act 1996.

4.7 Authorising work on the adaptation of Council dwellings to meet the needs of people who are disabled up to an expenditure limit set by the- ~~Head of Finance~~ ~~Director of Housing pursuant to that Director's Scheme of Sub-Delegations.~~

4

4.8 Determining applications for and termination of licences and registrations relating to Ecton Lane Park Travellers Site

4.9 Service of notices, making of orders, designating Control Areas and undertaking any necessary action and/or advising the Borough Secretary to commence prosecutions or similar proceedings or other action in relation to the Anti-Social Behaviour Act 2003, Part 2.

4.10 The service of Abatement Notices in respect of houses being prejudicial to health or a nuisance under Part III of the Environmental Protection Act 1990.

4.11 The service of notices in respect of Urgent Statutory Nuisances under Section 76 of the Building Act 1984.

4.12 The consequential enforcement action including recovery of expenses incurred following service of notices in accordance with the Housing Act 2004 and other preceding legislation.

4.13 Making arrangements for the restoration or continuation of the supply of water, gas or electricity pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.

~~7. HEAD OF LANDLORD SERVICES SERVICES~~

~~47.114~~ Authorising improvement and modernisation works for dwellings under the control of the Council within budget availability ~~subject to a delegation limit set by the Director of Housing pursuant to that Director's Scheme of Sub-Delegations~~, and the power where the cost of modernisation of any individual Council property exceeds £20,000, to determine whether such expenditure be incurred or alternatively such property be transferred to a Housing Association at nil cost.

~~74.215~~ Acquiring or obtaining use of any vehicles and plant necessary to undertake any contract work subject to the Financial Regulations specifically relating to expenditure limits and leasing approvals.

~~74.316~~ Authorising the payment of the removal/disturbance/resettlement expenses of tenants transferred pursuant to the Council's housing policies or programmes ~~up to an expenditure limit set by the Director of Housing pursuant to that Director's Scheme of Sub-Delegations~~.

~~74.147~~ Assessing the liability of current or former tenants in respect of dilapidations and waste arising from their failure to fulfil tenancy obligations and modifying resultant accounts to such extent or in such manner as appears appropriate.

~~47.518~~ Authorising work on the adaptation of Council dwellings to meet the needs of people who are disabled ~~up to an expenditure limit set by the Director of Housing pursuant to that Director's Scheme of Sub-Delegations~~.

~~74.619~~ Authorising payments to tenants under the Council's Tenants' Home Improvement Scheme.

~~74.720~~ Approving transfers and assignments of tenancies.

~~74.821~~ Settling on an ex-gratia basis minor claims of tenants arising from the use of housing accommodation ~~subject to such settlement not exceeding the expenditure limit set by the Director of Housing pursuant to that Director's Scheme of Sub-Delegations~~.

~~47.229~~ Subject to seeking advice from the Borough ~~Secretary~~ as appropriate, in relation to Council dwellings only, to take such actions as are appropriate for the Head of Landlord Services which are in the view of the Head of Landlord Services necessary to protect, maintain, and fulfil the interests, rights and duties of the Council, to include

(without prejudice to the generality of the foregoing):

~~74.922.1~~ authorising proceedings (including injunctive proceedings where necessary) seeking possession, for recovery of rent, or in relation to nuisance, waste or breach of tenancy conditions;

~~74.922.2~~ authorising the seeking of warrants in respect of gas servicing requirements;

~~74.922.3~~ authorising Housing Act Introductory Tenancies (and associated actions, including service of Notices of Possession Proceedings and Notices of Extension of Housing Act Introductory Tenancies);

~~7.9.4~~ ~~4.22.4~~ authorising Housing Act Secure Tenancies (and associated actions, including authorising the service of and serving Notices Seeking Possession and Notices to Quit);

~~74.922.5~~ authorising proceedings in relation to Tenancy Demotions;

~~74.922.6~~ authorising and serving any relevant notices required to manage the Council's housing stock; and

~~74.922.7~~ in respect of allegations of anti-social behaviour, to take such action as may be considered necessary to deal with such matters affecting or impinging upon Council estates or tenants and their neighbours.

~~74.2310~~ Determining tenants' claims under the Right to Repair Scheme in accordance with such policies as may be determined by the Council.

~~47.2411~~ The taking of such action under relevant legislation as is required or is incidental to the Right to Buy.

~~10.—HEAD OF REVENUES AND BENEFITS~~

~~10.1—Making determinations for the purpose of assessing entitlement to Council Tax Benefit and Rent Allowance under the Council Tax Benefit Regulations and Housing Benefit Regulations and reviewing such determinations on receiving representations from an interested person.~~

~~10.2 Making determinations for the purpose of assessing entitlement to Rent Rebate under the Housing Benefit Regulations and revising or superseding such determinations on receiving representations from an interested person.~~

~~10.3 Approving payments under the Discretionary Housing Payments Scheme in accordance with the provisions of the Child Support Pensions and Social Security Act 2000.~~

~~10.4 Authorising the institution of proceedings in respect of benefit fraud.~~

511. HEAD OF PLANNING

511.1 Building Control

~~511.1.1~~ 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.

~~511.1.2~~ 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.

~~511.1.3~~ To process building notices in accordance with the Building Regulations.

~~511.1.4~~ To withdraw approvals pursuant to the provisions of Section 32 of the Building Act.

~~511.1.5~~ To accept and/or reject or cancel notices pursuant to the provisions of Sections 47, 52 and 54 of the Building Act.

~~511.1.6~~ 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.

~~511.1.7~~ 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.

~~511~~.1.8 To arrange for the execution of work pursuant to Section 36 of the Building Act in the event of default.

~~511~~.1.9 To approve street names in consultation with the relevant Cabinet Member and Ward Councillors.

~~511~~.1.10 To serve notices and/or undertake any necessary action pursuant to Sections 17, 18 and 19 of the Public Health Act 1925.

~~115~~.2 Development Management

To:

~~115~~.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”);

~~511~~.2.2 receive and deal with all prior notifications pursuant to the Planning Act and the Listed Buildings Act;

~~511~~.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;

~~511~~.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

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 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

445.2.5 make responses to consultations received from the 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;

445.2.6 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 2015 (as amended) including prior approval of demolition on Council owned land;

445.2.7 serve Planning Contravention Notices pursuant to Section 171C of the

Planning Act;

~~115~~.2.8 deal with Hedgerow Removal Notices and where appropriate serving Hedgerow Retention Notices;

~~115~~.2.9 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;

~~115~~.2.10 decline to determine applications pursuant to Section 70A of the Planning Act;

~~115~~.2.11 respond on behalf of the Council to all appeals including deciding not to defend appeals;

~~115~~.2.12 make determinations regarding applications for outline planning permission in accordance with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended); and

~~115~~.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

~~115~~.2.14 to charge, process and allocate the community infrastructure levy in accordance with the Community Infrastructure Regulations 2010 (as amended).

5.3 Local Land Charges

To discharge Local Land Charges functions

~~11.3~~ 5.4—Without prejudice to the specificity of paragraphs ~~511.1, and 511.2~~ and 5.3 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.

136. CHIEF FINANCE OFFICER (~~Head Director~~ of Finance)

~~136.1~~ 136.1 Paying accounts in relation to the procurement of goods and services.

~~136.2~~ 136.2 Paying sums in accordance with certificates issued under contracts.

~~13.3—Making proportionate adjustments to the annual lump sum car allowances paid to certain employees consequent upon such increases in the scales of motor car allowances as may be awarded by the National Joint Council from time to time.~~

~~13.4—Determining the eligibility of an employee to receive financial assistance under the Assisted Car Purchase/Lease Schemes and in respect of all eligible applications determining the amount of and repayment period for any loan.~~

~~136.5-3~~ 136.5-3 Subject to the direction of the Chief Executive taking all necessary financial and related administrative action, which may be required to implement a decision of the Council.

~~136.64~~ 136.64 In relation to mortgaged property giving the Council's consent to improvements being carried out and approving applications to transfer or to let the same or to take in lodgers.

~~136.7-5~~ 136.7-5 Approving schemes for the purchase and construction of residential premises.

~~136.8-6~~ 136.8-6 Approving the financial suitability of applicants for the improvement and repair of houses in respect of which either home renovation grant or an earlier advance has been made by the Council, and guaranteeing repayment of advances by financial institutions.

~~136.9-7~~ 136.9-7 Approving advances and the payment of other benefits for the first time purchase of houses under Section 446 of the Housing Act 1985.;

~~136.10-8~~ 136.10-8 Raising the necessary monies by way of loan within the parameters described in the Council's Annual Treasury Management Policy Statement.

~~136.191~~ 136.191 Exercising on behalf of the Council such financial and related administrative decisions as to the management and operations of the Local Authorities Pension Scheme as may be within the parameters set by the Administering Authority.

- ~~136.120~~ Settling the terms for and, where appropriate, making premature repayment of loans to the Council and signing of Bonds, Bills, temporary Loan Receipts and other Loan Agreements (not requiring the Council's Seal).
- ~~136.113~~ Investing the Council's cash balances within the parameters described in the Council's Annual Treasury Management Policy Statement.
- ~~136.124~~ The payment of ex-gratia sums in appropriate cases where the Council's insurance or an employee's personal insurance is not appropriate in situations of theft or damage.
- ~~136.135~~ Approving unbudgeted expenditure when an emergency or disaster potentially involving destruction of, or danger to, life or property occurs or is imminent.
- ~~136.146~~ Authorisation of technical virements of any value, provided that these relate to restructuring of budgets and do not represent a service change.
- ~~136.157~~ Authorisation of revenue budget virements up to the value of £250,000.
- ~~163.168~~ Approval of changes to the Capital Programme up to the value of £250,000 subject to a completed capital appraisal and the identification of external funding.
- ~~136.179~~ Inclusion in the Capital Programme of any scheme fully funded by s.106 contributions, where the scheme is committed by the Council under an approved planning agreement and does not involve any unfunded revenue implications.
- ~~136.1820~~ Exercising the powers and duties of the Council as a local taxation and collection fund authority except in relation to those matters statutorily reserved to the Council or some other body or person for decision.
- ~~136.219~~ To collect and attempt to recover, (making arrangements with agents as necessary) such sums as are due, or become due, to the Council other than Council Housing Rents and associated charges, and, on the instruction of the ~~Director-Head~~ of Housing and Wellbeing, to collect and attempt to recover, (making arrangements with agents as necessary), Housing Rents and other sums as are due to the Council.
- ~~136.220~~ Writing off outstanding debts resulting from bankruptcy, liquidation or composition with creditors after consultation with the relevant Head of Service Director (taking advice from the Borough Secretary in appropriate cases).

~~136.213~~ — In respect of write-offs:

6.21.1 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.

6.21.2 Where the amount exceeds £100,000 but does not exceed £250,000 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).

For the avoidance of doubt, where the amount is in excess of £250,000 or impacts on future financial years, these must be approved by the Cabinet.

~~Writing off other individual outstanding debts up to £10,000 after consultation with the relevant Director (taking advice from the Borough Secretary in appropriate cases).~~

136.242 To exercise the right (after consultation with the appropriate Member) to waive the exemption of supplies for VAT and apply the option to tax in appropriate circumstances.

136.253 To award discretionary Rate Relief where charities, clubs and other organisations fulfil the relevant criteria.

~~13.26 Inviting tenders and accepting the lowest for the demolition of properties as and when practicable where the cleared site is required for either the implementation of a decision by the Council or for a proposal included in the Capital Expenditure Estimates approved for the current or next ensuing financial year.~~

136.274 Exercising the controls in relation to the Council's financial affairs set out in the approved Financial Regulations and instructions.

136.285 Taking all actions and discharging all functions and responsibilities in discharge of the duties of the Chief Finance Officer pursuant to Section 151 of the Local Government Act 1972 and associated legislation, including the taking of any actions that are ancillary and incidental thereto.

6.26 Making amendments to human resources and payroll policies including amendments to reflect changes to legislation, subject to consultation with the relevant Cabinet Member and Chair of the General Purposes Committee if relevant. For the avoidance

of doubt, substantial changes will need authorisation by the Council through the relevant committee or the Cabinet or other decision maker as appropriate.

6.27 Annually to prepare for approval the Council's Pay Policy Statement as required pursuant to the Localism Act 2011.

6.28 Establishing and keeping up to date corporate health and safety policies.

~~136.2309~~ Approving payments under the Discretionary Housing Payments Scheme in accordance with the provisions of the Child Support Pensions and Social Security Act 2000.

6.30 Undertaking the role of designated Money Laundering Officer in line with the approved policy.

~~10. HEAD OF REVENUES AND BENEFITS~~

~~106.131~~ Making determinations for the purpose of assessing entitlement to Council Tax Benefit and Rent Allowance under the Council Tax Benefit Regulations and Housing Benefit Regulations and reviewing such determinations on receiving representations from an interested person.

~~106.232~~ Making determinations for the purpose of assessing entitlement to Rent Rebate under the Housing Benefit Regulations and revising or superseding such determinations on receiving representations from an interested person.

~~106.33~~ Approving payments under the Discretionary Housing Payments Scheme in accordance with the provisions of the Child Support Pensions and Social Security Act 2000.

~~106.434~~ Authorising the institution of proceedings in respect of benefit fraud.

~~147. Deputy Section 151 HEAD OF FINANCE~~

~~147.1~~ Undertaking the roles and duties of the Section 151 Officer in the absence of the ~~Director of~~ Chief Finance ~~Officer~~, exercising the delegated powers applicable to that role. This service is provided by designated officers from LGSS

~~14.2 Undertaking the role of designated Money Laundering Officer in line with the approved policy.~~

~~14.3 Carrying out the role of Chief Internal Auditor, ensuring the provision of internal audit services in line with the approved audit plan.~~

~~:~~

~~15. 8. CORPORATE ASSET MANAGER HEAD OF ECONOMY, ASSETS AND CULTURE~~

~~(Subject in each case to any direction of the Director of Regeneration, Enterprise and Planning):~~

~~158.1~~ Negotiating and granting licences, easements, way-leaves, agreeing covenants and similar rights and obligations and releases thereof in respect of Council property and acquiring such in favour of Council property.

~~158.2~~ Management of Council property and letting of such property other than Council houses for not more than 21 years; including agreeing assignments and subletting of leases, changes of use and other lease variations.

~~158.3~~ Negotiating for and purchasing property required to implement specific proposals included in the Capital Programme approved by the Council for the relevant financial year.

~~158.4~~ The disposal in consultation with the Director-Head of Finance ~~and~~ relevant Ward Councillors of:

~~158.4.1~~ small parcels of land to adjoining residential owners for use with that adjoining property; and

~~158.4.2~~ small parcels of land for use by other public authorities in pursuance of their statutory responsibilities.

~~815.5~~ Making applications for planning permission on behalf of the Council.

~~8.6~~ Making all necessary arrangements (including the allocation of stalls and pitches) for the Council's outdoor events (save in respect of the Council's markets).

~~8.7~~ Inviting tenders and accepting the lowest for the demolition of properties as and when practicable where the cleared site is required for either the implementation of a

decision by the Council or for a proposal included in the Capital Expenditure Estimates approved for the current or next ensuing financial year.

8.8 Highways

8.8.1 Subject (if applicable) to the terms and requirements of any Highways Partnership with Northamptonshire County Council:

8.8.1.1 the authorisation and implementation of temporary Orders under Section 21 of the Town Police Clauses Act 1847;

8.8.1.2 approving agreements relating to walkways;

8.8.1.3 approving suitable sites for bus passenger shelters;

8.8.1.4 after consultation with appropriate Ward Councillors authorising the removal of benches on highway land where significant misuse occurs; and

8.8.1.5 approving agreements for urgent public transport services.

169. BOROUGH -SECRETARY AND MONITORING OFFICER

169.1 General

169.1.1 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, the Local Government Act 2000 and the Localism Act 2011 including the taking of any actions that are ancillary and incidental thereto.

169.1.2 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.

169.1.3 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 withdraw, compromise 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.

~~169~~.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.

~~169~~.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.

~~169~~.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.

~~169~~.4 In the best interests of the Council:

~~169~~.4.1 to exercise discretion to appeal against any decisions of all courts and tribunals;

~~169~~.4.2 to exercise discretion to defend proceedings and resist appeals in all courts and tribunals; and

~~169~~.4.3 to exercise discretion to settle court and tribunal proceedings.

~~16.5~~—~~To discharge Local Land Charges functions~~

~~169~~.65 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.

~~169.76~~ 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.

~~169.87~~ 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.

~~169.98~~ Signing, issuing, serving and receiving on behalf of the Council all notices, orders 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) and as appropriate advertising, publicising and/or confirming the same.

~~169.109~~ Upon the recommendation of the Head of ~~Housing Needs and Support~~ Housing and Wellbeing, taking the following action under Part XI of the Housing Act 1985 relating to houses in multiple occupation:

~~169.109.1~~ making control orders; and

~~169.109.2~~ instituting proceedings in respect of offences.

~~169.104~~ 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.

~~169.1211~~ Making of Tree Preservation Orders or authorising named Officers to make Tree Preservation Orders on the advice of the Head of Planning:

~~169.1211.1~~ in cases of urgency such orders to be signed rather than sealed by the authorising Officer; and

~~169.1211.2~~ confirming on the advice of Head of Planning, Tree Preservation Orders where there are no outstanding valid objections.

~~169.1312~~ 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.

~~169.14~~13 Upon the recommendation of the Environmental Health and Licensing Manager ~~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.

~~169.15~~14 Upon the recommendation of the Head of Planning the issue of Temporary Stop Notices under Section 172 of the Town and Country Planning Act 1990 (as amended).

~~169.16~~15 Upon the recommendation of the Head of Planning, the service of Breach of Condition Notices under Section 187A of the Town and Country Planning Act (as amended).

~~169.17~~16 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).

~~169.18~~17 Upon the recommendation of the Environmental Health and Licensing Manager~~Head of Public Protection~~, the institution of legal proceedings under the Environment Act 1995 (contaminated land).

~~169.19~~18 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.

~~169.20~~19 The institution of proceedings for contravention of the Advance Payments Code under Section 219 of the Highways Act 1980.

~~16.21~~ ~~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.~~

~~169.22~~20 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.

~~169.23~~21 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.-

~~169.2422~~ 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.

~~169.2523~~ 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 ~~Agre~~arrangements for Dealing with Allegations of Breaches of the Members’ Code of Conduct, determine matters pursuant to local resolution and consult an Independent Person as appropriate.

~~169.2624~~ To issue decision notices in accordance with paragraph 9 of the Arrangements for Dealing with Allegations of Breaches of the Members’ Code of Conduct.

~~169.2725~~ 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.

~~169.2826~~ 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.

~~1210. HEAD OF ENVIRONMENTAL HEALTH AND LICENSING MANAGER~~ ~~PUBLIC PROTECTION~~

~~1210.1~~ The following matters under the Food Safety Act 1990 (as amended) and Regulations whether made thereunder or having effect as if made thereunder or otherwise:

~~1210.1.1~~ Service of Improvement Notices.

~~1012.1.2~~ Advising the Borough— Secretary to commence prosecution or similar proceedings.

~~1012.1.3~~ Authorising with the agreement of and (if appropriate) in the name of the Borough -Secretary applications to the Magistrates' Court for closure orders or emergency orders under Sections 11 and 13; and when such orders are in force issuing certificates that the measures specified in the order have been complied

with or that there is no longer any risk of danger to health.

~~1210.1.4~~ Entering into voluntary closure arrangements.

~~1210.1.5~~ In cases of imminent risk to health, the issue of emergency prohibition notices under Section 12 of the 1990 Act.

~~10.2~~ Issuing conditional and full Approvals in accordance with Regulation (EC) No 178/2002, Regulation (EC) No 2073/2005, Regulation (EC) No 852/2004, Regulation (EC) No 853/2004, Regulation (EC) No 854/2004 and Regulation (EC) No 882/2004 to food businesses handling food of animal origin.

~~10.3~~ Authorising Officers to exercise enforcement powers in respect of approved establishments, Regulation (EC) No 178/2002, Regulation (EC) No 2073/2005, Regulation (EC) No 852/2004, Regulation (EC) No 853/2004 and Regulation (EC) No 854/2004, Regulation (EC) No 882/2004

~~1210.24~~ Issuing Export Certificates for foodstuffs under UK and foreign legislative provisions.

~~1210.35~~ Public Health (Control of Diseases Act) 1984 - Section 46 Burial of the Dead.

~~1210.46~~ European Communities Act 1972 - Section 2.

~~1210.5-7~~ Determining applications for and termination of licences and registrations relating to: all consumer protection, public health, environmental, and animal welfare legislation for the time being in force.

- ~~• Scrap metal dealers~~
- ~~• Slaughtering of animals~~
- ~~• The sale of special classes of milk~~
- ~~• Pet shops~~
- ~~• Riding establishments~~
- ~~• Premises where ice cream is sold or stored~~
- ~~• Premises where sausages and cooked meats are prepared and manufactured~~
- ~~• Premises where filling materials are used, or rag flock is stored or manufactured~~
- ~~• Premises of milk distributors and dairies~~
- ~~• Acupuncture~~
- ~~• Ear piercing~~

- ~~Electrolysis~~
- ~~Tattooing~~
- ~~Caravan sites~~
- ~~Animal boarding establishments~~
- ~~Dangerous wild animals~~
- ~~Dog breeding~~
- ~~Offensive trades~~
- ~~Ecton Lane Park Travellers Site~~
- ~~Guard Dogs~~

1012.68 Advising the Borough— Secretary to commence prosecutions or similar proceedings —for failure to comply with any of the above licensing/registration requirements or conditions attached to such licences/registration.

1210.79 The following matters under the Clean Air Act 1993, the Environmental Protection Act 1990 and Pollution Prevention and Control Act 1999 and Regulations made thereunder or having effect as if so made:

1210.79.1 Service of Notices, and undertaking any subsequent necessary action.

1012.79.2 To advise the Borough –Secretary to commence prosecutions or similar proceedings.

1120.79.3 Approval of chimney heights.

1012.79.4 Approval of furnace installation.

1012.79.5 Approval of works and Applications for Grants relating to Smoke Control Areas.

1012.79.6 Notification to Ministers with reference to emissions from Crown premises.

1210.810 The issuing of consents under Schedule II of the Noise and Statutory Nuisance Act 1993 for the operation of loudspeakers.

1210.911 Notices and Proceedings

~~1210.911~~.1 Service of notices, making of orders, designating Control Areas and undertaking any necessary action and/or advising the Borough Secretary to commence prosecutions or similar proceedings or other action in relation to the following:

~~1210.911~~.1.1 Public Health Acts 1875, 1936, 1961;

~~1210.911~~.1.2 Refuse Disposal (Amenity) Act 1978;

~~1210.911~~.1.3 Public Health (Control of Diseases) Act 1984;

~~1210.911~~.1.4 Prevention of Damage by Pests Act 1949;

~~1210.911~~.1.5 Local Government (Miscellaneous Provisions) Act 1976 and 1982;

~~1210.911~~.1.6 Building Act 1984 Sections 59, 60, 63-67, 71, 76, 79 and 84 and any Regulations made thereunder or having effect as if made thereunder;

~~1210.911~~.1.7 ~~Sections 90 and 151 of t~~The Environmental Protection Act 1990;

~~1210.911~~.1.8 Dangerous Dogs Act 1991;

~~12.9.1.9—Dogs (Fouling of Land) Act 1996;~~

~~1210.911.1.109~~ Water Act 1989;

~~1210.911.1.110~~ National Assistance Act 1948; and

~~1210.911.1.121~~ National Assistance (Amendment) Act 1951.

~~1210.1012~~ Anti-Social Behaviour Act 2003 Parts ~~2~~, 6 and 9.

~~1210.11—3~~ Inspections and related enforcement pursuant to the Licensing Act 2003.

~~1210.1214~~ Service of Penalty Notices pursuant to the Environmental Protection Act 1990, the Town and Country Planning Act 1990, the Clean Neighbourhoods and Environment Act 2005, the Control of Pollution (Amendment) Act 1989, the Noise Act 1996, the Anti-Social Behaviour Act 2003, ~~the Dogs (Fouling of Land) Act 1996~~ (or any statutory amendments or modifications to such legislation) and pursuant to any other legislation relevant to the remit of the role of Environmental Health and Licensing

~~Manager~~Head of Public Protection.

10.15

~~12.13~~ Subject to seeking advice from the Borough ~~Secretary~~ as appropriate, to serve such notices as are appropriate for the Environmental Health and Licensing Manager~~Head of Public Protection~~, which are in the view of the Environmental Health and Licensing Manager ~~Head of Public Protection~~ necessary to protect, maintain, and fulfil the interests, rights and duties of the Council.

~~1210.1416~~ **Environment**

~~1210.1416.1~~ The power to carry out the statutory duties under the Environment Act 1995 including (with the agreement of the Borough ~~Secretary~~) the issuing and serving of notices pursuant to the Act.

~~1210.1416.2~~ The Environmental Protection Act 1990, Control of Pollution Act 1974, Environment Act 1995 Refuse Disposal (Amenity) Act 1978 and Pollution Prevention and Control Act 1999 and the Regulations made thereunder or having effect as if so made:

~~1210.146.2.1~~ service of notices and giving consents and undertaking any subsequent necessary action;

~~1210.146.2.2~~ advising the Borough ~~Secretary~~ to commence prosecutions or similar proceedings.

~~1210.164.3~~ The service of Abatement Notices in respect of houses being prejudicial to health or a nuisance under Part III of the Environmental Protection Act 1990.

~~12.14.4~~ ~~The service of notices in respect of Urgent Statutory Nuisances under Section 76 of the Building Act 1984.~~

~~1210.164.54~~ The service of Notices in respect of securing a vacant property and/or the removal of refuse hazardous to health under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982.

~~1210.146.65~~ The service of notices requiring information of ownership and occupation under Section 16 of the Local Government (Miscellaneous

Provisions) Act 1976.

~~12.14.7 The consequential enforcement action including recovery of expenses incurred following service of notices in accordance with the Housing Act 2004 and other preceding legislation.~~

~~12.14.8 Making arrangements for the restoration or continuation of the supply of water, gas or electricity pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.~~

~~12.14.9 Issuing formal permits for street cafes etc in town centre pedestrian areas to be operated during normal shopping hours i.e. 9.00 am to 5.30 pm.~~

~~1210.146.106~~ Determining the grant, renewal or amendment of licences for Public Protection:

~~1210.146.106.1~~ hackney carriages;

~~1210.146.106.2~~ hackney carriage drivers;

~~1210.146.106.3~~ private hire operators;

~~1210.146.106.4~~ private hire vehicles;

~~1210.146.106.5~~ private hire drivers; and

(after consultation with any relevant ~~Head of Service~~Director)

~~1210.146.117~~ The determination of applications for, and renewals of certificates under the Lotteries and Amusements Act 1976.

~~1012.146.128~~ The issue of Street and House to House Collection Permits to organisations which meet the criteria as agreed by the former Licensing sub-committee on 25 February 1997 and previously, namely that House to House and Street Collection Permits only be issued to nationally recognised, registered charities with local connections or charitable organisations based locally.

~~1210.146.139~~ The issuing of permits for Car Boot Sales or similar events and the revocation of the same in the event of any breach of the Council's Car Boot

Sales Policy.

~~1210.164.140~~ Determining the grant, renewal or amendment of orders varying the closing hours for retail trades and businesses at exhibitions and shows.

~~1210.146.151~~ Appointing Vehicle Inspectors pursuant to Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of hackney carriages and private hire vehicles.

~~1210.146.162~~ The renewal of Street Trading Consents where no objection has been received.

~~1210.146.173~~ The administration, registration, inspection and enforcement provisions of Parts 3,4,5 and 7 of the Licensing Act 2003.

~~1210.146.184~~ The renewal of Sex Establishment Licences under the Local Government (Miscellaneous Provisions) Act 1982 where no objection has been received.

~~1210.146.195~~ _____ Determining applications under the Gambling Act 2005 for:

~~1210.146.195.1~~ a premises licence where no representations have been received or representations withdrawn;

~~1210.146.195.2~~ variation of a licence where no representations have been received or representations withdrawn;

~~1210.146.195.3~~ transfer of a licence where no representations have been received from the Commissioner;

~~1210.146.195.4~~ transfer of a licence where no representations received or representations withdrawn;

~~1210.146.195.5~~ provisional statement where no representations received or representations withdrawn; and

~~1210.146.195.6~~ club gaming/club machine permits where no objections have been made/objections have been withdrawn.

~~1210.146.2016~~ In respect of Hackney Carriage or Private Hire drivers the granting of exemptions under relevant equalities legislation.

~~1210.146.217~~ The renewal of permits for amusement with prizes machines and all cash machines under Sections 34(1) and 34(5E) of the Gaming Act 1968 as amended.

~~1210.146.1822~~ The issuing of Street Collection Permits to registered charities where applications are received for a collection to take place prior to the next Public Protection meeting of the appropriate committee.

10.16.19 Issuing formal permits for street cafes etc in town centre pedestrian areas to be operated during normal shopping hours i.e. 9.00 am to 5.30 pm.}

11. ENVIRONMENTAL HEALTH AND LICENSING MANAGER, PRIVATE SECTOR HOUSING MANAGER AND COMMUNITY SAFETY AND ENGAGEMENT MANAGER
AND COMMUNITY SAFETY PARTNERSHIP MANAGER

171.1 The following matters under the Anti-Social Behaviour Crime and Policing Act 2014 (the 'Act'):

171.1.1 Authority to approve the seeking of a civil injunction pursuant to Part I of the Act.

171.1.2 The following matters under Part II of the Act in relation to Criminal Behaviour Orders:

171.1.2.1 Authority to approve the seeking of a Criminal Behaviour Order; and

~~171.1.2.2~~ authorising the commencement of prosecutions for the offences relating to breach of a Criminal Behaviour Order.

171.1.3 The following matters under Part IV, Chapter 1 of the Act in relation to Community Protection Notices ('CPNs'):

171.1.3.1 issue of CPNs and undertaking any associated actions or any subsequent necessary action, including without prejudice to the generality of the foregoing, the service of Fixed Penalty Notices pursuant to **section 52** in respect of breach of a CPN;

~~17.1.3.2~~ 11.1.3.2 pursuant to **section 47**, authorising the undertaking of, and undertaking remedial work in relation to a CPN in respect of which there has been a failure to comply, only on land where that land is open to the air;

~~17.1.3.3~~ pursuant to **section 47**, authorising the undertaking of and undertaking remedial work in relation to a CPN in respect of which there has been a failure to comply, on land where that land is not open to the air where consent has been sought;

~~17.1.3.4~~11.1.3.4 issuing and serving notices pursuant to **section 47** in respect of remedial action by the Council;

~~17.1.3.5~~ entering any premises to the extent reasonably necessary for the purpose of carrying out remedial works;

~~17.1.3.6~~ 11.1.3.6 authorising the commencement of prosecutions in respect of failures to comply with a CPN;

~~17.1.3.7~~11.1.3.7 pursuant to **Section 49**, issuing notices to defaulters to recover costs arising from specified works undertaken by the Council following a remedial order made by a Court; and

~~17.1.3.8~~ 11.1.3.8 authorising suitably qualified and experienced officers to take such actions as outlined in paragraphs 11.1.3.1 – 11.1.3.7 ~~17.3.1 to 17.3.7~~ (inclusive), provided that the Monitoring Officer approves such authorisations in advance in writing.

~~17.1.4~~11.1.4 The following matters under Part IV, Chapter 2 of the Act in relation to Public Spaces Protection Orders ('PSPOs'):

~~17.1.4.1~~ undertaking all enforcement functions identified under Sections **63** (consumption of alcohol in breach of a prohibition in order), and **68** (fixed penalty notices) and authorising the commencement of prosecutions in respect of failures to comply with a PSPO; and

~~17.1.4.2~~ authorising suitably qualified and experienced officers to carry out such actions as set out in paragraph ~~17.1.4.1~~, provided that the

Monitoring Officer approves such authorisations in advance in writing.

~~17.1.5~~11.1.5 The following matters under Part IV, Chapter 3 of the Act in relation to Closure Notices:

~~17.1.5.1~~11.1.5.1 pursuant to **Section 76**, issue of a Closure Notice up to a maximum period of 24 hours;

~~17.1.5.2~~ 11.1.5.2 pursuant to **Section 78**, issue of a cancellation or variation notice;

~~17.1.5.3~~ 11.1.5.3 pursuant to **Section 79**, service of closure notices, extension notices, cancellation notices and variation notices, and entering any premises using reasonable force if necessary, for the purposes of fixing a copy of a notice on premises and authorising suitably qualified and experienced officers to do the same, provided that the Monitoring Officer approves such authorisations in advance in writing;

~~17.1.5.4~~11.1.5.4 advising the Borough Secretary to apply for a Closure Order (pursuant to section 80), make an application for an extension of a Closure Order (pursuant to Section 82), make an application for discharge of a Closure Order (pursuant to section 83) and instigate any associated appeal proceedings;

~~17.1.5.5~~11.1.5.5 pursuant to **Section 85**, entering premises in respect of which a Closure Order is in force and doing anything necessary to secure the premises against entry and authorising suitably qualified and experienced officers to do the same, provided that the Monitoring Officer approves such authorisations in advance in writing;

~~17.1.5.6~~11.1.5.6 authorising the commencement of prosecutions under **section 86; and**

11.1.5.7 authorising the making of an application to the Court for an order for reimbursement of the costs incurred in clearing, securing or maintaining premises in respect of which a Closure Order is in force (pursuant to **section 88**).

~~17.1.5.7~~ _____

12.5A MARKETS MANAGER

~~5.1~~ Markets

~~512.1.1~~—The taking of such action as is required or is incidental to the market function **(except the determination of the annual markets rents review)** and without prejudice to the generality of the foregoing:

~~512.1.1.1~~ allocating stalls and pitches on the Council's markets; and

~~512.1.1.2~~ suspension of Traders' Licences for a period of seven days in respect of persistent breaches of market regulations, following a written warning and consideration of each case on its merits.

~~5B13~~ TOWN CENTRE MANAGER

~~5.2~~ Car Parking

~~13.15.2.1~~ The taking of such action as is required or is incidental to the Council's car parking functions.

~~13.25.2.2~~ The taking of such action and the serving of all necessary documentation as may be incidental to the functions of the Council pursuant to the Road Traffic Act 1991.

14 GOVERNANCE AND RISK MANAGER

14.1 Take all actions necessary in acting as the client manager for the internal audit function.

PROPER OFFICER APPOINTMENTS

1. Except for documents to be executed under seal, any Officer of the Council to whom powers have been delegated shall be the Proper Officer of the Council for the purposes of authenticating any notice, order or document which they are authorised or required by any enactment to give, make or issue or pursuant to sections 229 and 234 of the Local Government Act 1972; and unless otherwise specifically defined or delegated by law or in the Constitution of which these delegations and appointments form part, the Proper Officer for all other statutory purposes (including, without prejudice to the generality of the foregoing, the provisions of the Local Government Act 2000 and all Regulations Protocols and Rules made thereunder) shall be the Chief Executive.
2. In particular, the following Proper Officer appointments are specifically designated:

PART 1

Statutory Provision	Brief Description	Proper Officer
S13(3) & (5) LGA 72	Parish Trustee	Chief Executive
S4(3) Northampton Act 1988	Roll of Freemen	Chief Executive
S33 Localism Act 2011	Receipt of requests for Dispensations	Chief Executive and Monitoring Officer

ELECTIONS

S.8 R of the PA 83 <u>Secretary</u>	Registration Officer	Chief Executive <u>Borough</u> <u>and Monitoring Officer</u>
S.35 R of the PA 83 <u>Executive</u>	Returning Officer for Borough Mayoral and Parish Elections and Officer for Mayoral	<u>Borough Secretary</u> Chief <u>and Monitoring Officer</u>

Referendums other
Referendums
and Parish Polls

S.83(1) & (4) LGA 72 <u>Secretary</u>	Witness and Receipt of Declarations of _____ Acceptance of Office	<u>Chief Executive</u> <u>Borough</u> <u>and Monitoring Officer</u>
S.84 (1) LGA 72 <u>Executive</u>	Acceptance of resignation _____	<u>Borough Secretary</u> <u>Chief</u> <u>and Monitoring Officer</u>
S.88 (2) LGA 72	Convening of meetings <u>Executive</u> of the Council to Fill _____ Casual Vacancy in the Office of Chairman	<u>Borough Secretary</u> <u>Chief</u> <u>and Monitoring Officer</u>
S.89 (1)(b) LGA 72	Receipt of Notices <u>Secretary</u> _____ _____	<u>Chief Executive</u> <u>Borough</u> <u>and Monitoring Officer</u> of Casual Vacancies

CHARITIES

S.210(6) & (7) LGA 72	Charity Function created before 1972 and inherited by the Council on 1 April 1974	Chief Executive
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DOCUMENTS AND MINUTES

S.225(1) LGA 72	Deposit of Documents	Chief Executive and Borough Secretary
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S.229(5) LGA 72

Certification of Photographic
Copies

Chief Executive
and Borough

Secretary
Secretary

S.234(1) & (2)

Authentication of LGA 72
Documents

Chief Executive
and Borough
Secretary

S.236(9) & (10) LGA 72

Councils

Secretary

Send copies of the
Byelaws to Parish and

Chief Executive
and Borough County

S.238 LGA 72

Certification of Byelaws

Chief Executive
and Borough Secretary

S.41(1) LG(MP)A 76

Certification of
Resolutions, Orders,
Reports and Minutes

Chief Executive
and Borough
Secretary

Preparation and Holding of
Register of Politically
Restricted Posts

Chief Executive

COUNCIL MEETINGS

LGA 72 Sched 12

para. 4(2)(b)

Signature of Summons for
Council Meeting

Chief Executive

para. 4(3)

Receipt of Notices of
Addresses to which
Summons to be sent

Chief Executive

ACCESS TO INFORMATION

LGA 72

S.100B(2)	Circulation of Reports and Agenda	Chief Executive
S.100B(7)(c)	Supply of Agenda and Reports to the Press	Chief Executive
S.100C(2)	Preparation of Summaries of Exempt Minutes	Chief Executive
S.100D(1)(a)	Compilation of Lists of Background Papers to a Report	Director <u>Head of Service</u> responsible for report
S.100D(5)	Identification of Background Papers	Director <u>Head of Service</u> responsible for report
S.100F(2)	Determination of Papers not open to the Public	Chief Executive

FINANCIAL

S.115(2) LGA 72	Receipt of Monies due from Officers	Chief Finance Officer
S.146(1)(a) LGA 72	Declarations and Certificates for Council's Securities	Chief Finance Officer
S.151 LGA 72	Responsibility for <u>proper</u> A administration of <u>the</u> Council's Financial Affairs Officer	Chief Finance Officer
Part VIII LG Fin.A 88	Responsibility for making Financial Reports to the Council	Chief Finance Officer

ORDNANCE SURVEY

S.191 LGA 72 Ordnance Survey Chief Executive
(receipt of applications
under Ordnance Survey Act 1841)

PART II - PRE 1974 ENACTMENTS

The Proper Officer in relation to any reference or any enactment passed before 1 April 1974 (other than the Local Government Act 1972) relating to:

- (1) The Clerk or Town Clerk Chief Executive
- (2) The Surveyor The most senior Officer of the Council holding the relevant qualification or experience
- (3) The Treasurer Chief Finance Officer
- (4) A Public Health Inspector All professionally qualified and registered Environmental Health Officers from time to time in the employ of the Council
- (5) The Medical Officer of Health or practitioner appointed by or on behalf of the employees of the Council Such registered medical practitioner or other registered medical practitioners as may be appointed by the Council in writing

~~SECTION 47 NATIONAL ASSISTANCE ACT 1948 AND PART III ENACTMENTS ENVIRONMENTAL HEALTH, FOOD SAFETY AND COMMUNICABLE DISEASE LEGISLATION~~ NOT PREVIOUSLY SPECIFICALLY REFERRED TO

The Proper Officer in relation to ~~Section 47 of the National Assistance Act 1948 and in relation to~~ any enactment passed after 1st April 1974 not previously referred to relating to Environmental Health (including Food Safety and Communicable Disease) matters shall be the ~~appropriate~~ Environmental Health & Licensing Manager.

THE PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

The Proper Officer functions in relation to the above provisions – ~~Health Protection Agency~~Public Health England, (East Midlands ~~Region~~South) (further delegation to appropriate registered clinicians in that role).

PROPER OFFICER APPOINTMENTS - KEY TO ABBREVIATIONS

Statutes:

LGA 72 Local Government Act 1972

R of the PA 83 Representation of the People Act 1983

LG(MP)A 76 Local Government (Miscellaneous Provisions) Act 1976

LG Fin.A 88 Local Government Finance Act 1988

LG HA 89 Local Government and Housing Act 1989.

Part 9

Glossary of Terms



GLOSSARY OF TERMS USED IN THE CONSTITUTION



Access to Information Procedure Rules	These Rules can be found in Part 4 of this Constitution. In summary, the Rules detail the rights of the public to attend meetings of the Authority, have notice of meetings and access to meeting agendas and reports.
Administration	The largest Group which has, (or collection of Groups which together have) formed the Executive.
Articles	The basic rules setting out the different features of the Council's governance system and describing how the Council's business is governed.
the Authority	Northampton Borough Council.
Background Papers	The law states that report authors must list any papers used in compiling a report for decision, and these papers must be available for 4 years to anyone wishing to inspect them.
Borough Secretary	The Borough Secretary is the most senior solicitor to the Council. In this Authority, the Borough Secretary has been designated as the Monitoring Officer.
Budget	Includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
Budget and Policy Framework	The Council's revenue and capital budget in any one year together with certain major plans and strategies as determined by the government and the Council as described in Article 4 of the Constitution.
Cabinet	The Councillors who, together with the Leader, form the Executive.

Cabinet Member	A Cabinet Member who holds a specific area of responsibility, e.g. the Cabinet Member for Planning and Regeneration. The Leader’s Scheme of Delegations in Part 3 of the Constitution sets out the areas of responsibility of each Cabinet Member.
Cabinet Member Report	A report, which is prepared by Officers when a Cabinet Member is asked to make a delegated decision. The Report is presented for approval to the relevant Cabinet Member who may make the decision by endorsing the report as approved.
Call-in	A mechanism, which allows the Overview and Scrutiny Committee to examine, and challenge an Executive decision before it is implemented.
Chair	The person who presides over a meeting. For example, the Mayor chairs meetings of the Full Council.
Chief Finance Officer	The most senior finance officer, also known as the “Section 151 Officer”. The officer responsible for the administration of the financial affairs of the Council. This is a statutory ‘Proper Officer’ role.
Chief Officers	The most senior Council staff – see Article 14 of the Constitution. Directors are referred to as Chief Officers. The Chief Executive is also a Chief Officer.
Clear Working Days	This is relevant to prior notice of decisions. Reference in the Constitution to clear days means that the day the papers are sent out and the date of the meeting (hence the use of ‘clear’) are NOT counted when calculating the number of days that have elapsed. ‘Working’ is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and Bank Holidays.
Code of Conduct for Councillors	The document set out in Part 5 of the Constitution which has been adopted by the Council setting out what is expected of Members and Co-opted Members of the Council in terms of their conduct and behaviour.
Committee	A group of Members (including co-opted members) appointed to discharge a specific function. The Council has various types of Committees. Committees are charged with making decisions on behalf of the Council where those decisions are prohibited by law or by local choice from being made by the executive. Decisions that are made by committees include quasi-judicial matters such

as deciding planning applications, (Planning Committee) and deciding licensing matters, (Licensing Committee).

Committee Proportionality (political)

There are legal rules that require certain Committees of the Council to include a balance of Members that is proportionate to the political balance of Full Council.

Confidential Information

Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order. (See also 'Exempt Information' below).

Contract Procedure Rules

These are contained in Part 4 of the Constitution and set out the rules and procedures which govern procurement of all goods, services and works for the Council and the entering into of contracts by the Council.

Co-optee

A person who is not an elected councillor but is appointed to serve as a member (voting or non-voting) of a Council committee or sub-committee.

Councillor

An individual elected by voters from a specific ward to represent the views of local people. Councillors have an overriding duty to the whole community and are democratically accountable to the residents of their ward. Councillors provide the political management of the Council. Councillors are often referred to as Members.

Councillor Call for Action

This is when a Councillor requests the Overview and Scrutiny Committee to consider any local government matter or local crime and disorder matter which affects all or part of that Councillor's Ward or any person who lives or works in that Ward. (See paragraph 8.2 of the Overview and Scrutiny Procedure Rules contained in Part 4 of this Constitution).

Delegation

Formal authorisation for a committee, Cabinet Member, or Officer to take an action, which is the ultimate responsibility of the Council or the Executive.

Director

~~An Officer in charge of a specific Council Directorate.~~

Executive

The Leader and the Cabinet collectively form the Executive and are legally responsible for implementing Council policies within the Budget and the Policy Framework set by the Council.

Executive Arrangements	Defined in section 10 of the Local Government Act 2000 as arrangements by a local authority for and in connection with the creation and operation of an Executive of the Authority and under which certain functions of the Authority are the responsibilities of the executive. This Authority currently operates a Leader and Cabinet Executive (England) Model of executive arrangements.
Executive Functions	These are all the responsibilities of the Executive under the Council's Executive Arrangements. In practice, Executive Functions are all those functions, which have not been reserved to the Council by law or are Local Choice Functions that the Council has chosen to designate to the Executive.
Exempt Information	The public have various rights as laid out in the Guidelines for Open Government in the Constitution to attend meetings and view reports and background papers and records of decisions made by Council and Cabinet. However, certain information is exempt from being available to the public in this way, for example, if it relates to the financial or business affairs of any particular person or it relates to any action connected with the prevention, investigation or prosecution of crime. Exempt Information is defined in Part 4 of the Constitution in the Guidelines for Open Government.
Executive Business List	A list prepared on behalf of the Leader of all the Key Decisions the Executive expects to take prior to the making of the Key Decision. This is published (at least) 28 days in advance of the decision being made.
Full Council	Refers to a formal meeting to which all 45 Members of the Council who together comprise the Council of the Borough of Northampton are entitled to attend.
Group	A collection of Members who have formed a Group. This usually refers to a political group (and accordingly sometimes Groups are referred to as "Political Groups"). To constitute a Group, two or more Councillors must notify the Chief Executive in writing of the names of the Members who will be part of the Group and the name by which the Group will be known e.g. 'the Labour Group'.
Group Whip	A member of a Group who has administrative responsibilities for

that Group and who maintains the Group's political discipline.

**Guidelines for
Open Government**

These Guidelines can be found in Part 4 of this Constitution. In summary, these Guidelines deal with subjects such as access to meetings of the Authority, rights to speak at meetings and access to Officers, to reports of the Authority, and to minutes of meetings.

**Head of Paid
Service**

The Head of Paid Service is a statutory 'Proper Officer' role with distinct functions as laid out in the Local Government and Housing Act 1989. For example, the Head of Paid Service is responsible for making proposals to the Council about the coordination of the discharge of the Authority's functions, the number and grades of Officers required to discharge the Authority's functions, and the organisation, appointment and management of the Authority's Officers. In this Authority, the Chief Executive (who is the most senior Officer), has been designated as the Head of Paid Service.

**Independent
Member (Standards
Committee)**

A representative is drawn from the community to sit on the Standards Committee as a non-voting co-optee. Independent Members are not Members or Officers of the Council. (This is not to be confused with the use of the term "Independent Members" when used in the political sense to describe either elected Members who have not joined an existing political group or elected Members who have not joined an existing political group but have formed their own political group on the Council for the purposes of proportionality).

**Independent
Remuneration
Panel**

A panel of independent persons who advise the Council on the level of allowances that Members should receive for different roles they fulfil, for example as Chair of a committee or as a Cabinet Member or as Leader of the Council.

Key Decision

Key Decisions are defined in Article 15 of the Constitution.

**Leader of the
Council**

The Leader is elected annually by full Council and is the political spokesperson of the Council. The Leader appoints a Cabinet of Members.

**Local Choice
Functions**

Functions, which can either be the function of the Council, or the Executive. Part 3 of the Constitution identifies various Local Choice Functions and specifies whether they are the responsibility of the Council or the Executive (the Cabinet).

Main Opposition Group	The Opposition Group with the greatest number of Members.
Mayor	The Mayor is a Councillor who is elected to the position of Mayor through the application of a formula which is laid out at Rule 1.2.1 of the Council Procedure Rules in Part 4 of this Constitution. The Mayor participates in a number of civic events and ceremonies, represents the Council on formal occasions and chairs meeting for the Council.
Member	This term is used interchangeably with “Councillor”. Each Member is elected by voters from a specific ward to represent the views of local people. Members have an overriding duty to the whole community and are democratically accountable to the residents of their Ward. Members provide the political management of the Council.
Members’ Allowances Scheme	This is contained in Part 6 of the Constitution. It sets out the Scheme under which Members are entitled to receive allowances for example in respect of carrying out their basic duties and for fulfilling any special responsibilities allocated to them.
Minority Group	A Group that does not form part or all of the Executive.
Monitoring Officer	The Officer charged with ensuring that the Council’s actions are fair and lawful. At Northampton Borough Council the Monitoring Officer is the Borough Secretary. This is a statutory ‘Proper Officer’ role.
Motion	A formal proposal made by a Member to introduce a matter for consideration by the Council at a Full Council meeting.
Officer(s)	The Council’s staff.
Opposition Group	Any Group of Members that is not the Group (or Groups) that form the Executive.
Overview and Scrutiny Committee	The Overview and Scrutiny Committee comprises Councillors who are not members of the Executive. It provides support to the Executive by contributing to the review and development of policy and holds the Executive to account through its ability to conduct the “call-in” process in relation to executive decisions.

Proper Officer	In relation to a particular purpose of the Council, the Proper Officer is the officer appointed for that purpose by the Council. The Proper Officer appointments are set out in Part 8 of the Constitution.
Quorum	This is the minimum number of people that must be present at a meeting before any business can be validly transacted.
Regulatory Committees	The Planning Committee and the Licensing Committee are the Authority's Regulatory Committees.
Scrutiny Panel	One of the 3 standing panels set up by the Overview and Scrutiny Committee to assist the Committee in carrying out scrutiny reviews.
Statutory Officers	There are three Statutory Officers in the Council; the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer. The Council is required by statute to designate certain Officer posts to perform these statutory roles.
Summons	The term used to describe the agenda for meetings of the Full Council. This document is sent to every Member to provide notice that a meeting of Full Council is to be held and to specify the business to be transacted.
Virement	The approved transfer of funds between budget codes.
Ward	The Borough of Northampton is divided into 33 electoral areas or Wards: <ul style="list-style-type: none"> • 23 of the Wards are represented by 1 Councillor; • 8 of the Wards are represented by 2 Councillors; and • 2 of the Wards are represented by 3 Councillors.
Ward Councillor	One of the Councillors representing a specific Ward.