

**NORTH NORTHAMPTONSHIRE
SHADOW AUTHORITY**

CONSTITUTION

**(Approved by the Shadow Authority on XXXX)
2020/2021**

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Note: For the purposes of this Constitution, where the term Monitoring Officer, Head of Paid Service or Chief Financial Officer are utilised, this will apply to the officer duly designated at that time, whether interim, acting or permanent.

Part 1 – Constitution – summary and explanation

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General

- 1 Shadow North Northamptonshire Authority (“the Shadow Authority”) is an authority that has been created by the Northamptonshire (Structural Changes) Order 2020 (“the 2020 Order”) amended by the Local Government (Coronavirus) (Structural Changes) (Consequential Amendments) (England) Regulations 2020 and will operate as the Shadow Authority for a new local authority that will come into being on 1 April 2021 to be known as North Northamptonshire Council. The Shadow Authority will exist for the period beginning with 11th May 2020 and ending on the fourth day after the 2021 Election Day, “the Shadow Period”. As required under the Local Government Act 2000, the Shadow Authority has approved this Constitution which sets out:
 - How the Shadow Authority operates;
 - How its decisions are made; and
 - The procedures which will be followed.
- 2 Some of the processes in the Constitution are required by law while others are considered by the Shadow Authority to be necessary to ensure that it operates effectively and efficiently; in the interests of the people it serves.

The Constitution and its Content

- 3 The Constitution is divided into six parts.

Part 1 sets out an explanation of what the Shadow Authority is and how it works.

Part 2 sets out the formal articles of the Constitution:

Article 1 – The Constitution;
Article 2 – The Shadow Authority;
Article 3 – Rights and responsibilities of members of the public;
Article 4 – The full Shadow Authority;
Article 5 – The role of the Chairman;
Article 6 – Overview and Scrutiny;
Article 7 – The Shadow Executive Committee;
Article 8 – Other Committees;
Article 9 – Joint Arrangements;
Article 10 – Arrangements for promoting good standards of behaviour by Members;
Article 11 – Officers;
Article 12 - Decision Making;
Article 13 – Legal Matters; and
Article 14 - Review, revision, suspension, interpretation and publication of the Constitution

Part 3 sets out the responsibility of bodies and individuals for various functions carried out by the Shadow Authority in relation to the exercise of its powers.

Part 4 contains the Rules of Procedure which are designed to regulate the conduct of the Shadow Authority's business to ensure decisions are made in accordance with the law and the wishes of the Shadow Authority.

Part 5 includes the Code of Conduct for Shadow Members which is designed to ensure that Members carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer relations.

Part 6 covers the Scheme of Shadow Members' Allowances. Article 10 of the 2020 Order provides that the Shadow Authority has to prepare and adopt a scheme for the payment of allowances to its members.

The Shadow Authority and how it operates in making decisions

There are 152 Shadow Members who sit on the Shadow Authority. The Members who comprise the Shadow Authority are the persons who are members for the time being of the North Northamptonshire principal councils and the members of the county council for the time being for the North Northamptonshire electoral divisions.

Those members who are members of the Shadow Authority immediately before 1st April 2021 are to be members of North Northamptonshire Authority until the end of the Shadow Period (ending on the fourth day after the 2021 Election Day) notwithstanding the dissolution of the county council and the North Northamptonshire principal councils on that date.

The role of the Shadow Authority is to:

- Prepare for the assumption of local government functions and full local authority powers on 1 April 2021;
- Prepare budgets and plans required to be put in place on 1 April 2021; and
- Liaise with other local authorities in its area to ensure continuity of public service delivery on or after 1 April 2021 and thereafter.

The Shadow Members are directly accountable to their constituents for the running of the Shadow Authority. Whilst Shadow Members have this very broad role they have a duty to represent the interests of all their constituents. They also work closely with officers in developing policies and strategies to give direction to the Shadow Authority's vision and to ensure that services are delivered in accordance with the Shadow Authority's wishes.

The Shadow Authority will meet during the Shadow Period. Meetings are open to the public, but the public may be excluded where an item of a confidential or exempt nature is being discussed.

At its first meeting, the Shadow Authority will appoint its Chairman and Vice-Chairman; and the Chairman and Vice-Chairman of any committees, sub-committees and special committees (as prescribed by legislation).

There are two main areas in the Shadow Authority's political structure covering the Shadow Executive Committee and Overview and Scrutiny. These are covered in more detail within the Constitution.

Executive Committee

At its first meeting, the Shadow Full Authority for North Northamptonshire must create a leader and cabinet executive within the meaning of Part 1A of the Local Government Act 2000. Subject to the 2020 Regulations (SI2020/426) the cabinet executive will comprise:

- Two persons nominated by the leader of the county council, each of whom at the time of nomination must be members of the executive of the county council and represent a North Northamptonshire electoral division;
- The person who is the leader for the time being of Corby Borough Council;
- One person who is a member for the time being of Corby Borough Council, to be nominated by the leader of that council;
- The person who is the leader for the time being of East Northamptonshire Council;
- One person who is a member for the time being of East Northamptonshire Council, to be nominated by the leader of that council;
- The person who is the leader for the time being of Kettering Borough Council;
- One person who is an executive member for the time being of Kettering Borough Council, to be nominated by the leader of that council;
- The person who is the leader for the time being of the Borough Council of Wellingborough; and
- One person who is for the time being of the Borough Council of Wellingborough, to be nominated by the leader of that council.

The Shadow Executive is that part of the Shadow Authority which is responsible for most of the day-to-day decisions. The Shadow Executive Committee comprises 10 Shadow Members as detailed above.

The leader of the North Northamptonshire Shadow Executive is the person who at the beginning of the Shadow Period is the leader of Kettering Borough Council (Councillor Russell Roberts).

The deputy leader of the North Northamptonshire Shadow Executive is the person who at the beginning of the Shadow Period is the leader of the Borough Council of Wellingborough (Councillor Martin Griffiths).

Should a vacancy occur in the office of leader or deputy leader of the Shadow Executive during the Shadow Period, the Shadow Executive must elect a new leader and/or deputy leader from among members of the executive committee.

Any Key Decisions to be made by the Shadow Executive Committee are published on a monthly basis in the Shadow Executive Committee's Forward Plan which looks at the forthcoming four-month period. It is not always possible to anticipate all the items to be included in the Plan. In cases where this is not possible items will be added to the Plan at

the next date of publication. Special arrangements apply where a matter is urgent or cannot be included in the Plan.

Overview and Scrutiny Committee

The Shadow Authority's Overview and Scrutiny arrangements ensure that Shadow Members who are not on the Shadow Executive Committee can be involved in Shadow Executive Committee decisions by questioning and making recommendations.

The Overview and Scrutiny arrangements will reflect as far as practicable the overall political proportionality of the Shadow Authority. Members of the Shadow Executive Committee cannot sit on the Overview and Scrutiny Committee.

General

In performing their various roles, Shadow Members are supported by the Officers who give advice, implement decisions and manage the delivery of services. Officers ensure the Shadow Authority acts within the law and uses resources efficiently and effectively.

As the Shadow Authority is a public body, members of the public have a number of rights in their dealings with it. Whilst some are legal rights such as the right to film, audio record or to report on meetings, others will depend on the Shadow Authority's own processes. These rights are set out in Parts 2 and 4 of this Constitution.

The Constitution will be updated to reflect changes within the Shadow Authority, its procedures and processes.

Part 2 – ARTICLES OF THE CONSTITUTION

Part 2 – ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution;

Article 2 – The Shadow Authority;

Article 3 – Rights and responsibilities of members of the public;

Article 4 – The full Shadow Authority;

Article 5 – The role of the Chairman;

Article 6 – Overview and Scrutiny;

Article 7 – The Shadow Executive Committee;

Article 8 – Other Committees;

Article 9 – Joint Arrangements;

Article 10 – Arrangements for promoting good standards of behaviour by Members;

Article 11 – Officers;

Article 12 - Decision Making;

Article 13 – Legal Matters;

Article 14 - Review, revision, suspension, interpretation and publication of the Constitution;
and

Article 15 – Budget and Policy Framework

Article 1 – The Constitution

1 Powers and duties of the Shadow Authority

- 1.1 the powers and duties of the Shadow Authority are set down in Acts of Parliament and secondary legislation. The Shadow Authority will exercise those powers and duties in accordance with the law and its Constitution.

2 The Constitution

- 2.1 The Shadow Authority's Constitution includes all those parts listed in Part 1 – Summary and Explanation.

3 Purpose of the Constitution

- 3.1 The objectives of this Constitution are:
- (a) To support the Shadow Authority's preparations;
 - (b) To provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
 - (c) To enable decisions to be taken efficiently and effectively;
 - (d) To provide a robust and effective overview and scrutiny function;
 - (e) To ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision; and
 - (f) To ensure that those responsibilities for decision making can be clearly identified by local people and that they can explain the reasons for their decisions.
- 3.2 The Shadow Authority will ensure that the articles, procedural rules and protocols in this Constitution reflect and deliver the objectives set out above.

Article 2 – The Shadow Authority

1 Composition

- 1.1 The Shadow Authority comprises the 152 Members (not withstanding any vacancies that may arise) serving on an existing principal authority in North Northamptonshire. This to include Members of the Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire Council, Kettering Borough Council and those Members elected to Northamptonshire County Council whose divisions fall within North Northamptonshire.

2. Term of Office

- 2.1 Shadow Members term of office commenced on the 11th May 2020, the date that the Shadow Period commenced, and will end on fourth day after the 2021 Election Day for the North Northamptonshire Council.

3. Role of Shadow Members

- 3.1 Shadow Members will undertake the following roles:

- (a) as a body, they will set the Shadow Authority's major plans, policies and strategies as required by law, perform those functions identified in the 2020 Order and will take decisions on such matters as must be reserved to the full Shadow Authority by law or as provided for in this Constitution;
- (b) oversee the Shadow Authority's strategic and corporate management;
- (c) represent their communities and the views of their electorate in the decision-making process;
- (d) support, as appropriate, individuals in their dealings with the Shadow Authority and represent them in seeking to resolve particular concerns or grievances;
- (e) balance the different interests of people within their constituency with a view to representing their constituency as a whole;
- (f) participate, as appropriate, in the decision making and/or overview and scrutiny processes; and
- (g) maintain the highest standards of conduct and ethics and will observe the Shadow Authority's Code of Conduct for elected Shadow Members.

4 Shadow Members Representational Roles

- 4.1 All Shadow Members represent their constituents and the Shadow Authority sees this as an important role and responsibility under this Constitution.
- 4.2 Shadow Members have an important job in consulting their communities on the development of policies, plans and strategies and other local initiatives.
- 4.3 The Shadow Authority will ensure in its processes that appropriate procedures are in place so that Shadow Members can contribute to the Shadow Authority's business on behalf of their local community both in terms of policy development and decision making.

5. Shadow Members Rights

- 5.1 Shadow Members will have rights of access to any document, information, land or buildings of the Shadow Authority where this is necessary for the proper discharge of their functions as a Shadow Member and in accordance with the law and this Constitution.
- 5.2 A Shadow Member is not permitted to make available to the press or to a member of the public any information which he/she has been sent or given in whatever form and which is exempt or confidential information as defined in the Access to Information Procedure Rules which are set out in Part 4 of this Constitution.
- 5.3 A Shadow Member shall not divulge information given in confidence to them to anyone other than a Shadow Member or officer or other person legally entitled to know it.

6 Chairman and Vice-Chairman of the Shadow Authority

- 6.1 The Shadow Authority will elect, from amongst its number, at its first meeting, a Shadow Member to serve as Chairman of the Shadow Authority for the Shadow Period.
- 6.2 Similarly, the Shadow Authority will appoint the Vice-Chairman of the Shadow Authority for the Shadow Period.
- 6.3 Where a vacancy occurs in respect of either office, the Shadow Authority will elect/appoint as appropriate at its next meeting.
- 6.4 A member of the Shadow Executive Committee cannot be elected or appointed as Chairman or Vice-Chairman of the Shadow Authority while serving on the Shadow Executive Committee, otherwise any Shadow Member is eligible for election/appointment as Chairman or Vice-Chairman of the Shadow Authority.
- 6.5 Where the Chairman and Vice-Chairman of the Shadow Authority are both absent from a meeting of the Shadow Authority, or part of it, the Shadow Authority will appoint one of their members, other than a member of the Shadow Executive Committee, to preside.

7 Leader of the Shadow Authority

- 7.1 Subject to SI2020/426, the Leader of the Shadow Authority will be the leader of Kettering Borough Council (Councillor Russell Roberts) when the Shadow Period commences on 11th May 2020.

8 Other Offices

- 8.1 The Shadow Authority will elect other Members to fill such offices as it may determine from time to time in accordance with any requirements set out in law or this Constitution.

9 Conduct of Shadow Members

- 9.1 All Shadow Members are required, at all times, to observe the Shadow Members' Code of Conduct and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Shadow Authority's formal processes.

10 Shadow Members' Scheme of Allowances

- 10.1 All Shadow Members shall be entitled to receive such allowances as are laid down from time to time in the Shadow Members' Scheme of Allowances and/or statute.

11 Shadow Member Support

- 11.1 The Shadow Authority will also provide support to Shadow Members as appropriate to enable them to fulfil their roles and responsibilities.

Article 2 – Appendix 1

Members of the Shadow Authority

For North Northamptonshire the Shadow Authority comprises all Members for the Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire Council, Kettering Borough Authority and those elected to Northamptonshire County Council serving divisions in the North Northamptonshire area.

Some Members are both district/borough Members and county Members as indicated below.

Contact details and further information about the Shadow Members is available on their respective Authority website –

www.wellingborough.gov.uk

www.corby.gov.uk

www.east-northamptonshire.gov.uk

www.kettering.gov.uk

www.northamptonshire.gov.uk

Further information can also be obtained by contacting democraticservices@northnorthants.gov.uk

AUTHORITY	MEMBERS	
	Those Members marked in bold followed by * are both district & county Members	
Borough Council of Wellingborough (36 Members)	Rosemary Abram Tim Allebone Valerie Anslow Tony Aslam Jo Beirne Paul Bell Jennie Bone Jon-Paul Carr Jonathan Ekins * Brian Emerson Elayne Francis Robert Gough * Barry Graves Martin Griffiths * Clive Hallam Ken Harrington Adam Henley Graham Lawman *	Lora Lawman Timothy Maguire Peter Morall Tom Partridge – Underwood Umesh Patel Sarah Scanlon Andrew Scarborough Geoff Simmons Brian Skittrall Laura Stevenson Jay Walia Malcolm Ward Malcolm Waters * Veronica Waters Andrea Watts Andrew Weatherill Martyn York VACANCY
Corby Borough	Jean Addison	Willie Latta

Council (29 Members)	Paul Beattie Tom Beattie Ray Beeby Ann Brown Judy Caine Colleen Cassidy William Colquhoun Anthony Dady Alison Dalziel Elise Elliston Bob Eyles Lawrence Ferguson Lucy Goult Matt Keane	Peter McEwan John McGhee * Isabel McNab Mark Pengelly Peter Petch Mohammed Rahman Matt Reay Julie Riley Robert Rutt David Sims Kevin Watt Bridget Watts Alexandra Wellings
East Northamptonshire Council (40 Members)	Rosalie Beattie Tony Boto David Brackenbury Wendy Brackenbury * Val Carter Annabel de Capell Brooke * John Farrar Richard Gell Roger Glithero Glenvil Greenwood – Smith Helen Harrison Sylvia Hobbs Marian Hollomon Helen Howell Dudley Hughes * Sylvia Hughes * Herbert Jackson Barbara Jenney David Jenney Lance Jones	Richard Lewis Dorothy Maxwell Andrew Mercer * Gill Mercer * Steven North Sarah Peacock Harriet Pentland Janet Pinnock Ron Pinnock Roger Powell Rupert Reichhold Geoff Shacklock Alex Smith Phillip Stearn Peter Tomas Robin Underwood Jake Vowles Peter Wathen Lee Wilkes Colin Wright
Kettering Borough Council (36 Members)	Linda Adams Duncan Bain Cedwien Brown Michael Brown Lloyd Bunday James Burton John Currall Ashley Davies Mark Dearing June Derbyshire Maggie Don Andrew Dutton Scott Edwards * Jim French Ruth Groome Jim Hakewill * Jenny Henson Phillip Hollobone	David Howes Ian Jelley Anne Lee Paul Marks Clark Mitchell Cliff Moreton Jan O'Hara Russell Roberts Mark Rowley Mick Scrimshaw * Shirley Stanton Karl Sumpter Margaret Talbot Mike Tebbutt Lesley Thurland Gregory Titcombe Keli Watts Jonathan West

<p>Northamptonshire County Council (26 Members)</p>	<p>Wendy Brackenbury * Julie Brookfield Annabel de Capell Brooke * Scott Edwards * Jonathan Ekins * Robert Gough * Martin Griffiths * James Hakewill * Eileen Hales Dudley Hughes * Sylvia Hughes * Graham Lawman * Allan Matthews John McGhee * Andy Mercer * Gill Mercer * Sandra Naden – Horley Bill Parker Victoria Perry Bob Scott Mick Scrimshaw * Jason Smithers Chris Smith – Haynes Chris Stanbra Michael Tye Malcolm Waters *</p>
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Article 3 – Rights and responsibilities of Members of the Public

1 Rights

1.1 Members of the public have the following rights in regard to the affairs of the Shadow Authority:

- (a) access to information subject to such constraints as may be imposed by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
- (b) to attend meetings of the Shadow Authority and its committees and sub-committees except where exempt or confidential information is likely to be disclosed;
- (c) to attend public meetings of the Shadow Executive Committee except where exempt or confidential information is likely to be disclosed;
- (d) to film, audio record or report on meetings of the Shadow Authority and its committees and sub-committees and the Shadow Executive Committee, except where exempt or confidential information is likely to be disclosed, subject to guidelines published on the Shadow Authority's website and available at meetings;
- (e) to have access to the Shadow Authority's Forward Plan of Key Decisions to be taken by the Shadow Executive Committee;
- (f) in accordance with the statutory framework to inspect reports, background papers and any records of decisions made by the Shadow Authority, the Shadow Executive Committee, a committee, a sub-committee, the Leader or an Executive Committee Member subject to provisions on exempt or confidential information applying;
- (g) in accordance with the statutory framework to inspect the Shadow Authority's Accounts and to make their views known to the external auditors where appropriate;
- (h) to ask questions or present petitions at designated meetings in accordance with such procedures as the Shadow Authority may determine from time to time;
- (i) to contribute to investigations by the Overview and Scrutiny Committee where invited to do so; and
- (j) to complain to the Shadow Authority where there is an alleged breach of the Shadow Members' Code of Conduct.

2 Responsibilities of Members of the Public

2.1 The Shadow Authority in turn expects those living within the Shadow Authority's area and/or receiving services not to use violent, abusive or threatening behaviour in any

form against any Shadow Member, officer or persons acting for or on behalf of the Shadow Authority.

- 2.2 The Shadow Authority also asks that the property, assets and other resources of the authority, Shadow Members, officers or persons acting for or on behalf of the Shadow Authority are not wilfully harmed or damaged.
- 2.3 When attending a meeting of the Authority, the public will follow the reasonable instructions of the chair of the meeting and not disturb the conduct of business. The chair of the meeting, under the approved Meeting Procedure Rules, has the right if required to exclude a member of the public who is causing a disturbance to the conduct of business.

Article 4 – The full Shadow Authority

1 Functions

- 1.1 The functions of the Shadow Authority are set out in the Northamptonshire (Structural Changes) Order 2020 (“the 2020 Order”) and in relevant consequential orders.
- 1.2 Except where there is provision by statute or this Constitution, the functions conferred by or under the Structural Changes Order are to be delegated to, and discharged by, its Executive Committee.
- 1.3 The Shadow Authority will be responsible for the adoption of the Shadow Authority’s budget and policy framework. For these purposes the budget includes the setting of council tax and the policy framework means such plans and strategies as must by law be approved by the Shadow Authority.
- 1.4 The Shadow Authority also has the functions set out in Part 3 of this Constitution.

2 Shadow Authority Meeting

- 2.1 The first meeting of the Shadow Authority will be held no later than 4th June 2020.
- 2.2 Ordinary meetings will be held according to a calendar of meetings to be agreed by the Shadow Authority and which will be published once agreed.
- 2.3 Extraordinary meetings may be called as and when required as provided in the Shadow Authority Procedure Rules.

3 Conduct of Shadow Authority Meetings

- 3.1 Shadow Authority meetings will be conducted in accordance with the law and the Shadow Authority’s Meeting Procedure Rules.

4 Responsibility for Functions

- 4.1 The Shadow Authority will maintain a record of those Shadow Authority functions which are the responsibility of its subordinate bodies i.e. committee or officers of the Authority.

Article 5 – The role of the Chairman of the Shadow Authority

1 Civic Role

- 1.1 The Chairman of the Shadow Authority, supported by the Vice-Chairman, and as appropriate other Shadow Members, will perform the civic role on behalf of the Shadow Authority.
- 1.2 The civic role entails raising and maintaining the profile of the Shadow Authority's area, the Shadow Authority and its members to the public. The office will promote the aims and values of the Shadow Authority in an apolitical manner.
- 1.3 The Chairman will promote such civic and ceremonial functions as the Shadow Authority may determine following consultations, where appropriate.
- 1.4 The Chairman will represent the Shadow Authority at civic and ceremonial functions of other local authorities or involving other appropriate bodies.

2 Shadow Authority Role

- 2.1 The Chairman will be elected by the Shadow Authority at its first meeting. The Vice-Chairman is also appointed at the same meeting.
- 2.2 The Chairman is responsible for the following:
 - (a) upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
 - (b) presiding over meetings of the full Shadow Authority to ensure that business is carried out efficiently and effectively whilst preserving the rights of Shadow Members and the interests of members of the public;
 - (c) ensuring that at Shadow Authority meetings matters of concern to local communities can be debated through the appropriate Shadow Members;
 - (d) ensuring that Shadow Members who are not on the Shadow Executive Committee or who do not hold the chairmanship of a main committee are able to hold those office holders to account;
 - (e) promoting public involvement in the Shadow Authority's affairs and acting as a contact between members of the public and organisations and the Shadow Authority; and
 - (f) undertaking such other roles as may be placed upon the office from time to time by the Shadow Authority.

3 Vice-Chairman of the Shadow Authority

- 3.1 The Vice-Chairman will support the Chairman in his/her civic role and will carry out civic duties as well on behalf of the civic office.
- 3.2 The Vice-Chairman will also deputise in the absence of the Chairman in carrying out the responsibilities of the office of Chairman.

Article 6 – Overview and Scrutiny Committee

1 Overview and Scrutiny

- 1.1 The Shadow Authority has established arrangements for the overview and scrutiny of decisions or other action taken by the Shadow Executive Committee and others in accordance with the Local Government Act 2000 as applied by the 2020 Order. This Article sets out those arrangements. It should be read in conjunction with the Overview and Scrutiny Procedure Rules.
- 1.2 The Shadow Authority will keep under review its overview and scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved overview and scrutiny function.

2 Responsibilities of the Overview and Scrutiny Committee

- 2.1 The Overview and Scrutiny Committee has the functions set out in Part 3 of this Constitution.

3 Membership of the Overview and Scrutiny Committee

- 3.1 The Overview and Scrutiny Committee shall comprise 13 Shadow Members. The Chairman of the Committee will be a member of the largest opposition political group on the Shadow Authority who will be appointed by the Shadow Authority.
- 3.2 No member of the Shadow Executive Committee may be a member of the Overview and Scrutiny Committee or any Overview and Scrutiny task and finish panel.
- 3.3 Any body established under these Scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Shadow Authority.

4 Conduct of Overview and Scrutiny Committee meetings

- 4.1 Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Shadow Authority and Overview and Scrutiny Procedure Rules as appropriate.

5 Task and Finish Panels

- 5.1 The Overview and Scrutiny Committee may establish such task and finish panels as it considers necessary after taking into account the availability of resources, the work programme and scope of the review.
- 5.2 The Committee will appoint the Chairman (and Vice Chairman, if appropriate) of each panel and agree the membership.

Article 7 – The Shadow Executive Committee

1 Role of the Shadow Executive Committee

- 1.1 The Shadow Executive Committee will carry out all of the Shadow Authority’s duties and responsibilities which are not the responsibility of any other part of the Shadow Authority, whether by law or under this Constitution, and in particular it will carry out those duties and responsibilities of the Shadow Executive Committee which are contained in the 2020 Order (as amended).
- 1.2 The Shadow Executive Committee will also exercise the functions of the Shadow Authority that must be delegated to it by the full Shadow Authority under Article 18 of the 2020 Order (as amended).
- 1.3 The Shadow Executive Committee shall be responsible for making recommendations to the Shadow Authority on the setting of the 2021/2022 budgets for the North Northamptonshire Council.

2 Composition of the Shadow Executive Committee

- 2.1 The Leader of the Authority will be the leader of Kettering Borough Council at the commencement of the Shadow Period on 11th May 2020.
- 2.2 The Executive Committee will consist of 10 shadow Members as prescribed under SI2020/426.
- 2.3 The Deputy Leader of the Authority will be the leader of the Borough Council of Wellingborough at the commencement of the Shadow Period on 11th May 2020.
- 2.4 The Executive Committee will be chaired by the Leader of the Authority, or in his/her absence by the Deputy Leader. Should both the Leader and Deputy Leader be absent at a meeting, the remaining Executive Committee Members will elect a chairman for the duration of that meeting.
- 2.5 No deputy or substitution arrangements are allowed in respect of the Shadow Executive Committee. Neither the Chairman nor Vice-Chairman of the Shadow Authority may be appointed to the Shadow Executive Committee. No Member of the Overview and Scrutiny Committee can be appointed to the Executive Committee.

Membership of the Shadow Executive Committee will include –

Borough Council of Wellingborough	Member Martin Griffiths Member Tom Partridge - Underwood
Corby Borough Council	Member Tom Beattie Member Jean Addison
East Northamptonshire Council	Member Steven North Member David Jenney
Kettering Borough Council	Member Russell Roberts Member Ian Jelley
Northamptonshire County Council	Member Jason Smithers Member Wendy Brackenbury

3 The Leader and Deputy Leader

- 3.1 At the commencement of the Shadow Period the Leader of the Shadow Authority shall be the leader of Kettering Borough Council.
- 3.2 The Leader will hold office until:
- (a) he/she resigns from the office of Leader; or
 - (b) he/she becomes ineligible to be a Shadow Member for a specified period or indefinitely; or
 - (c) he/she ceases to be a Shadow Member: or
 - (d) the Executive Committee pass a resolution to remove him/her as Leader.
- 3.3 (i) Where there is a vacancy in the office of Leader, the Deputy Leader shall assume the responsibilities of the Leader until the next meeting of the Shadow Executive Committee, whether that be an Ordinary or Extraordinary meeting of the committee.
- (ii) If the vacancy in the position results as a resolution of the Executive Committee to remove the Leader, a new Leader may be elected at that meeting, or the vacancy be filled at the subsequent meeting of the Executive Committee.
- (iii) If the Leader is subject to a successful resolution (see 3.2.d above), this will not impact on their right to be a member of the Executive Committee.
- 3.4 Any replacement Leader of the Executive Committee must already be a member of the Executive Committee.
- 3.5 If for any reason the Leader of the Authority is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place. If for any reason both the Leader and Deputy Leader are unable to act, or both posts are vacant, the Executive Committee must act or must arrange for another Executive Member to act in the interim, until a permanent solution is determined.
- 3.6 The Deputy Leader at the commencement of the Shadow Period shall be the leader of the Borough Council of Wellingborough.
- 3.7 The Deputy Leader will hold office until:
- (a) he/she resigns from the office of Deputy Leader;
 - (b) he/she becomes ineligible to be a Shadow Member for a specified period or indefinitely; or
 - (c) he/she ceases to be a Shadow Member; or
 - (d) he/she is replaced as Deputy Leader by the Executive Committee (this would not automatically impact on their right to be a member of the Executive Committee).

4 Other Shadow Executive Committee Members

- 4.1 Other members of the Shadow Executive Committee shall hold office until –
- (a) he/she resigns from office; or
 - (b) he/she ceases to be a Shadow Authority Member; or
 - (c) their appointment by their respective sovereign Council Leader is terminated and a replacement appointed.

5 Proceedings of the Shadow Executive Committee

- 5.1 All proceedings of the Shadow Executive Committee and its Committees shall be conducted in accordance with the Shadow Executive Committee Procedure Rules set out in this Constitution.

6 Responsibility for Functions

- 6.1 The Executive Committee can exercise any executive power. Alternatively, the Executive Committee may arrange for the discharge of any executive functions by: the Leader; another member of the Shadow Executive Committee; a sub-committee of the Shadow Executive Committee; or an officer of the Shadow Authority.
- 6.2 If the Leader is unavailable, absent or there is a vacancy in the post of the Leader, the Deputy Leader can exercise any delegated executive power delegated to the Leader.
- 6.3 Unless the Shadow Executive Committee requests the Shadow Authority to discharge any function in accordance with Article 18 of the 2020 Order, the Shadow Executive Committee can exercise any function of the Shadow Authority conferred on the Shadow Authority by or under the 2020 Order save to the extent any provision of any Act, the 2020 Order or regulations under section 9D or 9DA of the Local Government Act 2000 require otherwise.
- 6.4 The Shadow Executive Committee and other committees can delegate powers to the extent as provided for in Part 1A of the Local Government Act 2000. The arrangements set out in this Constitution reflect those currently agreed. Further, the Shadow Executive Committee can also delegate its powers to any Officer of the Shadow Authority, Northamptonshire County Authority and/or District/Borough Authority as defined in the 2020 Order.
- 6.5 The Leader will ensure that a record is kept of the Shadow Executive Committee functions which are the responsibility of any sub-committee of the Shadow Executive Committee, any Executive Committee Member, officers or under any joint arrangements. A copy of that record to be deposited with the Shadow Authority's three statutory officers.
- 6.6 Where a delegation arrangement is made under paragraph 6.4 above, it shall not preclude the body or person delegating the function, or part of it, from exercising that function on giving notice in writing to that body or person.

7 Sub-Committees of the Executive Committee

- 7.1 The Executive Committee may establish from its membership, sub-committees with full or partial delegated powers to undertake its responsibilities and functions.

8 Task and Finish Groups

- 8.1 The Executive Committee may establish any Task and Finish Groups it determines are required to assist in formulating recommendations, guidance or providing advice, on matters relating to the Executive Committee's responsibilities and functions.
- 8.2 Task and Finish Groups cannot determine matters on behalf of the Executive Committee but may provide recommendations for deliberation and determination by the Executive Committee.
- 8.3 Each Task and Finish Group will be chaired by a Member of the Executive Committee; however, its full membership can be drawn from other Members of the Shadow Authority and include other stakeholder representatives where appropriate.

Article 8 – Other Committees

1 Other Committees

- 1.1 The Shadow Authority will appoint the following other Committees to take such decisions which are not within the responsibilities of the Shadow Executive Committee:

Committee	Shadow Members
Overview and Scrutiny Committee	13
Senior Appointments Committee	5 (of whom at least one should be a member of the Executive Committee)
Standards Committee	7

The Independent Remuneration Panel will comprise members of the Northamptonshire Authorities' existing remuneration panels.

- 1.2 The Shadow Authority may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the minutes.
- 1.3 To the extent that any committees are not exercising executive functions the provisions of sections 15-17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 will apply to their membership.

2 Powers of Committees

- 2.1 The Committees shall have the functions set out in Part 3 of this Constitution.
- 2.2 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Shadow Authority as appropriate.

3 Conduct of Committee Meetings

- 3.1 Committee meetings will be conducted in accordance with the law and Parts B and C of the Meeting Procedure Rules set out in Part 4 of this Constitution.

Article 9 – Joint Arrangements

9.1 There are currently no joint arrangements.

Article 10 – Arrangements for promoting good standards of behaviour

1 Adoption of a Code of Conduct for Shadow Members

- 1.1 The Shadow Authority has adopted the Code of Conduct for Shadow Members set out in Part 5 of this Constitution.

2 Application of the Code of Conduct

- 2.1 The Code of Conduct will apply to all Shadow Members when they are acting as a member of the Shadow Authority or hold themselves out as doing so.

3 Alleged breaches of the Code of Conduct

- 3.1 Any allegations that a Shadow Member has breached the Code of Conduct are to be reported to the Monitoring Officer who will follow the approved procedure as set out in Part 5 of this Constitution.

4 Independent Person

For the purposes of Part 5 of this Constitution, references to “the Independent Person” are to a person chosen by the Monitoring Officer subject to legislation, in consultation with the Chair of the Shadow Authority and the Chair of the Standards Committee.

Article 11 – Officers

1 Northamptonshire (Structural Changes) Order 2020 (as amended)

- 1.1 Article 9 of the 2020 Order makes provision for the Shadow Authority to designate officers to the posts of interim Monitoring Officer, interim Chief Finance Officer and to be its interim Head of Paid Service, and by 31st December 2020 to appoint the North Northamptonshire Authority's permanent Monitoring Officer, permanent Chief Finance Officer or permanent Head of Paid Service.
- 1.2 The roles and functions of those officers are set out in the 2020 Order.
- 1.3 The Monitoring Officer may appoint, in writing, further deputies as he/she considers appropriate.
- 1.4 The Chief Finance Officer may appoint, in writing, a deputy as appropriate.
- 1.5 There is a requirement for Full Council to designate an officer of the County Council or one of the North Northamptonshire councils to act as Returning Officer for the unitary council elections to be conducted in May 2021.

2 Functions of the Head of Paid Service

- 2.1 The Head of Paid Service will report to the full Shadow Authority on the manner in which the Shadow Authority develops its functions and the co-ordination of those functions. He/she also has statutory functions in relation to staff directly employed or engaged by the Shadow Authority.

3 Functions of the Monitoring Officer

- 3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Shadow Members, staff and the public.
- 3.2 After consulting with the Head of Paid Service, the Monitoring Officer will report to the full Shadow Authority, (or to the Shadow Executive Committee in relation to a Shadow Executive Committee function), if he/she considers any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 3.3 He/she will contribute to the promotion and maintenance of high standards of conduct.
- 3.4 He/she will provide advice to all Shadow Members on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.

4 Functions of the Chief Finance Officer

- 4.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Shadow Authority (or to the Shadow Executive

Committee in relation to a Shadow Executive Committee function) and the Shadow Authority'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 Shadow Authority is about to enter an item of account unlawfully.

- 4.2 He/she will have overall responsibility for the administration of the financial affairs of the Shadow Authority.
- 4.3 He/she will contribute to the corporate management of the Shadow Authority, in particular, through the provision of professional financial advice.
- 4.4 He/she will provide advice on issues to all Shadow Members in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Shadow Members and officers in their respective roles.
- 4.5 He/she will provide financial information to the media, members of the public and the community.

5 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

- 5.1 The Shadow Authority will provide these officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in their statutory roles.

6 Conduct

- 6.1 Officers will comply with any protocol on Member/Officer Relations that has been adopted by the Shadow Authority.

7 Employment

- 7.1 The recruitment, selection and dismissal of officers will comply with the Staff Employment Procedure Rules as set out in this Constitution.

Article 12 – Decision Making

1 General

- 1.1 The Shadow Authority will keep an up-to-date record, which shall be available for public inspection, of who has responsibility for making decisions in relation to Shadow Authority functions and services.
- 1.2 All decisions of the Shadow Authority will be made in accordance with the law, this Constitution and the principles set out below.

2 Types of Decision and the Decision-Takers

- 2.1 The Shadow Authority will take all decisions which it has reserved to itself or which it is required to take by law.
- 2.2 The Shadow Executive Committee will take all decisions including Key Decisions which it is required to determine as required by law or because the Shadow Authority has decided to delegate the matter to the Shadow Executive Committee.
- 2.3 Other Committees, Sub-Committees, Executive Committee Members, officers of the Central Implementation Team and officers of the Shadow Authority will take such decisions as are delegated to them by the Shadow Authority or the Shadow Executive Committee.

3 Decision Making Procedures

- 3.1 In taking decisions the full Shadow Authority, the Shadow Executive Committee, Overview and Scrutiny Committee, and other Committees and Sub-Committees will follow the Shadow Authority's Procedure Rules and in particular as follows:
 - (a) Shadow Authority – Meeting Procedure Rules Parts A and C;
 - (b) Shadow Executive Committee – Shadow Executive Committee Procedure Rules and Meeting Procedure Rules Part C;
 - (c) Overview and Scrutiny Committee – Overview and Scrutiny Procedure Rules and Meeting Procedure Rules Parts B and C; and
 - (d) Committees and Sub-Committees – Meeting Procedure Rules Parts B and C.

4 Definition of Key Decision

- 4.1 A Key Decision means:

“ a 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 effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.”

In determining the meaning of “*significant*” for these purposes the Shadow Authority will have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000, and the advice of the Shadow Authority’s statutory officers.

Article 13 – Legal Matters

1 Legal Proceedings

- 1.1 The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of, or on behalf of, the Shadow Authority or in any case where he/she considers that such action is necessary to protect or further the Shadow Authority's interests.

2 Document Authentication

- 2.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Shadow Authority, it will be signed by the Monitoring Officer or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Shadow Authority has given requisite authority to some other person.
- 2.2 In the absence of any authority given to a specific officer, whether by this Constitution or in any other manner, all contracts entered into on behalf of the Shadow Authority may be signed by any one or more of the following:
- (a) the Head of Paid Service;
 - (b) the Monitoring Officer; and/or
 - (c) the Chief Finance Officer.

3 Address for service of documents

- 3.1 Documents to be served on the Shadow Authority may be addressed to the Monitoring Officer at the main offices of the Shadow Authority. For this purpose and all purposes connected with this Constitution the Shadow Authority's main office is at the main office of the Authority determined by the Shadow Authority.

Article 14 – Review, Revision, Suspension, Interpretation and Publication of the Constitution

1 Review

- 1.1 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.

2 Changing the Constitution

- 2.1 Any Member, the Full Authority or part of the Authority may request the Monitoring Officer to consider changes to the Constitution. The Monitoring Officer will consider any requests for changes to the Constitution to ensure their compliance with statute. If the proposed changes are compliant with statute and are not likely to conflict with policy approved by the Shadow Authority, the Monitoring Officer will submit a report to Full Authority accordingly.

- 2.2 The Monitoring Officer may make minor amendments to the Constitution, in consultation with Chief Finance Officer, the Leader and the Chairman of the Authority:

- (a) where he/she considers this necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity and/or other legal issue and/or address any uncertainty in interpretation; or
- (b) for any other reason, provided that any such amendment does not seek to remove any reserved power of the Shadow Authority and/or the Shadow Executive Committee and confirmation of such amendments are reported to the next available meeting of the Shadow Authority.

Should any consultee (listed above) request any proposed amendment be submitted to the full Shadow Authority for ratification then this will be submitted to the next scheduled meeting.

- 2.3 For proposed changes from Executive arrangements, the Authority must comply with necessary statute. No changes to the Authority's form of governance may be effective prior to 1st April 2021.

3 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended. However, the Meeting Procedure Rules set out in this Constitution may be suspended by the Shadow Authority to the extent permitted within those Rules and the law.

- 3.2 A motion to suspend any rules cannot be moved without notice, unless at least one half of the whole number of Shadow Members is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out in Article 1.

4 Interpretation

4.1 The ruling of the Chairman of the Shadow Authority as to the construction or application of this Constitution or as to any proceedings of the Shadow Authority shall not be challenged at any meeting of the Shadow Authority. Such interpretation will have regard to the purposes of this Constitution.

4.2 The Chairman will consult with the Monitoring Officer, or in the Monitoring Officer's absence, other appropriate officers prior to any ruling under 4.1 above.

5 Publication

5.1 The Monitoring Officer:

- (a) will give each Shadow Member access to a copy of this Constitution in their preferred format;
- (b) will ensure that a copy of this Constitution is made available on the Shadow Authority's website;
- (c) will ensure that copies are available for inspection at the Shadow Authority's Main Office, and other appropriate locations, and can be purchased by members of the public and press on payment of a reasonable fee;
- (d) will ensure that the summary of the Constitution is made available within the area and is updated as necessary.

Article 15 - Budget and Policy Framework

This article details those policy documents and strategy documents which comprise the “policy framework” of the Shadow Authority. This policy framework and the annual budget are the responsibility of the Shadow Full Authority.

Framework

- (a) General Fund Budget 2021/22;
- (b) Housing Revenue Account Budget 2021/22;
- (c) Capital Programme 2021/22;
- (d) Medium Term Financial Strategy 2021/22 onwards;

The following are matters **reserved** for Shadow Full Authority –

- (e) Adopting and changing the Shadow Authority Constitution (subject to Article 14 above);
- (f) Confirming the appointment or designation of the interim, acting or permanent Head of Paid Service, Chief Finance Officer, Monitoring Officer and the Returning Officer (for the purposes of the election of Members to North Northamptonshire Council in May 2021);
- (g) Adopting or amending a Member Allowance Scheme for the Shadow Full Authority (following receipt of recommendations from an Independent Remuneration Panel);
- (h) All other matters which by law must be reserved to the Shadow Full Authority.

Part 3 – Responsibility for Functions

Responsibility for Functions

1 General

- 1.1 The Shadow Authority has the functions set out in the 2020 Order (as amended) and in particular it will have the following responsibilities:
- (a) to commence and sustain its running as a Shadow Authority;
 - (b) to prepare the Shadow Authority for the assumption of local government functions and full authority functions and powers on 1 April 2021;
 - (c) to prepare any budgets or plans required beyond 1 April 2021 when those functions and powers are assumed:
 - (d) to liaise with the Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council, Northamptonshire County Council, and the West Northamptonshire Shadow Council for the purposes of ensuring continuity of public service delivery on and after 1 April 2021;
 - (e) to take all such practical steps as are necessary or expedient to liaise with the other local authorities within its area for the purposes of ensuring continuity of public service delivery on and after 1 April 2021; and
 - (f) to exercise any of the Local Government Act 1972 functions referred to in, and in accordance with the 2020 Order (as amended).
- 1.2 The powers and functions of the Shadow Authority are therefore limited and, consequently, the powers and functions of its Shadow Executive Committee, committees, sub-committees and other decision-making bodies are similarly limited. The responsibilities for functions described in this Part of the Constitution must therefore be considered in this context. However, upon the assumption of full local authority functions and powers on 1 April 2021, these responsibilities will increase.
- 1.3 The Shadow Authority is required in this Constitution to set out the allocation of responsibilities for its function.
- 1.4 The following paragraphs cover functions which are:
- (a) the responsibility of the Leader and the Shadow Executive Committee;
 - (b) the responsibility of the Shadow Authority and/or its Committees/Sub-Committees; and
 - (c) the responsibility of Officers.
- 1.5 Where a function is not specified as being the responsibility of the Shadow Authority, a Committee, Sub-Committee or officer that function shall, unless otherwise proved to the contrary by law, be the responsibility of the Leader.

- 1.6 The exercise of any power or duty is subject to compliance with the law, the provisions of this Constitution and that sufficient budgetary provision having been made.
- 1.7 Any reference to a function or matter includes a reference to all statutory powers about that function or matter whether directly or indirectly and authority to exercise all such powers.
- 1.8 Any reference in the scheme of delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-enactment (with or without modification).
- 1.9 Where a power or duty of the Authority has been delegated the delegation includes any action that may be incidental to the exercise of the power or duty.

2 Functions of the Leader and the Shadow Executive Committee

- 2.1 The functions to be exercised by the Leader or Shadow Executive Committee are set out in Article 7 of this Constitution. Where the Leader or the Shadow Executive Committee is exercising a Shadow Executive Committee function, in whole or in part, the Leader or the Shadow Executive Committee is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon them subject to any restrictions or constraints imposed by the law or this Constitution.

3 Responsibilities of committees of the Shadow Executive Committee

- 3.1 Where the Executive Committee has arranged for an executive function to be exercised by a subcommittee of the Shadow Executive Committee or an individual Executive Committee member, the committee or Member is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it by the Executive Committee, subject to any restrictions or constraints imposed by the law or this Constitution.

4 Functions of the Shadow Authority

- 4.1 The functions of the Shadow Authority are set out in Article 4 of Part 2 but include:
- (a) approving a budget for the North Northamptonshire Council and setting of the council tax for its area;
 - (b) adopting the Shadow Authority's Constitution in accordance with the requirements of section 9P of the Local Government Act 2000;
 - (c) appointing the:
 - § Chairman of the Shadow Authority;
 - § Vice-Chairman of the Shadow Authority;
 - § Chairman and Vice-Chairman of Committees (except the Executive Committee), Sub-Committees and Special Committees; and
 - § Such other offices as may be required by or under the 2020 Order or this Constitution;

- (d) Adopting the Shadow Authority's Codes of Conduct for Shadow Members and Officers and the Protocol on Member/Officer Relations;
- (e) Where permitted by the law, will make arrangements for appointments to outside bodies;
- (f) Carrying out all duties specified in and compliant with the 2020 Order where the Shadow Executive Committee has given notice under Article 18 of the 2020 Order;
- (g) Approving the Shadow Members Allowance Scheme, including any pension provision for Members, following advice from any Independent Remuneration Panel;
- (h) Appointment, designation or dismissal of statutory officers as required under the 2020 Order or other statutes;
- (i) May determine other matters which may from time to time be submitted to it for determination, either by resolution or through approved procedures, where such matters do not fall within the functions of the Shadow Executive Committee.

5 Regulatory Committees

- 5.1 Until the Shadow Authority assumes local government functions and full local authority powers on 1 April 2021, in accordance with the 2020 Order, the Shadow Authority will not exercise any regulatory powers and functions. The Shadow Authority will, however, take such practical steps as are necessary or expedient to prepare the North Northamptonshire Council for the assumption of such regulatory functions and powers.

6 Responsibility of the Senior Appointments Committee

- 6.1 The Senior Appointments Committee has responsibility for:
- (a) undertaking the selection process for the appointment, and formulating recommendations to the Shadow Authority in relation to the appointment and dismissal of the permanent Head of Paid Service, and before 31st December 2020 the designation of persons to be the Monitoring Officer and Chief Finance Officer of the North Northamptonshire Authority in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (b) undertaking the selection, appointment and dismissal processes for any other staff in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (c) hearing and determining any appeals by staff under the Shadow Authority's approved personnel policies and procedures including through any appointed Sub-Committee; and

- (d) hearing and dealing with disputes registered with the Shadow Authority by recognised trade unions.

7 Responsibility of the Overview and Scrutiny Committee

7.1 The Shadow Authority shall have one Overview and Scrutiny Committee, which may commission task and finish groups to undertake scrutiny projects. The Overview and Scrutiny Committee will specifically:

- (a) discharge the Shadow Authority's functions under Section 9F of the Local Government Act 2000;
- (b) oversee the Shadow Authority's overall overview and scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for overview and scrutiny;
- (c) establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake overview and scrutiny on a task and finish basis;
- (d) ensure that officers discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function;
- (e) scrutinise decisions of the Shadow Executive Committee, and offer advice or make recommendations on the matter under scrutiny once the Overview and Scrutiny Committee have considered the issues;
- (f) refer to the Shadow Authority, the Shadow Executive Committee or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Shadow Authority, Shadow Executive Committee or the Committee or Sub-Committee.
- (g) if requested, offer any views or advice to the Shadow Executive Committee in relation to any matter referred to the Overview and Scrutiny Committee for consideration;
- (h) undertake general policy reviews with a cross-service and multi-organisational approach wherever possible and make recommendations to the Shadow Authority or the Shadow Executive Committee to assist in the development of future policies and strategies;
- (i) in performing its role, the Committee may consult and involve the local community and other public, private and voluntary bodies or organisations;
- (j) review the Shadow Authority's response to its obligations in respect of the overall performance management regime and where appropriate advise the Shadow Executive Committee and the Shadow Authority of its findings;
- (k) scrutinise decisions after implementation to examine their effect and outcomes;

- (l) contribute to ensuring that the Shadow Authority develops and maintains effective policies and procedures for handling complaints and other customer feedback to the Shadow Authority; monitor the overall level and nature of complaints and other customer feedback received and make recommendations regarding actions to address identified issues as appropriate;
- (m) monitor the level and nature of Local Government and Social Care Ombudsman complaints and make recommendations regarding actions to address identified issues as appropriate to the Shadow Executive, Committees, Sub-Committees and officers; and
- (n) contribute to ensuring that the Shadow Authority has in place appropriate mechanisms to protect organisational integrity including the development of appropriate policies and guidance.

8 Responsibility of the Standards Committee

- 8.1 The Standards Committee is responsible for assessing and determining allegations that Shadow Members have breached the Shadow Authority's Code of Conduct in accordance with Article 10 of this Constitution.

9 Independent Remuneration Panel

- 9.1 The 2020 Order requires the Shadow Authority to prepare and make a scheme for the payment of allowances to its Shadow Members. The Independent Remuneration Panel shall have the functions given by Regulation 21 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10 Powers of Officers

- 10.1 The Shadow Authority and its Shadow Executive Committee may delegate such powers, responsibilities and decisions to any of its own officers, or to any officers of Northamptonshire County Council or the District/Borough Councils as defined in the 2020 Order.
- 10.2 The Head of Paid Service shall have the power to take:
 - (a) all necessary action for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of his/her office;
 - (b) any action required to implement a decision of the Shadow Authority, the Leader, the Shadow Executive Committee or any committee or sub-committee;
 - (c) in consultation with the Leader, unless the Leader is unavailable or absent, any urgent action as may be appropriate in connection with any of the executive or non-executive functions of the Shadow Authority; and
 - (d) without prejudice to the above, any action for the purposes of agreeing the terms and entering into any secondment agreements under section 113 of the

Local Government Act 1972 and/or any arrangements for the purposes of securing the provisions of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise.

10.3 The Monitoring Officer, and the Chief Finance Officer have the statutory powers which are set out in the 2020 Order together with the power:

- (a) to take all necessary action within their areas of responsibility for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of their office;
- (b) to take any action within their areas of responsibility required to implement a decision of the Shadow Authority, the Leader, the Shadow Executive Committee or any committee or sub-committee;
- (c) without prejudice to the above, to take any action for the purposes of agreeing the terms and entering into any secondment agreement under section 113 of the Local Government Act 1972 and/or any arrangements for the purposes of securing the provision of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise; and
- (d) to exercise any power of the Head of Paid Service if unavailable, absent and/or any such post is vacant.

10.4 When exercising delegated powers officers:

- (a) must comply with the Shadow Authority's Financial and other relevant Procedure Rules and with the law;
- (b) may authorise expenditure only which is in accordance with approved estimates and which does not require an approval which has not been authorised or received;
- (c) save to the extent that the determining officer considers necessary, in order to give effect to a matter to which delegation 10.3 (c) above relates, shall comply with approved policies, schemes or directions of the Shadow Authority, Leader, Shadow Executive Committee or of any Committee and shall not depart from such policies, schemes or directions; and
- (d) shall consult with the appropriate professional or technical officer(s) of the Shadow Authority or the Northamptonshire Authorities (as defined in the 2020 Order).

10.5 Delegation to officers does not affect the powers of the Shadow Authority, Leader, Shadow Executive Committee or any Committee at any time to decide upon any delegated matter.

10.6 Officers may refer issues on which they have delegated power to the body or person by whom the delegation was given.

- 10.7 Authority to take decisions and other action including the signing of documents and the requirement to arrange consultations shall be undertaken on behalf of the Shadow Authority in the name of the officer to whom the authority to act is given, but need not necessarily be personally by them.
- 10.8 Any specific delegation to the Head of Paid Service, Monitoring Officer or the Chief Finance Officer (including power to act as the Proper Officer), may be exercised by another Officer specifically designated in writing by the Head of Paid Service, Monitoring Officer or the Chief Finance Officer to whom the delegation applied initially, in accordance with any general directions issued and included in such written authorisation.
- 10.9 Neither the Monitoring Officer's nor the Chief Finance Officer's statutory responsibilities may be delegated, although they may each appoint a member of their staff to carry out those functions in their absence.

Part 4 – Procedure Rules

A Access to Information Procedure Rules

1 General

- 1.1 These rules apply to all meetings of the Shadow Authority, its Committees and Sub-Committees and to public meetings of the Shadow Executive Committee.
- 1.2 In these Rules the word “meeting” means a meeting or meetings of any of these bodies unless specified otherwise.
- 1.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.
- 1.4 Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 1.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Shadow Authority, Committees and Shadow Executive Committee, except in circumstances where the public have been excluded as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Shadow Authority on its website or made available at the meeting.

2 Notice of Meetings

- 2.1 The Shadow Authority will give, wherever possible, at least five clear working days’ notice of any such meeting by publicising, including by electronic means, relevant details.
- 2.2 A copy of the official notice will also be published on the Shadow Authority’s website.

3 Agenda and Supporting Papers – Rights of Access

- 3.1 Copies of the Agenda and supporting papers will be made available on the Shadow Authority’s website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an Agenda at a later date, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.
- 3.2 The Shadow Authority will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Shadow Members relating to that item.
- 3.3 The Shadow Authority may require any person to make a payment in advance covering postage and actual costs incurred connected to the supply of the papers in Rule 3.2 above.

4 Access to Decision Records, Minutes, Agenda and Supporting Papers after a meeting

4.1 The Shadow Authority will make electronically available, for a period of six years from the date of the meeting:

- (a) the minutes of the meeting where, unless these rules or the Constitution minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed; and
- (b) the records of decisions taken, together with reasons by the Shadow Executive Committee, excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed; and
- (c) where information relating to a decision is considered in private, a summary of the proceedings to provide a reasonably fair and coherent record will be provided excluding any information which is of a confidential or exempt nature; and
- (d) the agenda and supporting papers covering items which were considered when the public were entitled to be present.

5 Background Documents

5.1 The Officer, in whose name an item is to be submitted for decision, will set out in the agenda a list of the background documents which in his/her opinion:

- (a) relates to the subject matter of the item in question; and
- (b) discloses any facts or matters on which the agenda item or an important part of it has been based; and
- (c) has been relied upon to a material extent in preparing the agenda item.

5.2 Background documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made.

6 Definition of Confidential and Exempt Information

- 6.1 For the purposes of these Rules the definitions of confidential and exempt information are set out below.
- 6.2 Confidential information means information supplied or given to the Shadow Authority by a Government Department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public by Order of the Courts.
- 6.3 Exempt information is information falling within any of the categories set out in Appendix 1 subject to the conditions noted in that Appendix.

7 Exclusion of the Public from Meetings

Confidential Information – Requirement to Exclude

- 7.1 The public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that confidential information, as described in Rule 6.2 above will be disclosed.

Exempt Information – Discretion to Exclude

- 7.2 In the case of exempt information, the public may be excluded from a meeting where Rule 6.3 and Appendix 1 applies.

8 No public right of access to agenda papers

- 8.1 The Monitoring Officer, where he/she considers it necessary, may refuse access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 7 above, the meeting is not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Shadow Authority, including the Shadow Executive Committee.

9 The Shadow Executive Committee: Application of these Rules

- 9.1 Rules 10 to 20 will apply to the Shadow Executive Committee and any Committees or Sub-Committees which it may establish from time to time.
- 9.2 Where the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee meet to discuss a Key Decision, with an officer or officers present, within 28 days of the date according to the Forward Plan by which it is to be decided, then the Shadow Executive Committee must comply with Rules 1 to 8 above unless Rule 12 (general exception) or 13 (special urgency) apply. This requirement does not apply where the sole purpose of the meeting is for officers to brief Shadow Members.

10 Procedure before taking a Key Decision

10.1 Subject to Rules 12 or 13, a Key Decision cannot be taken unless:

- (a) a notice (“the Forward Plan”) has been published in connection with the matter in question and made available to the public at the main office of the Shadow Authority; and
- (b) at least 28 clear calendar days have elapsed since publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, public notice of the meeting has been given under Rule 2 above.

11 The Forward Plan

11.1 The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover a four-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 12 or 13 below will apply.

11.2 The Forward Plan will contain such matters considered to be Key Decisions to be taken during the period covered by the Forward Plan.

11.3 The Forward Plan will describe in respect of each matter the following particulars:

- (a) the matter relating to the decision to be made;
- (b) the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take to make representations to the Shadow Executive Committee or decision taker about the matter before the decision is made, and the date by which those steps must be taken.
- (g) a list of the documents to be submitted to the decision taker for consideration in relation to the matter;
- (h) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;

- (i) that other documents relevant to the matter may be submitted to the decision taker; and
- (j) the procedure for requesting details of those documents (if any) as they become available.

11.4 Where in relation to any matter where the public may be excluded from a public meeting under Rule 7, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

12 General exception for Key Decisions

12.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 13, the decision may still be taken if:

- (a) the decision has to be taken by such a date that it is impracticable to defer the decision until it can be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates; and
- (b) the Monitoring Officer has informed the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of the Committee in writing, by notice, of the matter to which the decision is to be made; and
- (c) the Monitoring Officer has made copies of that notice available to the public at the main office of the Shadow Authority; and
- (d) at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.

12.2 Where such a decision is taken by the Shadow Executive Committee, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

13 Special urgency for Key Decisions

13.1 If by virtue of the date by which a Key Decision must be taken, the requirements of Rule 12 above cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chairman of the body taking the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee or if he/she is unable to act, then the agreement of the Chairman of the Shadow Authority, or in his/her absence the Vice Chairman will suffice.

13.2 In addition to the requirement for the Chairman of the Overview and Scrutiny Committee to agree to the matter being dealt with as urgent business, the Chairman of the Overview and Scrutiny Committee will be consulted, and may comment, on the subject matter of the decision itself.

14 Report to Shadow Authority

- 14.1 If the Overview and Scrutiny Committee is of the opinion that a Key Decision has been taken which was not:
- (a) included in the Forward Plan; or
 - (b) the subject of the general exception procedure under Rule 12 above; or
 - (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Chairman/Vice Chairman of the Shadow Authority under Rule 13 above:

The Committee may require the Shadow Executive Committee to submit a report to the Shadow Authority within such reasonable time as the Committee specifies.

- 14.2 In response to any requirement under Rule 14.1 above, the Shadow Executive Committee will prepare a report for submission to the next available meeting of the Shadow Authority. However, if the next meeting of the Shadow Authority is within 7 clear working days of the resolution of the Committee, then the report may be submitted to the subsequent meeting. The report to the Shadow Authority will set out particulars of the decision, the individual or body taking the decision, and if the Shadow Executive Committee is of the opinion that it was not a Key Decision, the reasons for that opinion.

15 Record of decisions of the Shadow Executive Committee

- 15.1 After any meeting of the Shadow Executive Committee or any of its Committees or Sub-Committees, whether held in public or private, the Monitoring Officer or their nominee, or where no officer was present, the person presiding at the meeting, will normally produce as soon as practicable an electronic record of every decision taken at that meeting. The record will include:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the decision taker;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision taker; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

16 Meeting of the Shadow Executive Committee in private

- 16.1 Where a meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, is to be held in private under these Rules, at least 28 clear days before the meeting, the Shadow Executive Committee shall make available at the main office of the Shadow Authority a notice

of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.

- 16.2 At least five clear working days before the meeting, the Shadow Executive Committee must make available at the main office of the Shadow Authority a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details any representation received by the Shadow Executive Committee about why the meeting should be open to the public; and a statement of the Shadow Executive Committee's response to any such representations.
- 16.3 Copies of the notices required by Rules 16.1 and 16.3 shall be sent to the Chairman of the Overview and Scrutiny Committee.
- 16.4 Where the date by which a private meeting must be held makes compliance with Rules 16.1 and 16.2 impracticable, the meeting may only be held in private where the Shadow Executive Committee has obtained agreement from:
- (a) the Chairman of the Overview and Scrutiny Committee; or
 - (b) if there is no such person, or if the Chairman of the Overview and Scrutiny Committee is unable to act, the Chairman of the Shadow Authority; or
 - (c) where there is no Chairman of either the Overview and Scrutiny Committee or of the Shadow Authority able to act, the Vice-Chairman of the Shadow Authority.

17 Attendance at private meetings of the Shadow Executive Committee

- 17.1 Any Member of the Shadow Executive Committee may attend a private meeting of a Committee or Sub-Committee of the Shadow Executive Committee whether or not they are members of that body unless the body determines otherwise.
- 17.2 Any Shadow Executive Committee member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

18 Officer attendance at Shadow Executive Committee Meetings

- 18.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Shadow Executive Committee. The Shadow Executive Committee cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Shadow Executive Committee.
- 18.2 A private meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, may only take place in the presence of the Monitoring Officer or his/her nominee, who shall have responsibility for recording and publicising any decisions.

19 Decisions by Members of the Shadow Executive Committee

- 19.1 Where an individual member of the Shadow Executive Committee receives a report, which he/she intends to take into account in making any Key Decision for which they have delegated authority, then he/she will not make the decision until at least five clear working days after receipt of that report.
- 19.2 On giving of such a report to a member of the Shadow Executive Committee, 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.
- 19.3 As soon as reasonably practicable after an executive decision has been taken by a delegated member of the Shadow Executive Committee, a written record of the decision must be produced which must include the following:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the Member;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any Member of the Shadow Executive Committee who is consulted by the Member which relates to the decision; and
 - (e) the provisions of Rules 4 and 5 will also apply to the making of decisions by Executive Committee Members.

20 Record of Executive and non-Executive decisions taken by Officers

- 20.1 As soon as reasonably practicable after an officer has made a decision which is an Executive decision (i.e. the responsibility of the Shadow Executive Committee) a written statement will be prepared including:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the officer when making the decision;
 - (d) a record of any conflict of interest declared by any Executive Member who is consulted by the officer which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.
- 20.2 Any record prepared in accordance with Rule 20.1 and any report considered by the officer and relevant to the decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.
- 20.3 Rules 20.1 to 20.2 do not apply to day-to-day administrative or operational decisions of the Shadow Authority taken by officers in connection with the discharge of functions which are the responsibility of the Shadow Executive Committee.

- 20.4 As soon as reasonably practicable after an officer has made a decision under an express delegation from the Shadow Authority, its Committees, Sub-Committees or any Joint Committee in which the Shadow Authority is involved or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Shadow Authority's position a written statement will be prepared including:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the officer when making the decision; and
 - (d) a record of the name of any Shadow Member or local government body who has declared an interest (for decisions taken under an express delegation).
- 20.5 Any record prepared in accordance with Rule 20.4 together with any background papers considered by the officer and relevant to the decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.
- 20.6 Rules 20.4 to 20.5 do not apply to:
- (a) routine administrative and organisational decisions;
 - (b) decisions on operational matters such as day-to-day variations in services;
 - (c) decisions if the whole or part of the record contains confidential or exempt information; and
 - (d) decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

21 Access to documents – Overview and Scrutiny Committee

- 21.1 Subject to Rule 21.4 below, any member of the Overview and Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader and/or the Shadow Executive Committee including its Committees and Sub-Committees and which contains material relating to:
- (a) any business transacted at a public or private meeting of the Shadow Executive Committee including any of its Committees and Sub-Committees;
 - (b) any decision taken by an individual member of the Shadow Executive Committee; or
 - (c) any Executive decision taken by an officer in accordance with Part 3 of this Constitution.
- 21.2 Where a member of the Overview and Scrutiny Committee (including its Sub-Committees) requests a document which falls within Rule 21.1 the Leader must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after the Leader receives the request.
- 21.3 Subject to Rule 21.4 the Chairman of the Overview and Scrutiny Committee is entitled to see papers in relation to private decisions of the Shadow Executive Committee before the decision is made.
- 21.4 Where the Leader so determines, a member of the Overview and Scrutiny Committee will not be entitled to:
- (a) any document that is in draft form;
 - (b) any such document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or any review contained in any programme of work of the Committee;
 - (c) the advice of a political advisor.

Where the Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

22 Additional rights of access for Shadow Members

- 22.1 All Shadow Members will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Shadow Executive Committee including its Committees or Sub-Committees and contains material relating to any business to be transacted at a public meeting; any business previously transacted at a private meeting; any decision made by an individual Member; or an Executive decision by an officer unless in the opinion of the Monitoring Officer it contains exempt information falling within the categories of

exempt information as set out in the Appendix; or it contains the advice of a political advisor.

- 22.2 All Shadow Members will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Shadow Executive Committee including its Committees and Sub-Committees which relates to any Key Decision unless Rule 22.1 above applies.
- 22.3 In relation to public meetings, where a document is required to be available for inspection by all Shadow Members under Rule 22.1 it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.
- 22.4 In relation to private meetings, decisions made by an individual Member or Executive decisions made by an officer, where a document is required to be available for inspection by all Shadow Members under Rule 22.1 must be available with 1 working day of the meeting concluding or where an Executive decision is made by an individual Member or an officer within 1 working day of the decision being made.
- 22.5 These rights of a Shadow Member are additional to any right he/she may have.

Appendix 1 – Descriptions of Exempt Information

Exempt information means information falling within the following categories (subject to any qualification):

- (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 of 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 on 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.

Qualifications

Information falling within the above descriptions is not exempt information if it is required to be registered 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;
- (e) The Building Societies Act 1986; or
- (f) The Charities Act 2011.

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.

Information which –

- (a) Falls within any of the descriptions above; and

Is not prevented from being exempt by the previous two qualifications 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.

B Shadow Executive Committee Procedure Rules

1 Meetings of the Shadow Executive Committee

- 1.1 The Shadow Executive Committee will meet as indicated in the Shadow Authority's programme of meetings. The Shadow Executive Committee or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he/she see fit. Locations of meetings will be published in the calendar of meetings.
- 1.2 The Shadow Executive Committee may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out in this Constitution.
- 1.3 The Leader will chair meetings of the Shadow Executive Committee or in his/her absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, will appoint one member of the Shadow Executive Committee to chair that meeting.
- 1.4 Attendance by other Members of the Shadow Authority or the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.5 below, or set out in Rules 4.1 to 4.2 below.
- 1.5 The Shadow Executive Committee may invite any person it/he/she consider appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

2 Quorum at meetings of the Shadow Executive Committee

- 2.1 No business shall be transacted where at any time during the meeting of the Shadow Executive Committee, or a committee or sub-committee established by the Shadow Executive Committee, there are fewer than one third of members of the Shadow Executive Committee, or committee or sub-committee of the Shadow Executive Committee present.

3 Taking of decisions by the Shadow Executive Committee

- 3.1 Shadow Executive Committee decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded. Records of Shadow Executive Committee decisions must be confirmed at the next meeting.

4 Members attending and speaking at Shadow Executive Committee Meetings

- 4.1 The Chairman of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Shadow Executive Committee and to speak to any matter on the agenda for that meeting.

- 4.2 Other Members not previously described above may also speak at such meetings with the permission of the Leader or person presiding in his/her absence.

5 Business at Shadow Executive Committee Meetings

- 5.1 The business to be transacted at meetings of the Shadow Executive Committee will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 5.2 The Agenda may be supported by additional papers prepared by the officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 5.3 The Shadow Executive Committee is obliged to consider matters referred to it by the Overview and Scrutiny Committee, or by the full Shadow Authority for consideration under the Scrutiny Rules.
- 5.4 The Access to Information Procedure Rules will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the Agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.
- 5.5 The Shadow Executive Committee will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6 The Monitoring Officer or his/her nominated officer shall be responsible for preparing and distributing the Agenda for Shadow Executive Committee meetings, attending meetings for the purpose of advising the Shadow Executive Committee on matters within his/her area of responsibility and recording decisions as required under this Constitution.
- 5.7 In taking decisions, the Shadow Executive Committee must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that the advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Monitoring Officer and the Chief Finance Officer.
- 5.8 Any member of the Shadow Executive Committee may require the Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Shadow Executive Committee.
- 5.9 The Monitoring Officer will ensure that any matter referred to the Shadow Executive Committee by the Shadow Authority or the Shadow Authority's Overview and Scrutiny Committee are placed on the Agenda for the next appropriate meeting of the Shadow Executive Committee.
- 5.10 Any Shadow Member may request the Leader to place an item on the agenda of a meeting of the Shadow Executive Committee. The leader shall have sole discretion as to whether or not to accede to such a request and, if such a request is granted, whether the Member in question can speak to the item at the meeting in question.

- 5.11 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer can include an item for consideration on the agenda of a Shadow Executive Committee Meeting. In pursuance of their statutory duties they can require that a special meeting of the Shadow Executive Committee be convened.
- 5.12 Business cannot be conducted at formal meetings of the Shadow Executive Committee unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.
- 5.13 The Shadow Executive Committee will report to the Shadow Authority as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.
- 5.14 Questions can be submitted by members of the public at meetings of the Shadow Executive Committee in accordance with Shadow Authority Procedure Rule 28 and Appendix 6 of the Shadow Authority Meeting Procedure Rules.

6 Voting at Shadow Executive Committee Meetings

- 6.1 Voting at Shadow Executive Committee meetings will be by a show of hands. Any Member may require, immediately after the vote is taken, that the minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person presiding will have a second and casting vote.
- 6.2 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with Shadow Meeting Procedure Rule 16.

7 Shadow Executive Committee – Committees and Sub-Committees

- 7.1 The Shadow Executive Committee may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of functions. In making such appointments, the Shadow Executive Committee must specify the name of the Committee/Sub-Committee, its membership (including Chairman and, if appropriate, Vice-Chairman) and the terms of reference of the body.

8 Motion under Meeting Procedure Rule 12

- 8.1 A mover of a motion under Meeting Procedure Rule 12 which has been referred to the Shadow Executive Committee for consideration may attend the meeting of the Shadow Executive Committee when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent an electronic copy of the relevant papers.

9 Resolving disputes

- 9.1 In the case of any dispute during proceedings of the Shadow Executive Committee the relevant part(s) of the Constitution will apply and after considering the application

of the relevant provision(s), the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

10 Reserves/substitute Members

- 10.1 There shall be no reserve or substitute members of the Shadow Executive Committee.

11 Approval of urgent business

- 11.1 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that he/she has first consulted the Leader (or Deputy Leader if the Leader is unavailable) and the appropriate statutory officer(s).

- 11.2 Where action is taken under 11.1 above, the action taken and response to consultations shall be reported to the next ordinary meeting of the Shadow Executive Committee.

12 Conflicts of Interest

- 12.1 Where the Leader or any Shadow Executive Committee Member has a conflict of interest, he/she will follow the requirements of the Shadow Authority's Code of Conduct for Members.

- 12.2 If all (or a majority) of the Members of the Shadow Executive Committee present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Code.

- 12.3 If the discharge of a Shadow Executive Committee function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 12.2 shall be considered.

C Overview and Scrutiny Procedure Rules

1 Work Programme

- 1.1 The Overview and Scrutiny Committee will consult with other parts of the Shadow Authority as appropriate, including the Shadow Executive Committee, on the preparation of any work programme.
- 1.2 The Overview and Scrutiny Committee will take into account any views expressed following consultation under Rule 1.1 above in drawing-up and agreeing any work programme. It should also take into account the resources, both officer and financial, available to support its proposals.
- 1.3 Once any programme has been approved, a copy will be sent to all Members of the Shadow Authority and all relevant officers.
- 1.4 The Overview and Scrutiny Committee shall respond, as soon as it may consider it is possible to do so, to requests from the Shadow Authority and the Shadow Executive Committee, to review particular areas of Shadow Authority activities. Where it does so, it will report its findings and any recommendations back to the Shadow Executive Committee and/or Shadow Authority in accordance with Rule 4 below.

2 Agenda for meetings of the Overview and Scrutiny Committee

- 2.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.
- 2.2 Any member of the Committee shall be entitled to suggest, in writing, that an item be included on the agenda, and such item shall appear on the agenda for the next meeting of the Committee in question. The committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 2.3 Similarly, the Leader or the Executive Committee may give notice in writing suggesting that an item appear on an agenda of the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 2.4 Subject to Shadow Authority Procedure Rule 34 and Appendix 5 of the Shadow Procedure Rules, any other Shadow Member may give notice in writing to the Monitoring Officer, suggesting an item appear on an agenda of the Overview and Scrutiny Committee. The item shall be included after consulting the Chairman of the Overview and Scrutiny Committee.
- 2.5 Any Shadow Member raising an item under Rules 2.2, 2.3 or 2.4 above shall be precluded from raising the matter again for a period of 6 months from the date it is considered by the Committee.

3 Policy Review and Development

- 3.1 The Overview and Scrutiny Committee has a key role in policy and budget development in the approach to the creation of North Northamptonshire Authority.

4 Reports from the Overview and Scrutiny Committee

- 4.1 Once recommendations have been formed, the Overview and Scrutiny Committee may submit a formal report for consideration by the Shadow Executive Committee or to the Shadow Authority as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 4.2 The Shadow Authority or the Shadow Executive Committee shall consider the report of the Overview and Scrutiny Committee within one month (or next available meeting in the case of the Shadow Authority) of it being submitted.

5 Access to the Forward Plan

- 5.1 The Overview and Scrutiny Committee will have access to the Shadow Executive Committee's Forward Plan and timetable for decisions and intentions for consultation.

6 Rights of Overview and Scrutiny Committee members to documents

- 6.1 In addition to their rights as Shadow Members, members of the Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution as they deem necessary.

7 Shadow Members and Officers giving account

- 7.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Shadow Authority function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require the Leader or any Member of the Executive Committee (or a nominated substitute), to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Shadow Authority policy; and
or
- (c) their performance.

And it is the duty of that person to attend if so required.

- 7.2 Where the Overview and Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the lead officer of the Central Implementation Team.

Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers be asked to explain:

- (a) What the policies are;
- (b) The justification and objectives of those policies as the Shadow Executive Committee sees them;

- (c) The extent to which those objectives have been met; and
- (d) How administrative factors may have affected both the choice of policy measures and the manner of their implementation.

- 7.3 Officers may be asked to explain and justify advice they have given to the Shadow Executive Committee prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegation powers from the Shadow Executive Committee.
- 7.4 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 7.5 The requirements of any protocols on Member/Officer relationships and the Code of Conduct must be adhered to where an officer is attending the Overview and Scrutiny Committee.
- 7.6 Where any Member of the Executive Committee or officer is required to attend Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Monitoring Officer, who will inform the Shadow Member or officer in writing at least ten clear working days' notice of the meeting. The notice will state the nature of the item on which he/she is 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 Overview and Scrutiny Committee will require the production of a report, then the Shadow Member or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.
- 7.7 Where, in exceptional circumstances, the Member of the Executive Committee or officer is unable to attend on the required date, then the Committee shall, in consultation with the Member of the Executive Committee or officer, arrange an alternative date for attendance within a reasonable timescale, or allow a substitute to attend.

8 Attendance by others

- 8.1 The Overview and Scrutiny Committee may invite individuals other than those referred to in Rules 7.1 and 7.2 to address it, discuss issues of local concern and/or answer questions.

9 Call-in

- 9.1 Call-in is the exercise of the Overview and Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Where a decision is called in and the Overview and Scrutiny Committee decides to refer it back to the Executive Committee for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 9.2 Any decision of the Shadow Executive Committee, an individual Member of the Shadow Executive Committee, or a Key Decision made by an officer under authority delegated by the Shadow Executive Committee, is subject to call-in. A decision may

be called-in only once. A recommendation by the Shadow Executive Committee to the Shadow Full Authority may not be called-in.

9.3 The call-in procedure and the powers to refer a decision back for reconsideration may only be exercised by the Overview and Scrutiny Committee, within the remit of its terms of reference.

9.4 Call-in of decisions which may be contrary to the budget and policy framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules set out elsewhere within this Constitution.

9.5 The Call-in Procedure

9.5.1 Once made, an Executive decision shall be published, in the form of a decision note, within two clear working days on the public website of the Shadow Authority.

9.5.2 The decisions digest will bear the date on which it is published and will specify that the decision will be effective on the expiry of five clear working days after the publication of the decision and may then be implemented, unless called-in under this provision within that five clear working day period. The deadline for a call-in request will be specified in the decisions digest.

9.5.3 Requests for call-in may be made by submission of a notice in accordance with 9.5.4 below. A request shall only be considered to be valid if signed/authorised by at least four Shadow Members who are not Members of the Executive Committee.

9.5.4 A call-in request must be in the form of a written/e-mailed notice submitted to the Monitoring Officer and received before the published deadline. Either one notice containing all required signatures or four separate notices will be acceptable.

9.5.5 The notice must set out –

(a) the resolution or resolutions that the Member(s) wish to call-in;

(b) the reasons why they wish the Overview and Scrutiny Committee to consider referring it back to the Executive Committee, with particular reference to the principles of decision making set out within Article 12 (Decision Making); and

(c) the alternative course of action or recommendation(s) that they wish to propose.

9.5.6 The call-in request will be deemed valid unless either –

(a) the procedures set out in Procedure Rules 9.5.3 to 9.5.5 above have not been properly followed;

(b) a similar decision has been called-in to the Committee previously;

(c) the Executive decision has been recorded as urgent in accordance with paragraph 10 below; or

(d) the Monitoring Officer, in consultation with the Chairman of the Overview and Scrutiny Committee, considers the call-in to be frivolous, vexatious or clearly outside the call-in provisions, in which case the Monitoring Officer may reject the call-in request and write/e-mail to the Members making the request explaining why it was rejected.

9.5.7 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the Member(s) concerned.

9.5.8 Upon deciding on its validity, the Monitoring Officer shall forthwith inform the Member(s) concerned, the Leader of the Authority, Shadow Executive Committee Member(s) as appropriate, the Chair and the Vice Chair of the Overview and Scrutiny Committee and the Head of Paid Service.

9.6 Consideration of Call-in requests by the Overview and Scrutiny Committee

9.6.1 The Monitoring Officer will ensure that any valid call-in is considered and determined at the next available meeting of the Overview and Scrutiny Committee, or will convene a special meeting if so agreed by the Chairman of the Overview and Scrutiny Committee and the decision taker.

9.6.2 The Members submitting the request for call-in will be expected to attend the meeting of the Overview and Scrutiny Committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.

9.6.3 Having considered the call-in and the reasons given, the Overview and Scrutiny Committee may –

(a) refer it back to the decision-making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;

(b) refer the decision to the Shadow Full Authority, if it feels the original decision was outside of the Budget and Policy Framework, after seeking advice of the Monitoring Officer and/or Chief Finance Officer in accordance with the Budget and Policy Framework Rules; or

(c) decide to take no further action, in which case the original Executive decision will be effective immediately.

9.7 Decision referred back to the Decision Maker

9.7.1 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Overview and Scrutiny Committee, and make a final decision, amending the decision or not, giving reasons for their final decision.

9.7.2 If a decision relates to an Executive function only the Shadow Executive can ultimately decide the matter, provided that it is in accordance with the Authority's Budget and Policy Framework.

10 Call-in and Urgency

10.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if –

(a) A call-in would prevent the Shadow Authority reaching a decision that is required by law within a specified timescale; or

(b) Any delay likely to be caused by the call-in process would seriously prejudice the Shadow Authority's or the public's interests and the reasons for urgency are reported to the decision-making body or person before the decision is taken.

10.2 The decision note shall state whether the decision is an urgent one, and therefore not subject to call-in.

10.3 The Chairman of the Overview and Scrutiny Committee must agree to the decision being treated as a matter of urgency. In the absence of the Chairman, the Vice Chairman of the Overview and Scrutiny Committee shall be requested to give consent. In the absence of both the Chairman and Vice Chairman of the Overview and Scrutiny Committee, the Chairman of the Authority (or in his/her absence) the Vice Chairman, will be requested to provide consent.

10.4 Where the Executive Committee has recorded a decision as urgent, the Overview and Scrutiny Committee may retrospectively review actions arising from that decision (within agreed criteria) but cannot delay its implementation.

11 Member Call for Action

11.1 Any member of the Shadow Authority may submit a Member Call for Action using the appropriate form. The Member Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the Leader or appropriate Executive Committee Member and the Head of Paid Service or his/her nominee. The Member Call for Action will be placed on the agenda of the Overview and Scrutiny Committee. It is for the Overview and Scrutiny Committee to determine how it wishes to respond to the Member Call for Action and in the case of refusal to undertake a review then reasons must be provided.

12 The Party Whip

12.1 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a formal party whip, the Shadow 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.

13 Task and Finish Panels

- 13.1 The Committee may appoint such task and finish panels as it considers appropriate to undertake specific tasks on its behalf, with the same powers as the Committee, excluding the provision to call-in Executive decisions. Whilst these will be on a task and finish basis in most cases, the Committee is not precluded from establishing such Panels on a more permanent basis subject to regular review. Task and Finish Panel members do not have to be members of the Overview and Scrutiny Committee, but cannot be members of the Shadow Executive Committee.
- 13.2 Where the Committee establish any Panel under Rule 13.1 above, it will set out the name of the Panel, its membership (including the Chairman and, if appropriate, the Vice-Chairman) and the terms of reference including relevant dates for completion of the task or review.
- 13.3 Any Task and Finish Panel established will report back to the Overview and Scrutiny Committee who will consider the Panel's outcome or recommendations.

14 Procedure at Overview and Scrutiny Committee Meetings

- 14.1 The Overview and Scrutiny Committee shall consider the following business:
- (a) record of the last meeting;
 - (b) consideration of any matter referred to the Committee by the Shadow Authority or by the Shadow Executive Committee;
 - (c) consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
 - (d) responses of the Shadow Executive Committee on reports of the Overview and Scrutiny Committee; and
 - (e) the business otherwise set out on the agenda for the meeting.
- 14.2 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 give evidence at its meetings, which are to be conducted in accordance with the following principles:
- (a) 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;
 - (b) those assisting the Committee by giving evidence be treated with respect and courtesy; and

- (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 14.3 Following any investigation or review, the Committee shall prepare a report for submission to the Shadow Executive Committee and/or Shadow Authority as appropriate and shall, unless there are exceptional reasons, make its report and findings public.

D Meeting Procedure Rules

Part A – Shadow Authority meetings

1 Shadow Authority meetings

- 1.1 The Shadow Authority will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Shadow Authority.
- 1.2 Meetings of the Full Authority will normally commence at 7:00 pm. The Chairman, or the Shadow Authority, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by resolution or by the Chairman, or ten Shadow Members comprising more than one political group can ask the Chairman, in writing, to call a special meeting. If the Chairman does not agree, then those Shadow Members can call the meeting by giving written notice to the Monitoring Officer.

2 Chairman and Vice-Chairman of the Shadow Authority

- 2.1 At its first meeting, the Shadow Authority will elect its Chairman and appoint its Vice-Chairman for the Shadow Period.
- 2.2 The Chairman of the Shadow Authority, or in his/her absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Shadow Authority. Where both the Chairman and Vice-Chairman are absent, the Shadow Authority will appoint another Shadow Member, other than a member of the Shadow Executive Committee, to chair the meeting, who will have the same powers and duties as the Chairman.

3 Quorum

- 3.1 No business shall be dealt with at a Shadow Authority meeting if there are fewer than 25 Shadow Members present, comprising 5 Members each of whom have been elected as a Member of the Borough Authority of Wellingborough, 5 elected Members from Corby Borough Authority, 5 elected Members of East Northamptonshire Authority, 5 elected Members of Kettering Borough Authority and 5 Members of Northamptonshire County Authority who have been elected for North Northamptonshire electoral divisions.
- 3.2 Where the meeting has started, and the number of Shadow Members present is fewer than 25 Shadow Members and does not meet the minimum quorum requirements described in 3.1 above, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Shadow Authority can decide

- 4.1 The Shadow Authority will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

5 Order of business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Shadow Authority decides otherwise.

6 Urgent business

- 6.1 Business cannot be dealt with at a Shadow Authority meeting unless it is included in the summons or unless the Chairman has agreed in consultation with the Head of Paid Service that it is urgent and cannot wait until the next scheduled meeting. The Chairman must give the reasons for urgency, which must be recorded in the minutes of the meeting.

7 Confirmation of Minutes

- 7.1 Minutes of the last Shadow Authority meeting must be confirmed at the next ordinary meeting of the Shadow Authority.
- 7.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chairman shall sign the minutes.

8 Record of Shadow Executive Committee decisions and minutes of Committees and Sub-Committees

- 8.1 The record of decisions of the Shadow Executive Committee and the minutes of any other committees will be submitted to the next ordinary meeting of the Shadow Authority.
- 8.2 The record of decisions will be noted and the minutes will be received by a decision of the Shadow Authority.
- 8.3 Any question about the accuracy of any matter before the Shadow Authority from the Shadow Executive Committee or a Committee must be considered and determined by the Shadow Executive Committee or that Committee at its next meeting. It is not a matter for the Shadow Authority.

9 Matters for decision by the Shadow Authority

- 9.1 All matters for decision by the Shadow Authority shall be included within the agenda.
- 9.2 When the item is reached on the agenda, the Leader or the Chairman of the relevant Committee will, where appropriate, move the recommendation or advice of the Shadow Executive Committee or Committee, or endorsement of a Shadow Executive Committee or a Committee decision. Another Shadow Member may second the motion and may reserve the right to speak until later in the debate.
- 9.3 The Chairman cannot ask the Shadow Authority to agree to withdraw a recommendation of the Shadow Executive Committee or a Committee unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Shadow Authority. The

relevance of the information to be determined by the Monitoring Officer, in consultation with the Chairman.

10 Motions moved without notice

10.1 Appendix 1 lists those motions and amendments which can be moved at a Shadow Authority meeting without notice.

11A Questions by Members at Shadow Authority Meetings

11.1 A Shadow Member may ask the Chairman, Leader, or the Chairman of a Committee any question about a matter which the Shadow Authority, the Shadow Executive Committee or a Committee has powers, duties or responsibilities.

11.2 Questions, which are to be limited to 50 words or fewer, must be sent in writing to the Monitoring Officer at least three clear working days before the meeting.

11.3 The Chairman may agree to take urgent questions where he considers that it has not been possible for a Shadow Member to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.

11.4 A question will be rejected by the Chairman in consultation with the Monitoring Officer where it:

- (a) does not relate to a matter for which the Shadow Authority/committee has a responsibility or which affects the Shadow Authority's administrative area;
- (b) is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
- (c) requires the disclosure of confidential or exempt information;
- (d) names or identifies individual service users, members of staff or members of staff of partner agencies; or
- (e) is considered to be inappropriate for the particular meeting.

11.5 A Shadow Member may ask no more than one question at any meeting.

11.6 Subject to Rule 11.5 questions will be asked in the order of receipt and answered without discussion. In replying, the Shadow Member answering the question will use their reasonable endeavours to address the matters raised in the question. The Shadow Member to whom the question is addressed may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Shadow Members as the Shadow Authority agrees, or refer the question to the Shadow Executive Committee or an appropriate committee.

11.7 Following the answer to each question, the questioner may, with the permission of the Chairman, ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Shadow Member answering the supplementary question will decide whether or not to reply.

11.8 Where a question submitted under this Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.

11.9 The time allowed for Members to ask questions under this Rule will be a maximum of 30 minutes, but is otherwise a matter for the discretion of the Chairman who, in exercising his/her discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

11B Public Participation at Shadow Authority meeting

11.10 A public speaking time and public question facility will apply to Shadow Authority meetings as detailed in Appendix 6.

12 Notices of Motion

12.1 A notice of motion must relate to matters for which the Shadow Authority has responsibility.

12.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

13 Rules of Debate

13.1 The rules of debate to be followed at Shadow Authority meetings are set out in Appendix 3.

14 Rescission of earlier resolution

14.1 Subject to Rule 14.2, at a meeting of the Shadow Authority, no motion or amendment shall be moved to rescind any resolution of the Shadow Authority which was passed within the preceding three months or which is to the same effect as one which has been rejected within that period.

14.2 Such a motion may be moved if:

- (a) it is recommended by the Shadow Executive Committee or a Committee; or
- (b) notice of such motion has been given under Rule 12 and signed by at least 20 Shadow Members who include members from more than one recognised political group.

15 Voting

15.1 Each Shadow Member has one vote.

15.2 Voting will be by a show of hands or where practical and the means are available to those present, by electronic means.

15.3 When a Shadow Member asks for a recorded vote to be taken, and 16 other Shadow Members show support for the request, the vote will be recorded to show whether each Shadow Member voted for or against the motion or abstained.

- 15.5 A Shadow Member may require, after a vote is completed, that the minutes of the meeting record how he/she voted or abstained.
- 15.6 A Shadow Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 15.7 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote.

16 Offices and Appointments

- 16.1 Voting to elect or appoint the Chairman and Vice-Chairman of the Shadow Authority, or Shadow Members to any office or position where more than one person is nominated shall be a show of hands or where practical and the means are available to those present, by electronic means.
- 16.2 If on a vote no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.
- 16.3 The Chairman, or person presiding, will have a second or casting vote where the votes are equal.

17 Election of Chairman of Committees and Sub-Committees

- 17.1 The Chairman and Vice-Chairman of a Committee (except the Executive Committee) will be elected at the first meeting of the Shadow Authority where possible.
- 17.2 The Shadow Member elected to each office must be a member of the relevant Committee.
- 17.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Shadow Authority unless the Shadow Authority decides otherwise.
- 17.4 Unless the Shadow Authority decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Rule 16 will apply.
- 17.5 Where a Chairman and Vice-Chairman are absent from a meeting of the relevant body, a Chairman will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Shadow Executive Committee members for appointment.

18 Urgent Business – Non-Shadow Executive Committee matters

- 18.1 An item of urgent business which has to be decided before the next meeting of the Shadow Authority and which does not fall within the Shadow Executive Committee's functions and responsibility can be determined by the Head of Paid Service, subject to the procedure in Appendix 4.

Part B – Committee and Sub-Committee Meetings

19 Programme of Meetings

- 19.1 Meetings of Committees will be set out in the calendar of meetings approved by the Shadow Authority under Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings.
- 19.2 When it is necessary to alter the date, time and/or venue of a scheduled meeting, or to arrange a special meeting, the Monitoring Officer will consult the Chairman of the relevant Committee before any action is taken, ensuring the business requirements of the Authority are taken into account.
- 19.3 Meetings of the main Shadow Authority committees (the Executive Committee and the Overview and Scrutiny Committee) will normally commence at 7:00 pm.

20 Quorum at Committees and Sub-Committees

- 20.1 No item of business will be transacted at a meeting of a committee or sub-committee unless there are at least one-third of the members of the body present. However, where the total membership of any committee or sub-committee comprises 11 or fewer members, the quorum shall be 3.

21 Minutes of Committees and Sub-Committees

- 21.1 The minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 21.2 Only matters relating to the accuracy of the minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 21.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chairman shall sign the minutes.
- 21.4 The minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chairman.
- 21.5 Members may ask a question or comment on any minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 21.6 Where a member has a question or comment on an exempt, private or confidential minute, the question or comment must be taken in private session after the press and public have been excluded. This will normally be taken once all public business has been completed.
- 21.7 Any question about the accuracy of any minute of a body must be considered and determined by that body at its next meeting.

22 Motions moved without Notice at Committees and Sub-Committees

- 22.1 Appendix 1 lists those motions and amendments which can be moved without notice.

23 Rules of Debate at Committees and Sub-Committees

23.1 Appendix 3 sets out the rules of debate.

24 Voting

24.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.

24.3 A Shadow Member may require, after a vote is completed, that the minutes of the meeting record how he/she voted or abstained.

24.4 A Shadow Member may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.

24.5 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will have, and must exercise, a second or casting vote.

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26 Mover of a motion at Shadow Authority under Rule 12: Attendance at Committee and Sub-Committee

26.1 Where a motion has been referred under Rule 12 from the Shadow Authority to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.

26.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

27 Requests by a Member for items of business to be included on agendas of a Committee or Sub-Committee

27.1 Appendix 5 to these Procedure Rules sets out details of the process by which a Shadow Member can ask for an item of business to be included on the agenda of a Committee or Sub-Committee meeting.

28 Questions submitted by Members of the Public

28.1 The Shadow Authority has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 6.

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30 Committee and Sub-Committee Agenda – Urgent items of business

30.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears in the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.

30.2 The Chairman of the Committee or Sub-Committee may agree to deal with an item of business at the meeting, subject to consultation with the Monitoring Officer, if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chairman's ruling and the reasons for urgency will be recorded in the minutes of the meeting.

31 Attendance of Shadow Members at Committees and Sub-Committees of which they are not members

31.1 Notwithstanding their rights as a member of the public, a Shadow Member may attend any meeting of a Committee or Sub-Committee (except meetings of the Senior Officer Appointments Committee) to which he/she has not been appointed, for the purposes of performing his/her duties as a Shadow Member, including when exempt or private and confidential business is transacted.

31.2 A Shadow Member will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under the Access to Information Procedure Rules.

31.3 The Shadow Member has no right to vote, but may speak with the consent of the Chairman of the meeting.

32 Overview and Scrutiny Committees/Sub-Committees

32.1 In applying these Rules to Overview and Scrutiny Committees and Sub-Committees, regard shall be had to the Overview and Scrutiny Procedure Rules which are contained in Part 4 of this Constitution.

Part C – General Provisions

33 Records of Attendance

33.1 The Monitoring Officer will keep a record of Members attending any meeting of the Shadow Authority, the Shadow Executive Committee, any Committee or Sub-Committee.

34 Disclosure of Confidential/Exempt Matters

34.1 No Shadow Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked "confidential" or "not for publication" unless and until the document has been made available to the public or the press by or on behalf of the Shadow Authority, the Shadow Executive Committee, a Committee or Sub-Committee.

34.2 No Shadow Member shall disclose to any person other than a Shadow Member any matter arising during the proceedings of the Shadow Authority, the Shadow Executive Committee, any Committee or Sub-Committee and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Shadow Authority or would be contrary to law.

34.3 No Shadow Member shall, without the consent of the Chairman of the appropriate body, disclose to any person any decision or proceedings of that body except:

- (a) when a report on the matter has been circulated to the Shadow Authority by that body; or
- (b) when the decision has become public knowledge; or
- (c) when the matter comes within the powers of that body and a final decision has been made upon it; provided that this paragraph shall not authorise any disclosure which would contravene Rules 34.1 or 34.2.

35 Disorderly conduct by Members

- 35.1 If at a meeting any Shadow Member, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Shadow Member may move "*That the Shadow Member be not further heard*". The motion, if seconded, shall be put and determined without discussion.
- 35.2 If the Shadow Member continues the misconduct after a motion under Rule 35.1 has been carried, the person presiding may: either move "*That the Shadow Member do leave the meeting*" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 35.3 In the event of general disturbance by Shadow Members at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

36 Disturbance by members of the Public

- 36.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.
- 36.2 The Chairman has the right to maintain order during the meeting and ensure the proper, lawful and efficient transaction of the business specified on the agenda.

37 Variation and revocation of Procedure Rules

- 37.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Shadow Authority.

38 Suspension of Procedure Rules

- 38.1 Subject to Rule 38.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Shadow Authority, a Committee or Sub-Committee where its suspension is moved except where this would be in contravention of statute.
- 38.2 A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10) unless there shall be present at least one-third of the Members of the Shadow Authority or that Committee or Sub-Committee respectively.

39 Interpretation of Procedure Rules

- 39.1 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Shadow Authority, shall not be challenged at any meeting.
- 39.2 The person presiding, prior to enacting Rule 39.1, shall consult on any question of interpretation with the Monitoring Officer or their designated nominee.

40 Submission of Notices by Members – Electronic Means

- 40.1 A Shadow Member may communicate, by electronic means, any notice under any of the Shadow Authority's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

41 Duration of Meetings (Guillotine)

- 41.1 Unless otherwise specified, the duration of all meetings of the Shadow Authority, any committee or any sub-committee will be a maximum of 3 hours.
- 41.2 If the 3 hour limit is approaching, by a simple majority of all Members in attendance agreeing, the meeting may continue beyond the 3 hour guillotine, however a revised finish time should be agreed.
- 41.3 If an extension to the meeting has been agreed, and the revised closure time is being approached a further extension may be agreed, as per 41.2 above.
- 41.4 In the case of the Senior Appointments Committee, 41.1-41.3 shall not apply where that Committee is interviewing candidates for positions within the Shadow Authority or North Northamptonshire Council.

42 Quorum of Committees and Sub-committees

- 42.1 Unless otherwise specified, the quorum of all committees or sub-committees will be one-third of the Members of a committee or sub-committee, but no fewer than 3 Members in any case.

Appendix 1 - Procedure Rules relating to the Shadow Authority: Meeting Procedure Rules 10 and 29 – Motions which may be moved without Notice

1. Appointment of a Chairman of the meeting at which the motion is made;
2. Motions relating to the accuracy of the minutes of the Shadow Authority, a Committee or Sub-Committee;
3. That an item of business specified in the summons should have precedence;
4. Reference to the Shadow Authority, a Committee, Sub-Committee or the Shadow Executive Committee;
5. Appointment of or appointment to Committees, Sub-Committees or the Shadow Executive Committee occasioned by an item mentioned in the summons of the meeting;
6. Receipt of records of decisions and minutes of Committees and Sub-Committees;
7. Adoption of recommendations of the Shadow Executive Committee, Committees and Sub-Committees and any consequent resolutions;
8. That leave is given to withdraw a motion;
9. Receipt of reports of officers and any consequent resolutions;
10. Extending the time limit for speeches;
11. Amendment to motions;
12. That the Shadow Authority proceed to the next business;
13. That the question be now put;
14. That the debate be now adjourned;
15. That the Shadow Authority do now adjourn;
16. Authorising the sealing of documents;
17. Suspending Procedure Rules, in accordance with Procedure Rule 38;
18. Motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the press and public;
19. That a Shadow Member named under Procedure Rule 35 should not be heard further or should leave the meeting; or
20. Giving consent of the Shadow Authority where consent of the Shadow Authority is required by these Procedure Rules.

Appendix 2 – Procedure Rules relating to the Shadow Authority: Meeting Procedure Rule 12 – Notices of Motion

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Shadow Authority giving the notice, and delivered, at least seven clear working days before the next meeting of the Shadow Authority, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Scope

Motions must be about matters for which the Shadow Authority has direct responsibility. If it is determined by the Monitoring Officer, in consultation with the Chairman, that the proposed motion is irrelevant, defamatory, frivolous, vexatious, unlawful or otherwise improper, it will not be listed on the agenda.

3 Motions to be set out in Summons

The summons for every ordinary meeting of the Shadow Authority will set out all motions of which notice has been duly given, unless the Member giving the notice has stated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Shadow Executive or non-Shadow Executive Committee functions but otherwise in the order in which they have been received.

4 Withdrawal of Motion which is before the Shadow Authority

Where a notice of motion is before the Shadow Authority having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chairman of the Shadow Authority again in writing.

5 Motions not moved

If a motion set out in the summons is not moved either by a Shadow Member who gave notice of it or by some other Shadow Member on his/her behalf it shall, unless postponed by consent of the Shadow Authority, be treated as withdrawn and shall not be moved without fresh notice.

6 Automatic reference to Shadow Executive Committee, Committee/Sub-Committee – non-Shadow Executive Committee Function

If the subject of any motion (which does not relate solely to any Shadow Executive Committee function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chairman may determine, for consideration and report. However, if the Chairman considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it was brought

forward. Unless the Chairman has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Shadow Authority.

Advice to the Shadow Authority on any referred Notice of Motion under this section will be formulated by the Shadow Executive Committee and by such other bodies (Committees/Sub-Committees) as are deemed appropriate. The report to the Shadow Authority will set out the views of all bodies consulted on the Notice of Motion. The minutes of a Committee or Sub-Committee containing advice to the Shadow Authority on any referred Notice of Motion shall be dealt with separately from the other minutes of those bodies.

7 Automatic reference to the Shadow Executive Committee – Shadow Executive Committee Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred to the Shadow Executive Committee to determine subject to the advice from any other body whose views are sought as determined by Shadow Authority. The mover on formally moving the motion has the right to speak to the motion. The seconder may also speak to the motion. The Chairman will allow a period of fifteen minutes for a debate on any notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Shadow Executive Committee member shall have the opportunity to respond. No speeches including the response will exceed three minutes. No amendments to the motion may be moved. The motion will then stand referred to the Shadow Executive Committee.

There are no rights of “*call in*” or “*reference to the Shadow Authority*” where the Shadow Executive Committee has discharged a motion submitted under this Procedure Rule.

8 Deferment of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chairman of the Shadow Authority indicates, in writing, his/her agreement on behalf of the Shadow Authority. The matter would then come to a subsequent meeting of the Shadow Authority for report and decision.

Appendix 3 - Procedure Rules relating to the Shadow Authority: Committees and Sub-Committees – Meeting Procedure Rules 13 and 23 – Rules of Debate

1 Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting. At meetings other than those of the full Shadow Authority, the Chairman of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chairman has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 12.

2 Seconder's Speech

When seconding a motion or amendment a Shadow Member may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

3 Only one Shadow Member to speak at a time

When speaking at a Shadow Authority meeting a Shadow Member shall normally stand and address the Chairman. While a Shadow Member is speaking the other Shadow Members will remain seated, unless rising on a point of order or in personal explanation.

4. Content and length of speeches

A Shadow Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Shadow Members when the Shadow Authority is agreeing a budget, or where the Shadow Authority, Committee or Sub-Committee otherwise agrees, the speech of the mover of a motion shall not exceed five minutes and all other speeches shall not exceed three minutes..

In advance of the meeting at which the Shadow Authority is due to agree a budget, the Shadow Authority's recognised political groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the three-minute limitation contained in these Rules. The Chairman will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the three-minute limitation might be permitted to operate.

5 When a Shadow Member may speak again

At a Shadow Authority meeting a Shadow Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- (a) To speak once on an amendment moved by another Shadow Member;
- (b) If the motion has been amended since he/she last spoke, to move a further amendment;
- (c) If his/her first speech was an amendment moved by another Shadow Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) In exercise of a right of reply given by paragraph 11 or 13 of this Appendix;
- (e) On a point of order referring to the specific Procedure Rule;
- (f) By way of personal explanation; or
- (g) To move one of the motions specified in 12 (b) to (j), below when the procedure in those paragraphs shall be followed.

At Committees or Sub-Committees Shadow Members may, at the discretion of the Chairman, speak more than once.

6 Amendments to Motions

An amendment must be relevant to the motion and shall be either:

- (a) To leave out words;
- (b) To leave out words and add others;
- (c) To insert and add words;

But such amendment shall not have the effect of negating the motion before the Shadow Authority.

7 Notice and Number of Amendments

7.1 A Shadow Member who wishes to propose an amendment to a motion submitted in accordance with Procedure Rule 6 shall be required to submit that motion to the Monitoring Officer no less than two clear working days before the start of the meeting. Amendments to reports of which notification has been included within the summons of the meeting may be moved without notice.

7.2 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

8 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original

motion and shall become the motion upon which any further amendment may be moved.

9 Alterations to Motions or Amendments

A Shadow Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Shadow Authority (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

11 Right of Reply

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right to reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

12 Motions which may be moved during debate

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

- (a) To amend the motion;
- (b) To adjourn the meeting;
- (c) To adjourn the debate;
- (d) To proceed to the next business;
- (e) To suspend Procedure Rules;
- (f) To refer a matter to the Shadow Authority, Shadow Executive Committee, a Committee or Sub-Committee for consideration or reconsideration;
- (g) That the question be now put;
- (h) That a Shadow Member be not further heard;
- (i) By the Chairman under Procedure Rule 35.2, that a Shadow Member do leave the meeting;
- (j) A motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the public.

13 Closure Motions

A Shadow Member may move, without comment, at the conclusion of a speech of another Shadow Member, "*That the Shadow Authority proceed to the next business*", "*That the question be now put*", "*That the debate be now adjourned*", or "*That the Shadow Authority do now adjourn*". When one of these motions has been seconded the Chairman shall proceed as follows:

- (a) On a motion to proceed to next business – unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right to reply, and then put to the vote the motion to proceed to next business;
- (b) On a motion that the question be now put – unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right to reply before putting the motion to the vote;
- (c) On a motion to adjourn the debate or the meeting – if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right to reply on that occasion.

14 Points of Order

A Shadow Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Shadow Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

15 Ruling of Chairman on a Point of Order/Personal Explanation

The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

16 Respect for the Chair

At the Shadow Authority meeting whenever the Chairman rises during a debate a Shadow Member then standing shall sit down and the Shadow Authority shall be silent. In Committee or Sub-Committee meetings, whenever the Chairman rises from his/her seat, the Shadow Members should remain in their seats and the Committee or Sub-Committee shall be silent.

Appendix 4 - Procedure Rules relating to the Shadow Authority, Committees and Sub-Committees: Meeting Procedure Rules 18 and 30 – Urgent Business

Non-Shadow Executive Committee Functions

1 Approval of urgent business

Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that he/she has first consulted the relevant Chairman (or Vice-Chairman if he/she is not available) and where appropriate the other statutory officer(s).

2 Consultation

A copy of the consultation document shall be sent to the Leader, the appropriate Shadow Executive Committee members, the Chairman of the Overview and Scrutiny Committee, the Party Group leaders and where appropriate the local ward Shadow Members.

3. Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Chief Finance Officer and the Monitoring Officer.

4. Obligations of the Monitoring Officer

The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to Committee or Sub-Committee which has been given by him/her to the lead officer of the Central Implementation Team and the Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above of this Procedure Rule shall be made available by electronic means to all Shadow Members of the Shadow Authority.

Shadow Executive Committee Functions

6 Consultation

The Head of Paid Service shall have discretion to decide the matter, having first taken into account any views of Shadow Members consulted under this procedure. A copy of the consultation document under this procedure shall also be sent to the Leader, the Chairman of the Overview and Scrutiny Committee, the appropriate Shadow Executive Committee member and the local ward Shadow Members.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Chief Finance Officer and the Monitoring Officer.

8 Obligations

A copy of any approval which has been obtained under paragraphs 6 to 7 above shall be supplied forthwith to the Monitoring Officer and the Chief Finance Officer.

9 Report to Shadow Executive Committee

A report of any decision under paragraphs 6 to 7 above shall be made available by electronic means to all.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 9 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

Appendix 5 – Procedure Rules relating to Committees and Sub-Committees: Meeting Procedure Rule 27 – Agenda items submitted by Shadow Members

- 1 This Rule does not apply to special meetings of Committees and Sub-Committees or to the Shadow Executive Committee.
- 2 A shadow Member may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate scheduled meeting request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 3 A Shadow Member may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Shadow Member.
- 4 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Shadow Authority within the preceding 6 months.
- 5 This procedure will apply to Shadow Members of the Overview and Scrutiny Committee exercising their rights under Section 9FC of the Local Government Act 2000 and Overview and Scrutiny Committee Procedure Rule 32 to have an item, within the remit of that particular body, included on the agenda and discussed at the next meeting of that body. The restrictions in paragraph 3 on the number of items shall not apply.

Appendix 6 – Procedure Rules relating to Shadow Authority meetings, Committees and Sub-Committees: Meeting Procedure Rules 11B and 28

- 1 Members of the public may ask questions at meetings of the full Shadow Authority, Shadow Executive Committee, and Committees of the Shadow Authority. The protocol for questions is as follows:
 - (a) Subject to the requirements of this protocol, a member of the public who lives, works or studies in the area of the Shadow Authority may submit a written question to the Leader of the Shadow Authority or the Chairman of the Shadow Authority or Chair of a Committee of the Shadow Authority.
 - (b) A person wishing to ask a question shall submit the question in writing which must be received by the Monitoring Officer by 12:00 NOON ten clear working days before the meeting of the Shadow Authority at which it is to be asked. The person's name and address must be included.
 - (c) A question shall relate to Shadow Authority business and shall be so framed as to elicit information rather than make a statement. The Monitoring Officer, in consultation with the Chairman, shall determine the validity of questions submitted.
 - (d) Questions shall be printed in order of receipt and circulated to Shadow Members prior to the commencement of the Shadow Authority meeting. No discussion shall be allowed upon questions or answers.
 - (e) If questions are unsuitable in form, frivolous, defamatory, derogatory, repetition (the same question or similar has been put to the meeting in the previous 6-months) or relate to a matter which the Shadow Authority would be likely to consider in the absence of the press and public, the Monitoring Officer, in consultation with the Chairman of the Shadow Authority, shall have the right to rule the question out of order.
 - (f) A written response to each valid question received will also be circulated to Members attending the meeting. Public questioners will not be permitted to ask supplementary questions.
- 2 Members of the public may make statements at meetings of the full Shadow Authority, Shadow Executive Committee, and Committees of the Shadow Authority in relation to reports on the agenda for that meeting. The protocol for statements is as follows:
 - (a) Subject to the requirements of this protocol, a member of the public who lives, works or studies in the area of the Shadow Authority may be allowed to address the meeting to comment on a report listed on the agenda.
 - (b) A person wishing to make a statement under this protocol shall submit a request to address the relevant meeting two clear working days prior to the date of the meeting.

The request to be made in writing or by electronic means to the Monitoring Officer. The speaker should clearly indicate which report item they wish to comment upon.

- 3 The procedure to be followed for public participation would be as follows:
- (a) The Chairman would announce the report agenda item;
 - (b) The officer/Member/report author would present the report;
 - (c) Public speakers would be called to address the meeting, in the order requests were received;
 - (d) Each public speaker is limited to a maximum of three minutes each on a report;
 - (e) There is no limit to the number of public speakers on a report item, however the Chairman has the right to limit the number called in order to ensure the efficient and timely determination of Authority business;
 - (f) Where there is a significant number of requests received, members of the public will be encouraged to nominate a spokesperson or spokespersons, in order to ensure the key points of concern or information are efficiently communicated in the time permitted.
 - (g) Following public participation, the report would be subject to debate and determination by Members. No further public participation is permitted.

Appendix 7 - North Northamptonshire Shadow Authority's Petitions Scheme

Introduction

All petitions sent or presented to North Northamptonshire Shadow Authority will receive an acknowledgement within 10 working days of receipt. This will set out what the Authority plan to do with the petition and when you can expect to hear from us again.

The Authority will treat something as a petition if it is identified as being a petition, or if it seems to the Authority that it is intended to be a petition and contains details and signatures of five or more people. The people who sign the petition must live, work or study within North Northamptonshire. However, where a matter may impact significantly beyond the Authority's boundary (e.g. West Northamptonshire) the Authority may exercise its discretion to take the views of these stakeholders into account.

The Authority categorises petitions as follows – further details on these categories are explained in more detail later in the scheme:

Category	Signatory Threshold	Description
Petition which triggers a debate	1,500 +	Any petition with 1,500 or more signatures will trigger a debate at Full Authority
Petition which calls an officer to account	750 – 1,499	Any petition with 750 – 1,499 signatures will summon a senior officer of the Authority to give evidence at a public Authority meeting
Standard Petition	5 – 749	Any petition with 5 – 749 signatures will be referred to a senior officer of the Authority to provide a response

How can I submit a petition?

Paper petitions must be sent to:

XXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXX

e-Petitions

Petitions can be created, signed and submitted online via the Authority's website.

In addition to submitting a hard copy petition or an e-petition you may also verbally present your petition at a relevant meeting of the Authority or its committees. Meetings dates and times are published on the North Northamptonshire Shadow Authority's website. Where a petition is presented the normal process is that the text of the petition is read out to the meeting following which, without any debate on the issues, the committee requests that the relevant officer prepare a formal written response to the petition.

If you would like to present your petition to an Authority meeting please contact XXXXXXXXXXXX on XXXXXXXXXXXX at least 10 working days before the date of the meeting and they will talk you through the process.

How will the Authority process my petition?

Once a petition is received it will be checked to see if it meets the criteria defined in the Scheme and the Appendices. If there are any concerns about the validity of a petition, for example where key information is missing, the Authority's Monitoring Officer will be consulted and will determine if the petition is valid. The Authority will inform you if it considers the petition to be invalid and the reason why.

Following the above, and within ten working days of receiving the petition, an acknowledgement will be sent to the lead petitioner. Once the petition has been verified and acknowledged no further signatures can be added to the petition.

To ensure that people know what we are doing in response to the petitions we receive, details of petitions submitted to us will be published on the North Northamptonshire Shadow Authority's website, except in cases where this would be inappropriate. The name of the petition organiser will be placed on the website but not their contact details.

The key Authority roles in addressing petitions are:

Democratic Services

Democratic Services will provide advice to lead petitioners regarding the process to be followed and advice on Authority meeting dates etc.

Monitoring Officer

The Authority's Monitoring Officer is responsible for checking the validity of any petition received and acknowledging receipt.

Lead Officer

Any petition received will be allocated to a lead Authority officer who will co-ordinate a response to the lead petitioner. Where a petition relates to a particular ward or area, the lead officer will keep local ward Members up-to-date on the petitions progress and any response submitted.

Overview & Scrutiny Committee

Information on all petitions is shared with the Authority's Overview and Scrutiny Committee who focus on whether petitions are being responded to in a timely and sufficiently clear and robust manner. Scrutiny may also use petitions to identify where there may be issues in terms of Authority policy that they wish to review in more detail as part of their work programme.

What are the guidelines for submitting a petition?

- Petitions submitted to the Shadow Authority must include:

- i) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Shadow Authority to take
- ii) Details of each person supporting the petition including –

 Their name

 Their signature and;

 Their qualifying address (the qualifying address will be an address in North Northamptonshire where they live, work or study)

- Petitions must be accompanied by full contact details, including an address, for the lead petitioner (petition organiser). This is the person the Authority will contact to explain how the Authority will respond to the petition. The lead petitioner should make clear that they live, work or study in the North Northamptonshire area.
- The subject matter of the petition must be regarding matters that fall within the responsibility or remit of the Shadow Authority. It should be noted in the period up to 1st April 2021 existing principal authorities will continue to operate within North Northamptonshire and continue to provide services etc. to the public.
- Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. Please read the Authority's Terms and Conditions (Appendix A) before submitting a petition.
- In the period immediately before an election or referendum the Authority may need to deal with your petition differently – if this is the case the Authority will explain the reasons and discuss the revised timescale which will apply.
- If a petition does not follow the guidelines set out above, the Authority may decide not to do anything with it. In that case, the Authority will write to the lead petitioner to explain the reasons.
- Before submitting a petition, you should first check with your local Member or with North Northamptonshire Shadow Authority to see if the action is already being taken in connection to your concerns and to determine if the Shadow Authority is the most appropriate organisation to receive your petition.

How will the Authority respond to petitions?

If the Authority can do what your petition asks for, the acknowledgement may confirm that the Authority have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Full Authority debate, or a senior Authority officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, the Authority will tell you the steps it plans to take.

The Authority's response to a petition will depend on what a petition asks for and how many people have signed it. These responses can include:

- Taking the action that is requested in the petition;
- Undertaking further research into the matter;
- Referring the petition for consideration by one of the Authority's committees; or
- Consideration in some form of public Authority meeting.

If your petition is about something which the Shadow Authority has no direct control or responsibility we will seek to direct you to the appropriate body.

Standard Petition

If a petition contains 5 – 749 signatures and is validated by the Monitoring Officer it will be directed to a senior Authority officer to consider and provide a response. If the petition relates to a specific ward or area the local Members will be kept updated.

Officer Evidence

If a petition contains between 750 – 1,499 signatures and is validated by the Monitoring Officer, the lead petitioner may request that the relevant Authority officer be called to give evidence at a public meeting of the Overview and Scrutiny Committee. The Monitoring Officer will liaise with colleagues and the Chair of the Overview and Scrutiny Committee to ensure that the appropriate officer attends.

The Overview and Scrutiny Committee will normally endeavour to consider the petition at its next meeting. The lead petitioner (or their nominated substitute) will be given 5 minutes to present the petition to the Committee. The nominated Authority officer will be given 5 minutes to respond. The Members on the Committee will then discuss the petition. The Committee will then decide how to respond to the petition at the meeting and may:

- Request the Executive Committee to undertake the action the petition requests, or not, for reasons put forward in the debate; or
- Recommend that further investigation be undertaken into the matter by the Executive Committee.

As a scrutiny committee the Overview and Scrutiny Committee has no power to make decisions on actions to be undertaken by the Full Authority or the Executive Committee.

Full Authority Debates

If a petition contains 1,500 or more signatures the lead petitioner may ask that it be debated by the Shadow Full Authority (unless the petition is requesting that a senior Authority officer give evidence at a public Authority meeting). This means that the issue raised in the petition will be discussed at a meeting which all Members can attend. In such cases petitions must be received by the Authority at least ten working days before the date of the Full Authority meeting.

The Authority will normally endeavour to consider the petition at its next meeting, although where this is not possible, consideration will then take place at the following meeting. The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by Members for a maximum of a further fifteen minutes.

The Authority will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one that the Executive Committee is required to make the final decision, the Full Authority may note the petition or make recommendations to the Executive Committee.

Full Authority cannot make decisions where the subject matter of a petition falls to the Executive Committee to decide.

e-Petitions

What is an e-petition?

An e-petition is a petition which is submitted electronically to the Shadow Authority for consideration in relation to a particular issue or concern. It differs from a traditional paper-based petition in that it is accessible to anyone who wishes to sign it through the Shadow Authority's website. E-petitions must follow the same guidelines as paper petitions and will be dealt with in the same manner.

Who can submit an e-petition?

As with paper-based petitions, to submit an e-petition to the Shadow Authority, you must live, work or study within North Northamptonshire. Therefore, if you are not a resident of North Northamptonshire, please include a "qualifying address" which will be the address in North Northamptonshire where you work or study.

The Authority will need full contact details of the person who is leading on the petition. Therefore, you will need to register on the Shadow Authority's website. It is a straightforward process which requires you to provide the Authority with a few details for when we need to contact you about the petition.

There is a limit of 28 days for the petition to be "live" on the Shadow Authority's website for signatures. When the "live" period is over, the way in which the Authority responds, as with paper petitions, will depend on how many signatures are submitted.

Who can sign an e-petition?

If you are signing an e-petition you will be required to provide us with basic personal information (an email address and an address including a postcode). Each signatory must give a separate email address. Your name (but no other details) will be published on the e-petitions section of the website. The Authority will only use the information you provide to validate your signature and that you live, work or study in North Northamptonshire.

You can only sign an e-petition once. The list of signatories will be checked by officers and any duplicate signatures or vexatious, abusive or otherwise inappropriate content will be removed.

Further details in relation to e-Petitions is given in Appendix B.

What can I do if I feel my petition has not been dealt with properly?

If you feel that the Shadow Authority have not dealt with your petition properly you may write to the Shadow Authority's Monitoring Officer at the address below:

XXXXXXXXXXXXXXXXXXXX

How else can I have my say?

You can contact your local ward Member(s). Details of these are listed on the Shadow Authority's website.

If you live in a settlement with a parish or town Authority you could request that they raise the issue with the Shadow Authority on your behalf.

You could contact a local community association or tenants and residents' group and request that they raise the issue with the Shadow Authority on your behalf.

APPENDIX A

Terms and Conditions

Petitioners may freely disagree with the Authority or call for changes of policy. The Authority will not attempt to exclude critical views and decisions to accept or reject will not be made on a party-political basis. However, to protect this service from abuse, petitions should meet some basic criteria:

The Authority shall only receive petitions which comply with this rule.

No petition from a Member or member of the public shall be accepted

- (a) Which contains abusive, defamatory or offensive language or relates to a specific and identifiable person;
- (b) At the Annual Meeting of the Authority, a Special Meeting of the Authority, or at any meeting of the Authority summoned for the purposes of considering the budget;
- (c) In relation to an individual's particular circumstances;
- (d) About any matter where there is a right of appeal to the courts, a tribunal or to a government minister or an any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature; or
- (e) About any matter which has been the subject of an issue raised by a petition or of a decision of Full Authority or the Executive Committee within the previous six-months.

No petition from a member of the public shall be accepted:-

- (a) From or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation, or from a staff group, which instead should use the proper procedures, such as through management and trades union representatives; or
- (b) If the petition applies to a planning or licensing application, is a statutory petition (i.e. petition relating to a change in Authority governance), or on a matter where there is already an existing right of appeal, such as Authority Tax banding and non-domestic rates, as other procedures apply and the petition will not be dealt with under this Scheme. The petition organiser will be informed where this is the case and what steps they should take.

APPENDIX B

Further information in relation to e-Petitions

How do I start an e-petition?

On the Active E-Petitions homepage, select the “Submit a new e-Petition” option. You will be prompted to enter a title which the system will automatically check against e-Petitions to allow you to see if a similar one has been considered recently.

You will then need to fill in the online form. There are various stages to this, if it is your first petition, you will need to register, by way of entering a validation code of letters/numbers at the bottom of the registration form and validate your registration when you receive an email. The petition will be submitted to the Democratic Services team, they will check over the petition and contact you if there are any queries. Please note that this may take up to 5 working days before it is published online. If you have already registered on the system, you just need to type in your user name and password.

You will then need to fill in the details in the boxes on screen with details of the petition, i.e. what you are asking. There is also a space for further supporting details.

A short name is also needed for your petition in order to generate a web link to the e-petition.

What happens to an e-Petition which has been submitted?

Following auto receipt by the system it will be checked over for its validity. You will then be contacted to discuss making the petition live on the website.

How do I sign an active e-Petition?

Anyone wishing to sign an e-Petition has to click on a link on one of the Active Petitions via the e-Petitions homepage.

Unless you are already a user and can log onto the system with your existing user name and password, you will be prompted to register as a new user with your contact details (and, so we can ascertain you are a valid use, enter a validation code of letters/numbers at the bottom of the registration form).

As a new user, you will then be requested to validate your account via a link sent to your registered email address before being able to sign the petition. You will only be allowed one signatory per email address to ensure that the process is not abused. Where people share the same email address the second or further signatories are invited to indicate in writing that they support the petition.

If you are not a resident of North Northamptonshire please use the name and address of your workplace or educational establishment for registration purposes.

Privacy Policy

The details you provide to the Authority are needed to validate your petition but will not be published on the website. This is equivalent to the process for a paper petition. On completion of the e-Petition, your details will be forwarded to the lead petitioner.

E Financial Procedure Rules

1 Introduction

- 1.1 The Local Government Act 1972 Section 151 requires the North Northamptonshire Shadow Authority to make arrangements for the proper administration of its financial affairs. The Shadow Authority has allocated this responsibility to the Section 151 Officer (Chief Financial Officer) for the new North Northamptonshire Council.
- 1.2 References to Section 151 Officer also apply to the interim appointment until a permanent appointment is made to the post.
- 1.3 These Financial Procedure Rules set out the financial responsibilities of the Shadow Authority, the Shadow Executive, Section 151 Officer and the Head of Paid Service and their nominated representatives as appropriate, in relation to the Shadow North Northamptonshire Authority prior to the creation of North Northamptonshire Council on the 1 April 2021.
- 1.4 Should any uncertainty or dispute arise about these Procedure Rules, the matter must be referred to the Section 151 Officer for interpretation and arbitration.
- 1.5 The Section 151 Officer has the authority to delegate matters under these Financial Procedure Rules, where appropriate, and records will be maintained of any such delegations.

2 Financial Transactions

- 2.1 The Shadow Authority will not incur any direct payments or receive any income directly.
- 2.2 Any expenditure incurred or income received on behalf of the Shadow Authority will be undertaken and accounted for by Daventry District Council, whose approved financial procedures will be utilised for those purposes.
- 2.3 Any procurement undertaken by the Shadow Authority, or authorised on its behalf, will be compliant with the law and the approved procedures of Daventry District Council.

3 Employees

- 3.1 Interim appointments to the three statutory posts made by the Shadow North Northamptonshire Council will be made on a secondment basis and the appointed employees will remain employed by their existing authorities on their existing terms and conditions.
- 3.2 The appointment to permanent posts by the Shadow Authority on behalf of the North Northamptonshire Council will be employed by a designated existing principal council under terms and conditions to be agreed by the Shadow Executive Committee.

4 Responsibilities of the Section 151 Officer

- 4.1 Under Section 151 of the Local Government Act 1972, to undertake the duties of the Responsible Financial Officer to the Shadow Authority in preparing for a legally compliant North Northamptonshire Authority on the 1 April 2021.
- 4.2 As Responsible Financial Officer, under Section 114 of the Local Government Act 1988, making a report to the Shadow Authority, the Shadow Executive Committee and external auditor if the Shadow Authority or one of its appointed officers:
- (a) has made, or is about to make, a decision which involves committing one of the existing authorities to unlawful expenditure on behalf of the Shadow Authority; or
 - (b) has taken, or is about to take, an unlawful action on behalf of the Shadow Authority, which has resulted or would result in a loss or deficiency to the existing councils or the future North Northamptonshire Council.
- 4.3 As Responsible Financial Officer, under the Accounts and Audit Regulations 2015, to comply with internal control requirements as far as they are applicable to the creation of North Northamptonshire Council.
- 4.4 Reporting to the Shadow Executive Committee any significant decisions of the existing councils that would be to the detriment of the Shadow Authority or North Northamptonshire Council.
- 4.5 Working with the Shadow Executive Committee and any other Member body established to provide advice and financial information on the emerging financial position of North Northamptonshire Council and on the key financial controls necessary to secure sound financial management in the new organisation.
- 4.6 Maintaining and updating a Medium-Term Financial Strategy (MTFS).
- 4.7 Preparing the revenue budget and capital programme; advising on the level of council tax; and preparing treasury management, banking and exchequer functions.

5 Policies, Strategies and Plans

- 5.1 The Section 151 Officer is responsible for preparing the following documents for consideration by the Shadow Executive Committee and approval by the Shadow Authority at the same time as the 2021/22 budget is approved and council tax set:
- (a) Capital Programme;
 - (b) Treasury Management Strategy including:
 - i) Capital Prudential Indicators and Limits for 2020/21 to 2024/25;
 - ii) Minimum Revenue Provision Statement;
 - iii) Treasury Prudential Indicators;
 - iv) Authorised Limit Prudential Indicator; and

- v) Debt and Investment Strategy 2021/22 and associated criteria.
 - (c) Treasury Management Policy Statement;
 - (d) Capital Strategy 2020-2025;
 - (e) Housing Revenue Account; and
 - (f) Medium Term Financial Strategy 2020-2025.
- 5.2 The Head of Paid Service is responsible for preparing North Northamptonshire Council's Pay Policy Statement for 2021/22, for consideration by the Shadow Executive Committee and approval by the Shadow Authority at the same time as the budget is set.

6 Budget Setting for 2021/22

- 6.1 The revenue budget should reflect the corporate aims and priorities of the Shadow Authority and is set in the context of the proposed Medium-Term Financial Strategy.
- 6.2 The Section 151 Officer is responsible for preparing a balanced 2021/22 budget in accordance with the Local Government Act 1992, as amended, in particular by the Localism Act 2011. To achieve this the Section 151 Officer is responsible for:
- (a) preparing a 2020/21 budget strategy and timetable for engagement with: the Shadow Executive Committee, Shadow Authority, other Member bodies, stakeholders and the public, for consideration by the Shadow Executive Committee;
 - (b) setting a timetable for receipt of local precept information from town and parish councils in the North Northamptonshire area;
 - (c) determining the detailed form of revenue estimates;
 - (d) consolidating the first draft 2021/22 budget from the budget information prepared by the existing councils;
 - (e) developing the draft budget, taking into account the revenue implications of the proposed capital programme and council tax harmonisation policy, to identify the budget gap and recommend ways to close this gap, in liaison with appropriate Member bodies, having regard for achieving best resources and value for money;
 - (f) undertaking consultation on the budget proposals and reporting the outcome of the consultation to the appropriate Member body for consideration;
 - (g) reporting the final draft budget, along with proposals to balance the budget and the outcome of the consultation, to the Shadow Executive Committee for consideration.
- 6.3 The Shadow Executive Committee must consider the draft budget and agree budget proposals which will be submitted to the Shadow Overview and Scrutiny Committee for review, before the end of January 2021.

- 6.4 The Shadow Executive Committee must make recommendations on the final, scrutinised, budget and council tax proposals to the Shadow Authority for approval by the third week of February 2021.

7 Capital Programme

- 7.1 The Section 151 Officer is responsible for undertaking financial appraisals of schemes, if required, and collating the capital estimates to form the capital programme, identifying the required financing and taking into account the full year revenue effect of each scheme and report this to the Shadow Executive Committee.
- 7.2 The Shadow Executive Committee will make recommendations on the capital programme and on any associated financing requirements to the Shadow Authority as part of the budget setting process.

8 Authority Tax Base

- 8.1 Each of the existing billing authorities comprising the four district/borough councils (Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire District Council and Kettering Borough Council) is responsible for calculating the council tax base for its administrative area and aggregating these figures to provide a council tax base for the district/borough in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 8.2 The Section 151 Officer is responsible for:
- (a) aggregating the council tax base information provided by each of the districts and boroughs to create a council tax base for the administrative area of North Northamptonshire (the billing authority), in early December;
 - (b) promptly notifying the major preceptors and local preceptors of the relevant tax base for their purposes.

9 Setting the Council Tax

- 9.1 In order to raise sufficient council tax to meet the needs of North Northamptonshire Council, the major preceptors and local preceptors, the Section 151 Officer is responsible:
- (a) using the tax base to calculate the average band D council tax and all of the council tax bands for North Northamptonshire Council and each of the major and local preceptors in the billing authority's area in accordance with the Local Government Act 1992 (as amended) in particular by the Localism Act 2011;
 - (b) agreeing the council tax leaflet for inclusion with the bills, with the Leader of the Shadow Authority;
 - (c) promptly publishing the list of council tax bands once approved by the Shadow Authority; and

- (d) applying any alternative notional amounts to the council tax comparators for 2020/21, when undertaking the comparison with the 2021/22 council tax, for the purposes of identifying if the council tax referendum limit has been breached. A statement as to the outcome of this calculation to be approved by the Shadow Authority.

9.2 The Shadow Authority is responsible for approving the council tax bands in respect of North Northamptonshire Council and the aggregation of the bands to arrive at the actual council tax chargeable in its administrative area and the average council tax bands for the billing authority area.

10 Collection Fund

10.1 The Section 151 Officer is responsible for:

- (a) creating a Collection Fund for the North Northamptonshire Council area one day after the Shadow Authority sets the 2021/22 budget and council tax: and
- (b) undertaking council tax and national non-domestic rates billing, as soon as the Shadow Authority has approved the council tax.

11 Reserves and Balances

11.1 Financial reserves and balances are maintained as a matter of prudence against unforeseen events and future contingencies. They will enable North Northamptonshire Council to provide for unexpected events and thereby protect it from future extraordinary expenditure and overspends. Reserves for specific known purposes are also maintained and it is reasonable to build reserves in anticipation of a known call on resources in future years.

11.2 The Section 151 Officer is responsible for advising the Shadow Executive Committee and Shadow Authority on the prudent level of reserves and balances for North Northamptonshire Council as part of the annual budget setting process based on an assessment of risk.

11.3 The purpose, usage and basis of transactions must be clearly set out in respect of each of the reserves and balances held by North Northamptonshire Council.

12 Returns and Grant Claims

The Section 151 Officer is responsible for submission of all returns and grant claims in respect of North Northamptonshire Council prior to the 1 April 2021. These returns include:

- (a) CTB1 – Calculation of Council Tax Bases;
- (b) NNDR1 – National Non-Domestic Rates Return;
- (c) CTR1 – Council Tax Requirement Return;
- (d) RA – Revenue Account Form (to be submitted after 1st April 2021 and the responsibility of the unitary s.151 Officer); and
- (e) Benefit Subsidy Claim

13 Financial Control

Under the Accounts and Audit Regulations 2015, the Section 151 Officer is responsible for ensuring that appropriate systems and financial controls are in place on the 1 April 2021 to provide effective management information, financial stewardship and control for North Northamptonshire Council.

14 Banking Arrangements

14.1 The Section 151 Officer is responsible for:

- (a) Identifying the bank accounts required and opening these accounts in the name of North Northamptonshire Council by the 1 April 2021;
- (b) Authorising bank signatories and setting up authorised accesses and roles;
- (c) Putting in place the arrangements required for the transmission of funds and collection of cash; and
- (d) Agreeing procedures for managing the transition from the existing bank accounts and banking arrangements to those of North Northamptonshire Council.

15 Treasury Management

The Section 151 Officer is responsible for putting in place all necessary arrangements to enable North Northamptonshire Council to invest or borrow monies on the 1 April 2021.

16 Insurances

The Section 151 Officer is responsible for putting in place adequate insurance arrangements for North Northamptonshire Council in readiness for the 1 April 2021.

17 Taxation

The Section 151 Officer is responsible for liaising with HM Revenues and Customs to obtain appropriate taxation and VAT reference numbers, including a separate PAYE reference for North Northamptonshire's Returning Officer.

18 Audit

The Section 151 Officer is responsible for ensuring appropriate audit arrangements are in place for the Shadow Authority compliant with statute and good practise.

F Staff Employment Procedure Rules

1 General

- 1.1 The Shadow Authority has limited powers in connection with the employment and designation of staff. It relies upon staff resources provided by all of the North Northamptonshire local authorities and the Central Implementation Team to carry out its work. These Rules must therefore be read in that context.
- 1.2 Staff within the organisation are employed, appointed, designated or engaged by or on behalf of the whole Shadow Authority and not by parts of the organisation or individuals.
- 1.3 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any relevant policies and practices of the employing organisation and the Shadow Authority.
- 1.4 Generally (except for certain senior staff) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the Shadow Authority must be discharged on behalf of the Shadow Authority by the Head of Paid Service or by an officer nominated by him/her and shall comply with the employing organisation's and the Shadow Council's relevant practices and procedures.

2 Recruitment and Appointment of Staff

- 2.1 Subject to the provisions of these Procedures, the recruitment, designation and appointment of staff will be conducted in accordance with law and the employing organisation's and the Shadow Authority's policies and procedures.
- 2.2 Any candidate for any designation or appointment with the Shadow Authority who knows that he/she is related to a Shadow Member or employee of the Shadow Authority shall, when making application, disclose, in writing, that relationship to the Central Implementation Team lead officer for Human Resources. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.3 Every Shadow Member and employee of the Shadow Authority shall disclose to the Central Implementation Team lead officer for Human Resources any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for designation or appointment by the Shadow Authority.
- 2.4 Any candidate for designation or appointment who directly or indirectly seeks the support of a Shadow Member or officer of the Shadow Authority in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable for dismissal. A Shadow Member shall not solicit for any person in respect of any designation or appointment with the Shadow Authority, but may give a written testimonial of a candidate's ability, experience or character.

- 2.5 Persons shall be deemed to be related to a candidate or officer if they are a spouse, partner (i.e. member of couple living together), parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, cousin, nephew or niece or the spouse or partner of any of the preceding persons.
- 2.6 In the case of a dispute under paragraph 2.5 above about the status of a relationship in relation to an appointment, the Central Implementation Team lead officer for Human Resources will rule and such ruling will be applied.
- 2.7 The Central Implementation Team lead officer for Human Resources will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

3 Responsibility for Human Resources matters

- 3.1 Subject to any matters reserved to the Shadow Authority, the Shadow Executive Committee is responsible for the development of corporate personnel policies and for determining and monitoring such policies and for the operational implementation of those policies, including the development of practices and procedures to support those policies.

4 Responsibility of the Senior Appointments Committee

- 4.1 The responsibilities of the Senior Appointments Committee are set out in Part 3 of this Constitution.
- 4.2 Subject to the provisions of these Rules, the Committee is also responsible for hearing and determining appeals under the Shadow Authority's employment-related policies, the suspension of sick pay and the review and determination of matters relating to any fixed term contracts. In determining these matters the Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee.
- 4.3 The Shadow Executive Committee is required to ensure that corporate personnel policies and procedures for employees working on its behalf are applied by the Shadow Authority, or the employing authority of the individual, including training, matters relating to discipline, workforce performance management, and grievance (other than determining appeals).

5 Appointment of the Head of Paid Service

- 5.1 The appointment of the Head of Paid Service is subject to specific requirements as set out below.
- 5.2 Where the Shadow Authority proposes to appoint to the Head of Paid Service, the Senior Appointments Committee will oversee the arrangements for filling the vacancy. For this purpose the Committee shall include at least one member of the Shadow Executive Committee in its membership.

- 5.3 The Senior Appointments Committee shall:
- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines to be sought in the person to be appointed;
 - (b) 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;
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
 - (d) where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.
- 5.4 Following the interview of candidates, the Committee will come to a view as to the most suitable person for the position.
- 5.5 The Committee must advise the Central Implementation Team lead officer for Human Resources of:
- (a) the name of the person in question; and
 - (b) any other particulars which the Committee consider are relevant to the appointment.
- 5.6 Within two clear working days of receiving the notification in paragraph 5.5 above, the Central Implementation Team lead officer for Human Resources will notify each member of the Shadow Executive Committee of:
- (a) the information notified under paragraph 5.5 above; and
 - (b) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Shadow Executive Committee to the Central Implementation Team lead officer for Human Resources; such period shall not exceed five clear working days.
- 5.7 An offer of appointment must wait until:
- (a) the Leader has, within the period of the notice under paragraph 5.6 above, notified the Committee through the Central Implementation Team lead officer for Human Resources that neither he/she nor any member of the Shadow Executive Committee has any objection to the making of the offer; or
 - (b) the Central Implementation Team lead officer for Human Resources has notified the Committee that no objections have been received by him/her within the period of the notice under paragraph 5.6 above; or
 - (c) the Committee is satisfied that any objection received from the Leader within the notice period is not material or is not well founded. In this regard, where necessary, the advice of the Monitoring Officer should be sought.

- 5.8 Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Committee will recommend that person for appointment at the next meeting of the full Shadow Authority or at a specially convened meeting of the Shadow Authority. If the Shadow Authority approve the recommendation, then a formal offer of appointment can be made.
- 5.9 Where following the interviews the Committee are of the view that there is no suitable candidate, it will re-advertise the post.
- 5.10 Where the Shadow Authority do not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

6 Appointment/dismissal of Interim/Acting/Permanent Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers

The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations") will be followed in respect of those posts which fall within the definitions of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers.

7. Appointment/dismissal of other officers

Where any appointments are made to positions other than those referred to in paragraph 6 above, or where such persons are dismissed, these shall be the responsibility of the Head of Paid Service, or another to whom he/she has delegated that responsibility.

Part 5 – Code of Conduct, Member/Officer Protocol and other related provisions

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct, adopted by the Shadow Authority on 21st May 2020, is intended to promote high standards of behaviour amongst the elected and any co-opted members of the North Northamptonshire Shadow Authority.

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. 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 Members and any co-opted members (for example, members of a Standards Committee) for the North Northamptonshire Shadow Authority.
- 1.2. The term “**the Authority**” used in this Code refers to the North Northamptonshire Shadow Authority.

1.3. **"Member "** means any person being an elected Member or co-opted member of the North Northamptonshire Shadow Authority and its committees and working groups.

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/Town Council. (It has the meaning given to it by Section 27(6) of the Localism Act 2011.)

2. Scope

2.1. This Code applies to you whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.

2.2. Although, in accordance with the Localism Act 2011 this Code only applies to Members when they are carrying out their official duties, nevertheless, the Authority expects its Members to uphold high standards of conduct at all times in order to uphold the reputation of the Authority and the office to which they have been elected.

2.3. Where you act as a representative of the Authority:-

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as 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 or harass any person¹
- (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

in relation to an allegation that a Member (including yourself) has failed to comply with this Code of Conduct, do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority

- (d) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute
- (e) engage in making trivial or malicious allegations against other persons.

4. You must not:

4.1. Disclose or 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
- (e) Prevent another person from gaining access to information to which that person is entitled by law.

¹ For the purposes of this code,

- a) Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the recipient(ACAS guide for managers and employers – bullying and harassment at work
 - b) Harassment is defined in the Equality Act 2010 as unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- Bullying and harassment can be conducted face to face, through written and electronic communication, by telephone or by the distribution of images and messages to third parties.

5. You must not:

- 5.1. Use or attempt to use your position as a 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 taking decisions, pay due regard to the advice of officers and in particular to the advice of statutory officers, namely the Head of Paid Service, the Chief Financial Officer (s151 officer) and the 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. Registration of Interests

- 8.1 Within 28 days of this Code being adopted by your authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).

- 8.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer in writing

9. Disclosable Pecuniary Interests

Where a matter arises at a meeting which **relates to** an interest in Appendix A, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

10. Other registerable interests

Where a matter arises at a meeting which **relates to** an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

11. Non-registerable interests

- 11.1 Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 11.2 a) Where a matter arises at a meeting which **affects** your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B you must disclose the interest;

and

- b) Where the matter referred to in paragraph 11.2(a) affects the financial interest to a greater extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

12. Sensitive Interests

Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other 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.

13. Single Member Action

If you are empowered to discharge functions of the Authority acting alone (for example, through being a Shadow Executive Committee Member), and:

- a) have and are aware that you have a Disclosable Pecuniary Interest in any matter to be 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);
- b) have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B ('Other Registerable Interest'), 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);
- c) the matter to be dealt with by you in that role **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, 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) and you must notify the Monitoring Officer;

- d) the matter to be dealt with by you in that role **affects** your own financial interest or a financial interest of a relative, friend close associate or body covered by Appendix B, you must notify the Monitoring Officer before taking any action or further action, and if the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not take any action or further action.

14. Exemptions and Dispensations

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of the Authority, namely -

- i) Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
- ii) Schools meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, unless it relates particularly to the school which the child attends
- iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Acts, where you are in receipt of or entitled to the receipt of such pay
- iv) An allowance, payment or indemnity given to members
- v) Any ceremonial honour given to members and
- vi) Setting Authority tax or a precept under the Local Government Finance Acts

Any specific dispensation provided by the authority shall be provided in writing by the Monitoring officer and shall endure for a maximum period of twelve months from the date of issue. It may be renewable.

15. Overview and Scrutiny Committees

In any business before an overview and scrutiny committee where that business relates to a decision made by the Executive or any other committee of the Authority, and at the time of the decision, you were a member of the Executive or relevant committee and you were present when that decision was made or action taken, then you may attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business and you must leave the room after making representations, giving evidence or answering questions

16. Gifts and Hospitality

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of £50 or more (on one occasion or

from the same donor within one year), which you have accepted as a member from any person or body other than the authority. You should also disclose the offer of gifts and hospitality that you have been offered of £50 or more and did not accept.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

If you are unsure whether to accept any gift or hospitality, where practicable, seek the advice of the Monitoring Officer beforehand.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
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.
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	Any contract which is made between you (or a body in which you have a beneficial interest) and the Authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) <ul style="list-style-type: none"> (a) the landlord is the Authority; and (b) the tenant is a body in which you have a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and (b) either <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority;
2. Any body-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management;
3. Any gifts or hospitality worth more than an estimated value of £50 which you have received by virtue of your office.

PART 3

RELATED DOCUMENT

Arrangements for dealing with alleged breaches of the Shadow North Northamptonshire Authority's Members' Code of Conduct.

1. Context

These "Arrangements" set out how you may make a complaint that a Member of this Shadow Authority has failed to comply with the Shadow Authority's Members' Code of Conduct, and sets out how the authority will deal with it.

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 Shadow Authority has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on request and is on the Shadow Authority's website.

3. Making a complaint

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

The Monitoring Officer

[XXXX]

or e-mail the Monitoring Officer at:

xxxx@xxxx

The Monitoring Officer is a senior officer of the Shadow 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 is available on request and can be downloaded from the Shadow Authority's website, next to the Code of Conduct.

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 must consult with the Independent Person (see section 13 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 does not 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 Shadow Authority.

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Person 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 must 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) 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 Shadow 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 will 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. The Investigating Officer will identify what documents they need to see and who they need 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 Members from the Authority's Standards Committee 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 the Authority for information;
- 8.3 Recommend that Authority remove the Member from any or all Committees or Sub-Committees of the Shadow Authority for a specified period of time;
- 8.4 Recommend to the [authority that nominated the Member to the Shadow Executive Committee] [Leader of the Authority] that the Member be removed from the Shadow Executive Committee, or recommend to the Leader of the Authority that the Member be removed from any particular delegated responsibilities they may have 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 Authority 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 Authority the withdrawal of any facilities provided to the Member by the Authority that may have been abused or improperly used; or
- 8.9 Recommend to Full Authority the exclusion of the Member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

There are no powers that allow Authority or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although, removing a Member from the Shadow Executive Committee or other 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 after 20 working days have elapsed from the date the decision notice was issued (provided there has not been a request for a review under paragraph 10 of these Arrangements) and the decision reported to the next convenient meetings of the Standards Committee and of the Authority.

10. Appeals and Reviews

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

However, a review of the decision of the Hearings Panel may be sought by you or the Member concerned in the following circumstances:

- a) where you or the Member concerned consider that the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice (see paragraph 15 below); or
- b) where significant new evidence is available which has not been considered by the Hearings Panel.

Any such request for a review should be made to the Monitoring Officer in writing (by letter or e-mail) within 20 working days from the date the decision notice was issued to the parties and:

- if made pursuant to paragraph a) above, must set out specifically how it is considered the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice; or
- if made pursuant to paragraph b) above, must include copies of the new evidence or explain what the evidence is.

The Monitoring Officer may reject the request for a review if after consultation with the Independent Person they conclude that substantive reasons have not been provided to support the request or the further evidence provided is insufficient to support a request for a review. Simply expressing disagreement with the Hearings Panel's decision or repeating the original complaint will result in the request for

review being rejected. If the request for review is rejected you and the Member will be advised in writing of the reasons for rejection.

If a request for a review is received (provided it is not rejected), the Monitoring Officer will notify the complainant and Member concerned and convene a meeting of the Review Panel.

The Review Panel will review the Hearings Panel's decision. The Review Panel will have the documentation considered by the Hearings Panel and the decision notice of the Hearings Panel before it. It will not conduct a re-hearing. It will only consider the request for the review, (including any new evidence presented with the request for review) together with the complainant or subject Member's response to the request for the review and response to any new evidence. The Review Panel will also have the discretion to re-hear any of the original evidence if it considers this necessary.

The Review Panel will either:

- confirm the original decision of the Hearings Panel; or
- disagree with the original decision of the Hearings Panel and substitute its own decision (which may only be a decision that was open to the Hearings Panel).

At the end of the review, the Chair of the Review Panel will explain the Review Panel's reasons for its decision. Within 5 working days of the decision of the Review Panel, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Review Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and will be reported to the next convenient meeting of the Standards Committee and the Authority.

Unless in the opinion of the Monitoring Officer in consultation with the Independent Person exceptional circumstances exist, the Review Panel must make a decision within two calendar months of the receipt of the request for a review.

There is no right of appeal of the decision of the Review Panel which is final.

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 Authority's Standards Committee. It will comprise three Members of the Standards Committee.

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 are the Review Panel?

The Review Panel is a panel of the Authority's Standards Committee. It will comprise three Members of the Standards Committee who did not sit on the Hearings Panel, have not previously been involved in the matter concerned and who do not otherwise have any conflict of interest.

The Independent Person is invited to attend all meetings of the Review Panel and their views are sought and taken into consideration before the Review 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.

13. Who is the Independent Person?

The Shadow Authority has appointed Independent Persons.

A person cannot be "independent" if they:

- 13.1 are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish Authority within the authority's area; or
- 13.2 are a relative or close friend, of a person within paragraph 13.1. 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.

14. Being accompanied at a Local Hearing or Review Panel meeting

Both you and the Member you complained about may choose to bring another person with you to the Local Hearing and any Review Panel meeting (if one takes place) to support you. It shall be a matter for the Chair of the Hearings Panel and the Chair of the Review Panel to issue directions as to the manner in which the supporting person may participate in the Local Hearing/Review Panel meeting, to ensure there is a balance between a party's need to be supported and the need for the Hearings Panel and/Review Panel to conduct its business fairly and efficiently.

15. Principles of Natural Justice

For the avoidance of doubt, it is expressly stated that the procedures in these arrangements must be conducted in accordance with the principles of natural justice. In summary, in the context of these Arrangements, the principles of natural justice mean that each party has the right to a fair hearing, the right to make their case to an impartial person/group of people, and that the decision makers in this process act without bias or apparent bias, act impartially and do not create any procedural irregularities.

16. Revision of these arrangements

The Authority may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel (and the Chair of the Review Panel in cases where there is a review), 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.

PART 4

GENERAL DISPENSATIONS

- i) That a General Dispensation be granted to all current Members of the Authority to speak and vote on matters set out as below for a period of four years from the date of this decision –

Housing – where the Member (or spouse or partner) holds a tenancy or lease with the Authority as long as the matter does not relate to the Member's particular tenancy or lease;

Statutory sick pay – if a Member receives this or is entitled to receive it;

An **Allowance, travelling expense, payment or indemnity** for Members;

Any **ceremonial honour** given to Members;

Setting the **Authority Tax** or any **Precept**;

In addition - General Dispensation be granted for the following decisions which will in the future be made by the Authority as a result of the change in relevant legislation:

- Setting the local Authority tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation; and
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.

- ii) That delegated authority be granted to the local Standards Committee to grant dispensations, or when it is not expedient to wait until the next scheduled Authority, Committee or Sub-Committee meeting, that the Monitoring Officer in consultation with the Chair of the local Standards Committee have delegated powers to do so.

Code and Protocol

Protocol on Shadow Member/Officer Relations

Introduction

- 1.1 The purpose of this Protocol is to guide Shadow Members and Officers of the Shadow Authority in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Shadow Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.4 It is important that any dealings between Shadow Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 In their dealings with one another Members and Officers should bear in mind the seven Nolan principles of public life:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- 1.6 The Standards Committee shall maintain oversight of this protocol as part of its work programme.

The Roles of Shadow Members and Officers

- 2.1 Both Shadow Members and Officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct.
- 2.2 Mutual respect between Shadow Members and Officers is essential to good local government. The best service will be provided to local people by Members and staff working as one team. Effective working relationships between Members and staff must be based on trust and mutual respect.
- 2.3 Both Members and staff have a duty to act in accordance with the Authority's ethical standards as set out in the adopted codes of conduct.

Shadow Members

- 2.4.1 Shadow Members are responsible to the electorate and serve only so long as their term of office lasts.
- 2.4.2 Shadow Members have some main areas of responsibility as follows:
- (a) Determining the policy of the Shadow Authority and giving it political leadership.
 - (b) Monitoring and reviewing the performance of the Shadow Authority.
 - (c) Representing the Shadow Authority externally.
 - (d) Acting as advocates on behalf of their constituents. It is not the role of Shadow Members to involve themselves in the day to day management of the Shadow Authority.

Officers

- 2.5.1 Officers are responsible to the Shadow Authority. Officers are professional staff and together have expertise covering a wide range of areas. Their job is to give advice to Shadow Members and the Shadow Authority, and to carry out the Shadow Authority's work under the direction and control of the Shadow Authority, its Committees and Sub-Committees. Officers work to the instructions of Senior Officers and not to individual Shadow Members, whatever office the Member may hold.
- 2.5.2 The role of Officers is to give advice and information to Shadow Members and to implement the policies determined by the Shadow Authority. In giving such advice to Shadow Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. Whilst an Officer may report the views of individual Shadow Members on an issue, if the Shadow Member wishes to express a contrary view he/she should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.
- 2.5.3. The political impartiality of staff must be maintained and no member of staff shall be asked to work in such a way that they support any political group or movement, except for those officers appointed specifically as administrative support to a particular political group represented on the Authority. See also paragraph 5 below.
- 2.5.4. Certain officers e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the authority and to individual Shadow Members. Shadow Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging these responsibilities.

Expectations

- 2.6.1 Shadow Members can expect the following from Officers:

- (a) A commitment to the Shadow Authority as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding by Officers that all Shadow Members have the same rights and obligations in their relationship with Officers and will be treated equally.
- (d) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference.
- (f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity and confidentiality in the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) That Officers will not use their relationship with Shadow Members to advance their personal interests or to influence decisions improperly.
- (l) That Officers will at all times comply with the relevant Code of Conduct.
- (m) Not to be the subject of bullying or to be put under undue pressure.

2.6.2 Officers can expect the following from Shadow Members:

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures (and in this regard Shadow Members are encouraged to make prior appointments to see Officers).
- (c) Political leadership and direction.
- (d) Respect, dignity and courtesy.
- (e) Respect for their professional advice.

- (f) Integrity, mutual support and appropriate confidentiality.
- (g) Not to be the subject of bullying or to be put under undue pressure.
- (h) That regard will be had by Shadow Members to the seniority of Officers in determining the reasonableness of requests and that Shadow Members will be mindful of the potential vulnerability of Officers at junior levels.
- (i) That Shadow Members will be aware that Officers cannot respond to personal criticism in the same way that Shadow Members can and that Shadow Members will make their comments accordingly, and will avoid intimidating Officers.
- (j) That Shadow Members will not use their position or relationship with Officers to advance their personal interests or those of others, or to influence decisions improperly.
- (k) That Shadow Members will at all times comply with the North Northamptonshire Shadow Members' Code of Conduct.

Limitations upon Behaviour

2.7.1 The distinct roles of Shadow Members and Officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal familiarity between Shadow Members and Officers can confuse these separate roles. It can get in the way of the proper discharge of the Shadow Authority's functions, not least in creating the perception in others that a particular Shadow Member or Officer may secure advantageous treatment. It can also prove embarrassing to other Shadow Members and Officers.
- (b) The need to maintain the separate roles means that there are limits to the matters on which Shadow Members may seek the advice of Officers, both in relation to personal matters and party political issues.
- (c) Relationships with a particular individual or party group should not be such as to create public suspicion that an Officer favours that Shadow Member or group above others. The issue of Officer advice to party political groups is specifically covered below.

Executive Arrangements

3.1 The Shadow Authority has established a Shadow Executive Committee which is the Shadow Authority's principal decision-making body.

3.2 Certain points must be clearly understood by Officers and Shadow Members:

- (a) The Shadow Executive Committee is the decision making body within the policy framework and budget set by the full Shadow Authority.

- (b) The Shadow Executive Committee takes most but not all the decisions. Some decisions are still taken by other committees or the Shadow Authority itself or by Officers.
- (c) Meetings of the Shadow Executive Committee are open to the public, except where confidential matters are to be discussed. Minutes of meetings will be available for public inspection.

3.3 The Shadow Authority has also established an Overview and Scrutiny Committee to scrutinise the work of the Shadow Executive Committee. Officers and Shadow Members must recognise, when giving information and advice to the Overview and Scrutiny Committee, that Officers are responsible to the Shadow Authority as a whole.

Officer advice to Party Groups

- 4.1 There is statutory recognition of party groups. In accordance with common practice, such groups may give preliminary consideration to matters of Shadow Authority business in advance of such matters being considered by the relevant Shadow Authority decision-making body. Officers may properly be called upon to support such deliberations by party groups.
- 4.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting, to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Shadow Authority, such support is available to all party groups.
- 4.3 Certain points must however be clearly understood by all those participating in this type of process, Shadow Members and Officers alike. In particular:
 - (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Shadow Authority business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
 - (b) Although party group meetings may form part of the preliminaries to Shadow Authority decision making, they are not empowered to make decisions on behalf of the Shadow Authority. Conclusions reached at such meetings do not thereafter rank as Shadow Authority decisions and it is essential that they are not interpreted or acted upon as such.
 - (c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Shadow Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Shadow Authority meeting, Committee or Sub-Committee when the matter in question is considered.

- 4.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Shadow Authority. Such persons will not be bound by the Code of Conduct for Shadow Members (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Shadow Members only meeting.
- 4.5 If there are individuals present at a party group meeting (see 4.4 above) who are not members of the shadow authority and are not therefore bound by this code, the meeting organiser shall make clear to the Officer(s) concerned.
- 4.6 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or anyone outside that group.
- 4.7 Any particular cases of difficulty or uncertainty concerning Officer support to party groups, should be raised with the Chief Executive who will discuss the matter with the relevant group leader(s).

Support services to Shadow Members and party groups

- 5.1 The only basis on which the Shadow Authority can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, group accommodation etc) to Shadow Members is to assist them in discharging their role as members of the Shadow Authority. Such support services must therefore only be used on Shadow Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.

Shadow Members' access to information and to Shadow Authority documents

- 6.1 Shadow Members are free to approach any officer of the Shadow Authority to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the Shadow Authority. This can range from a request for general information about some aspect of the work of the Shadow Authority to a request for specific information on behalf of a constituent. Such approaches should be directed to the relevant Chief Officer or Head of Service in the first instance. .
- 6.2 As regards the legal rights of Shadow Members to inspect Shadow Authority documents, these are covered partly by statute and partly by the common law.
- 6.3 Shadow Members have a statutory right to inspect any Shadow Authority document which contains material relating to any business which is to be transacted at a Shadow Authority, Committee or Sub-committee meeting.

This right applies irrespective of whether the Shadow Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.

This right does not however apply to documents relating to certain items which may appear on the private agenda for meetings. The type of information that would be contained within a private meeting agenda would for example be exempt information, such as information relating to employees, contract and industrial relations negotiations, legal advice and criminal investigations.

- 6.4 The common law right of Shadow Members is much broader and is based on the principle that any Shadow Member has a prima facie right to inspect Shadow Authority documents so far as access to the documents is reasonably necessary to enable the Shadow Member properly to perform their duties as a member of the Shadow Authority. This principle is commonly referred to as the "need to know" principle.
- 6.5 The exercise of this common law right depends therefore upon the Shadow Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Shadow Member has no right to "a roving commission" to go and examine documents of the Shadow Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the relevant Chief Officer with advice from Monitoring Officer. In the event of a dispute, the question falls to be determined by the Chief Executive, having consulted with an Independent Person appointed pursuant to the Localism Act.
- 6.6 In most circumstances (e.g. a Committee member wishing to inspect documents relating to the functions of that Committee) a Shadow Member's "need to know" will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a Shadow Member will normally be expected to justify the request in specific terms.
- 6.7 Whilst the term "Shadow Authority document" is very broad and includes, for example, any document produced with Shadow Authority resources, it is accepted by convention that a member of one party group will not have a "need to know", and therefore a right to inspect, a document which forms part of the internal workings of another party group. This does not apply to documents in draft.
- 6.8 Further and more detailed advice regarding Shadow Members' rights to inspect Shadow Authority documents may be obtained from the Monitoring Officer.
- 6.9 Finally, any Shadow Authority information provided to a Shadow Member must only be used by the Shadow Member for the purpose for which it was provided i.e. in connection with the proper performance of the Shadow Member's duties as a member of the Shadow Authority.

Officer/Chairperson/Member of the Shadow Executive Committee Relationships

- 7.1 It is clearly important that there should be a close working relationship between Members of the Shadow Executive Committee, Chairs of Committees, and relevant senior Officers. However, such Shadow Members must still respect the impartiality of Officers and such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Shadow Members and other party groups.

- 7.2 Whilst the Leader, Chair of a Committee (or Sub-Committee) or a Shadow Executive Member will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations statutory Chief Officers and other senior Officers will be under a duty to submit a report on a particular matter. An Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chair or a Cabinet Member and an Officer in this area should be referred to the Chief Executive for resolution.
- 7.3 Finally, it must be remembered that Officers are accountable to their Chief Officer and that whilst Officers should always seek to assist a Chair or a Shadow Executive Committee Member (or indeed any Shadow Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer or in the case of Officers exercising delegated powers, the Shadow Authority.

Correspondence

- 8.1 Correspondence between an individual Shadow Member and an Officer should not normally be copied (by the Officer) to any other Shadow Member. Where exceptionally it is necessary to copy the correspondence to another Shadow Member, this should be made clear to the original Shadow Member. In other words, a system of "silent copies" should not be employed.
- 8.2 Official letters on behalf of the Shadow Authority should normally be sent out in the name of the appropriate Officer, rather than in the name of a Shadow Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or where a specific delegation applies) for a letter to be sent in the name of a Shadow Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Shadow Authority should not normally be sent out in the name of a Shadow Member.

Public Relations

- 9.1 Both Officers and Shadow Members should follow the Code of Recommended Practice on Local Authority Publicity particularly when issuing press releases.

Code and Protocol

Politically Restricted Posts - North Northamptonshire Shadow Authority

The main provisions regarding Politically Restricted Posts are set out in Part 1 of the Local Government and Housing Act 1989. Further details were set out in the Local Government (Political Restrictions) Regulations 1990.

The effect of including a local authority employee on the list of “politically restricted posts” is to prevent that individual from having any active political role either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for or holding elected office and these restrictions are incorporated as terms in the employee’s contract of employment.

Employees are also restricted from:-

- ∨ Canvassing on behalf of a political party or a person who is or seeks to be a candidate; and
- ∨ Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

The cumulative effect of these restrictions is to limit the holders of Politically Restricted Posts to bare membership of political parties, with no active participation within the party permitted.

Each local authority is under a duty to draw-up and regularly update a list of those posts which are politically restricted.

The Local Democracy, Economic Development and Construction Act 2009 modified the previous scheme.

With effect from 12 January 2010 politically restricted posts fall into two broad categories: specified posts and “sensitive” posts.

Specified posts

Specified posts include:-

- ∨ The Head of Paid Service
- ∨ The statutory chief officers
- ∨ Non-statutory chief officers (officers reporting to the Head of Paid Service excluding secretarial/clerical support staff)
- ∨ The Monitoring Officer
- ∨ Officers exercising delegated powers i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with s.100G(2) of the Local Government Act 1972
- ∨ Assistants to political groups

All of the above-mentioned posts are politically restricted without rights of appeal for exemption to the local authority’s Standards Committee.

“Sensitive” posts

A sensitive post is one which meets one or both of the following duties-related criteria:-

- ∇ Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; and
- ∇ Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

These postholders can appeal to the local Standards Committee to be exempted from the list, on the grounds that the authority has wrongly applied the criteria.

The right of appeal to the local Standards Committee was introduced under the Local Government and Public Involvement in Health Act 2007.

List of Politically Restricted Posts – North Northamptonshire Shadow Authority

Specified Posts

- ∇ Head of Paid Service
- ∇ The officer designated as “Chief Financial Officer” (Local Government Act 1972 s.151) and their designated Deputy
- ∇ The officer designated as “local Monitoring Officer” (Local Government and Housing Act 1989 s.5) and their designated Deputy

Sensitive Posts

- ∇ Staff employed in the Central Implementation Team
- ∇ Communications Officer
- ∇ Staff employed within the Communications Office

Appeal Process

Employees included on the list compiled by the local authority on duties-related grounds (“sensitive” posts) can appeal against their inclusion, if they feel that they cannot influence policy, or that the local authority has incorrectly applied the duties-related criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post.

The letter should be submitted to the authority’s local Monitoring Officer (or his/her Deputy) with a copy lodged with the authority’s Human Resources Service.

The local Monitoring Officer (or their Deputy) will ensure that the appeal is tabled at a special meeting of a Panel of 3 Standards Committee members; membership of the Panel shall be drawn from the full or substitute membership of the local Standards Committee.

The applicant shall have the right to address the Panel when they are determining the appeal and submit any written testimony or evidence ahead of the meeting. Any written documentation must be provided to the local Monitoring Officer at least 5 working days prior to the Panel meeting for distribution to Panel members.

The Panel shall determine the appeal. The outcome of the appeal shall be communicated in writing to the applicant within 5 working days of the determination.

If the appeal is unsuccessful the applicant may not lodge a further appeal within a period of 12 calendar months unless their substantive job description has been amended significantly in the interim.

If the appeal is successful the authority shall immediately remove the post from the designated "sensitive" post list. The authority may not re-instate the post on the list unless there is a significant amendment to the substantive job description of the post.

Code and Protocol

Rules for Pre-Election Periods (“Election Purdah”) – North Northamptonshire Shadow Authority

General

The presumption is that normal business will continue over the election period. The only exception is where a particular initiative, proposal, consultation or publication in the period could reasonably be regarded as giving a candidate or their supporters/political party an advantage in the election (i.e. is not politically neutral). If that is the case then the initiative should be deferred until after the election. However, most routine business should continue unaffected. If in doubt, seek advice.

Senior managers will be notified by the local Returning Officer when the pre-election period (Election Purdah) formally commences and ends. Senior managers are required to ensure that employees are notified of this and reasonable steps taken to avoid a breach of these rules.

Special sensitivity for publicity and events

All Authority funded publicity activities must be, and must be seen to be, politically neutral. Anything that could reasonably be regarded as giving a political candidate or their supporters/party an advantage in the election is not politically neutral. This applies no matter what the justifications for the publicity are. “Publicity” refers to any communication, in whatever form, addressed to the public at large or to a section of the public and includes press releases, newsletters, consultation exercises and unsolicited letters to constituents.

The following conventions should be applied during the election period:

- (1) Authority publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual politicians, candidates or their party groups.

However, it is acceptable for authorised Members and authorised staff to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political

Some Members hold key political or civic positions and as such can comment in an emergency or where there is a genuine need for such a response to an important event outside the Authority’s control.

- (2) Proactive events arranged in this period should not involve any person standing for election or anyone who is clearly identified with an individual candidate or party.
- (3) There is a general presumption against undertaking new campaigns or initiatives during the election period in any area that might be considered controversial in relation to the election.

- (4) Special care should be taken in relation to current or on-going publicity campaigns during the election period. These can continue provided they are not open to reasonable criticism that they are being undertaken for party political purposes. Any campaigns or initiatives that are liable to be misrepresented as not being politically neutral should be stopped until after the election.
- (5) Authority premises should never be used for campaign purposes.

Position of Authority Staff

The position is as follows:

- ∇ All Authority staff (politically restricted or not) must avoid any action or behaviour that is not politically neutral when on work related time or using Authority funded resources and facilities. This includes canvassing, giving interviews, speaking at public meetings and writing/publishing articles that appear intended to affect support for a political party.
- ∇ In addition, politically restricted staff cannot carry out any restricted activities in their private time. However, they can be active members of political parties provided they do not engage in any restricted activity, which also includes holding office in the party and speaking to the press on its behalf. Politically restricted staff cannot take unpaid leave or use their own personal leave entitlement to carry out restricted activities. If an employee is unsure whether they are in a politically restricted post they should seek advice from Human Resources.
- ∇ Other staff (i.e. those not holding politically restricted posts) can use their leave entitlement, or arrange to take unpaid leave, or otherwise support a candidate or political party in the elections in their own time subject to normal arrangements for agreeing such leave.

Employees must not bring the Authority into disrepute by anything they do.

Unlawful campaign donations

The use of Authority resources and facilities (staff time, property, premises, printing facilities, telephony including mobile phones, email and internet facilities, consumables and stationery etc.) for the political activities of a registered political party or for the purposes of a candidate's elections (whether an independent or party candidate) is an "impermissible" donation. As a result the donation is unlawful.

Detailed rules are set out in the Political Parties, Elections and Referendums Act 2000, which also sets out civil and criminal penalties for evading the rules. Generally, impermissible donations must be repaid by the party or person that received them at the market value of the resources used. They must be declared to The Electoral Commission if over £200 in value. Impermissible donations would include the following:-

- ∇ Publishing party political or campaigning material using Authority resources;

- ∇ Using Authority postal facilities to distribute such material;
- ∇ Working on campaign activities within the building or whilst on work-related time; and;
- ∇ Using accommodation within the building for fundraising or campaign events, including policy launches where they might reasonably be identified with or be seen to support the policies of a particular political party or candidate.

These rules apply year-round irrespective of any forthcoming election.

Section 75 of the Representation of the People Act 1983 specifically prohibits the Authority and anyone else (other than candidates or their agents) incurring *expenditure with a view to promoting or procuring a candidate at an election* by doing any of the following things:-

Holding public meetings or organising any public display, issuing advertisements, circulars or publications, or otherwise presenting to the electors the candidate or his/her views or the extent or nature of his/her backing, or disparaging of another candidate.

It is a corrupt practise to breach section 75, and a successful candidate who does so runs the risk of his/her election being declared void and the candidate being barred from public elected office for up to 5 years.

Enforcement

A breach of these rules can also lead to disciplinary action in the case of staff, and to the Members being reported to the Standards Committee. Depending on the circumstances, action could also be taken by the auditors, the Ombudsman, the Electoral Commission and the courts.

Questions and Advice

If you have any questions about these rules or require guidance please consult the Monitoring Officer or the Head of Paid Service.

Staff involved directly in the management or conduct of Elections

At election time the local Returning Officer will directly recruit staff to undertake work in connection with the organisation and management of the election. This work may include:

- ∇ Delivering poll cards
- ∇ Issuing of postal votes
- ∇ Opening of postal votes
- ∇ Employment at a Polling Station
- ∇ Employment at a Verification and/or Count
- ∇ Administrative, technical or practical support to the Authority's Electoral Service provider(s)

If a member of staff is directly employed by the local Returning Officer in undertaking some activity those staff may not under any circumstances provide support or assistance to an individual candidate or political party.

The rules regarding restricted political activity apply.

Any staff member employed by the local Returning Officer who is shown to have offered support or assistance to an individual candidate or political party during the election period will be dismissed from the local Returning Officer's staff. If any proven support or assistance also potentially breaches the Authority's own rules then the staff member may face disciplinary action by the Authority.

Part 6 – Members’ Allowances Scheme

TO BE INCLUDED

Part 7 – Management Structure

Statutory Officers

The Shadow Authority has designated the following –

- Interim Head of Paid Service - XXX
- Interim Chief Finance Officer – XXXX
- Interim Monitoring Officer – XXXX

It is the intention during 2020 for the Shadow Authority to recruit/designate permanent postholders into these statutory officer roles.

In addition, the Shadow Authority has designated an officer to fulfil the role of Returning Officer for the purposes of the elections to the North Northamptonshire Council. These elections are due to be held in May 2021.

- Returning Officer - XXXX

The statutory officers are responsible to the Shadow Authority.

Central Implementation Team

The Central Implementation Team is responsible for providing officer support to the Shadow Authority in the implementation of the approved Implementation Plan.

The lead officer of the Central Implementation Team is Theresa Grant (Chief Executive – Northamptonshire County Council).

Part 8 - Shadow Authority Supplementary Procedure Rules – Remote Meetings

1. Introduction

- 1.1 These Procedure Rules provide the means and guidance for the conduct of remote meetings of the Shadow Authority and its committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 1.2 The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the Shadow Authority's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3 The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially.

2. Notice of Meetings

- 2.1 The Proper Officer will give the requisite notice to the public of the time of the meeting, and the Agenda, together with details of how to view the meeting via the following website: <https://cmis.northamptonshire.gov.uk/cmis5live/Home.aspx>
- 2.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Council's website (see paragraph 2.1).
- 2.3 The 'place' at which the meeting is held may be a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

3. Access to Meetings

- 3.1 Members will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.
- 3.2 Remote access for members of the public and members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting.
- 3.3 It is important to note that the public accessing the meeting by remote means, as described in 3.2, is different from the public attending to exercise a right to speak. A

technological failure removing the ability for the public to access the meeting by remote means may render the meeting incapable of proceeding.

4. Management of Remote Participation

- 4.1 Any Member participating in a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.
- 4.2 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.3 The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of the shadow full council). Any Shadow Councillor participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.
- 4.4 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.
- 4.5 The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting.
- 4.6 In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:
 - if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting shall adjourn for a period specified by the Chair to allow the connection to be re-established.
- 4.7 If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Shadow Head of Paid Service, in consultation with the Shadow Monitoring Officer and where appropriate/possible the relevant cabinet member, shall explore such other means of taking the decision as may be permitted by the Council's constitution.
- 4.8 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the shadow full council). If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 4.9 In the event of connection failure, the Shadow Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Member(s) will be deemed to have returned at the point of re-establishment.
- 4.10 Etiquette at the meeting is referred to further below.

5. Remote Attendance by the Public

- 5.1 Any member of the public who has been given permission by the Chairman to address a meeting in accordance with the Shadow Authority's Rules of Procedure must meet the same criteria as Members. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.
- 5.2 Access to the meeting will be determined in accordance with the Meeting Procedure Rules set out elsewhere in this constitution. In such instances, an invitation to participate in the remote technology will be sent out.
- 5.3 Members of the public who have been given permission by the Chairman to address a meeting may read out their question or written statement, of which prior notice will have been given, when invited to do so by the Chairman.
- 5.4 As an alternative, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chairman at the appropriate time.
- 5.5 The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 5.6 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

6. Meeting Procedures

- 6.1 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, will control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and member interaction, engagement and connections on the instruction of the Chair.
- 6.2 The Shadow Authority will endeavour to put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 6.3 It will greatly assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are encouraged to co-ordinate this activity where possible, particularly in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if Members are unable to participate via video conference.
- 6.4 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches.
- 6.5 At the beginning of the meeting, the Chair will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.

6.6 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Members of the committee or body in question are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment and verify identity.
- Any camera (video feed) should show a non-descript background or a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Councillors should refrain from smoking or eating during remote meetings.
- Members must take care to type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
- All Member must have their microphones muted when not talking.
- Rather than raising one's hand or rising to be recognised or to speak, Shadow Councillors should avail themselves of the remote process for requesting to be heard.
- Member will only speak when invited to by the Chair.
- Only one person may speak at any one time.
- Member should turn on the microphone and also the video-feed (if available) then state their name before speaking.
- When referring to a specific report, page, or slide, mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

6.7 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of their introduction, explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

6.8 When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:

- a vote by electronic means; or
- an officer calling out the name of each member present with:
 - members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
 - the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item
- by the general assent of the meeting.

6.9 Details of how each Member voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request.

7. Declarations of Interest

7.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

8. Exclusion of Public and Press

- 8.1 There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 8.2 Each Member in remote attendance must ensure and confirm that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.
- 8.3 Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Shadow Authority’s Code of Conduct.

9. Public Access to Meeting Documentation following the meeting

- 9.1 Members of the public may access minutes, decision and other relevant documents through the following website:

<https://cmis.northamptonshire.gov.uk/cm5live/Home.aspx>

Requests for access to the list of background papers and other relevant documents should be by email to the relevant officers.

Further enquiries on these Supplementary Procedure Rules can be made via democraticservices@northnorthants.gov.uk