

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW AUTHORITY MEETING

Thursday 25 February 2021

Report Title	Adoption of the North Northamptonshire Council Constitution
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List of Appendices

(i) North Northamptonshire Constitution

1. Purpose of Report

1.1 North Northamptonshire Council is required to have a Constitution. This report informs members of the process undertaken in creating a new Constitution, key principles of it which reflect the culture of the new Council and seeks approval to adopt the Constitution

2. Recommendations

2.1 That the Shadow Authority;

(1) Approve the Constitution attached at Appendix A

(2) Establish a Constitutional Working Group consisting of 5 members (politically balanced) drawn from members of the Democracy and Standards Committee who shall determine the Terms of Reference and appointments.

(2) Delegate authority to the Monitoring Officer to make minor and/or consequential amendments to the Constitution

3. Report Background

3.1 The Council is required by Section 9P of the Local Government Act 2000 to have a Constitution. From 1st April 2021, the new North Northamptonshire Council's Constitution will need to come into effect.

3.2 North Northamptonshire Council wants to embrace the opportunity for positive change for the benefit of its residents. The new council is an ambitious council that is focussing on transformation and innovation. Local government reorganisation provides the chance for more efficient service delivery that improves outcomes and increases value for money. It is important that the Constitution provides the framework for delivering on such ambitions.

3.3 A Constitution should primarily be a locally driven document which reflects the character and culture of the organisation. As North Northamptonshire Councils

identity and culture evolves it will be important for it to be regularly reviewed; the commitment to reflection and continual improvement is reflected in the recommendation to establish a Constitutional Working Group.

- 3.4 The council will be keen to create essential member led governance structures within the new council to support the councils transformation agenda and corporate priorities, In addition, the new council will need to review its community based governance including local boards and forums. Although the Constitution currently focusses on decision making bodies only, members may wish that these be included within the Constitution once they are established.
- 3.5 Although the five local authorities within North Northamptonshire all have their own Constitutions and these have provided useful background to current decision making arrangements, the establishment of the new council provides the opportunity to set out new ways of operating, to encourage public involvement in the democratic process, to help inform and engage and avoid barriers to wider public involvement. A full rewrite was therefore completed.
- 3.6 To take forward the drafting of the Constitution a Member Task and Finish Group was set up, chaired by Councillor Tom Beattie, vice-chaired by Councillor Helen Howell, and with Councillors Scott Edwards, David Howe, and Michael Tye also members of the group. The composition of the group was cross party and consisted of representation from across the sovereign councils.
- 3.7 From June 2020 until February 2021, the Task and Finish Group has met regularly to consider the various sections of the new Constitution. The group provided a steer on the principles, framework and key provisions. In the months preceding the completion of the Constitution, they met weekly due to the workload. The Constitution evidences the positive outcome that can be achieved by members and officers combining their knowledge and experience.
- 3.8 The Constitution refers to the importance of engagement and communication between members and officers throughout and it was therefore important that this started from the outset. Three briefings were provided to all members who wished to attend and the Shadow Executive were also regularly informed of progress. Members have been given the opportunity to comment on documents and the governance structure and their comments have enabled important changes to be made to ensure that the Constitution proposed reflects their views.
- 3.9 **Governance Arrangements**
- 3.10 The sovereign Councils operate both Committee and Executive governance arrangements. The new Council provides an exciting opportunity to develop a hybrid model of governance within the parameters of the existing legislation. The hybrid model is based upon the creation of Executive Advisory Panels which are essential to open, inclusive and transparent decision making. The hybrid model draws on the benefits of both systems of governance.
- 3.11 The new model will ensure that all members skills and knowledge are utilised in policy development, shaping major decisions and that they are able to make a significant contribution to effective decision making.

3.12 The Corporate Leadership Teams role and relationship with the Executive members and Executive Advisory Panels will be pivotal to the success of the proposed governance arrangements. The creation of the Panels will result in closer working between elected members and senior officers which links to the desire for strong relationships between members and officers to ensure a successful council.

3.13 It is recognised that a strong scrutiny function is integral to effective governance and this is explained in further detail later in this report.

3.14 **Principles**

3.15 The Task and Finish Group agreed the following Principles, which have enabled members and officers to work together collaboratively to shape and frame a new constitution:

- Transparency – makes it clear what our rules are
- Accountability – explains clearly who makes which decisions
- Accessibility- needs to be fit for purpose and understandable
- Plain English- keep the language as simple as possible
- Localism- local members are involved in decisions which affect their local area.

3.16 The Task and Finish Group were supportive of a document that was easy to read and accessible and to help with navigating the document requested that text boxes were included at the top of every document to provide a brief summary of the document and its purpose. In addition they were supportive of moving away from the traditional Model Constitution which was introduced by the DETR in 2000 and instead structure the constitution in a way that was more user friendly and would enable the user to look at one section and limit having to cross reference.

3.17 Whilst the Constitution is attached in its entirety at Appendix A, the following seeks to explain to key parts of the Constitution, their purpose and explains the rationale behind them.

3.18 **Part One- Introduction and Summary**

This section contains an overview of the Council and how it makes decisions. It is directed towards the public as it sets out how the Council operates. It also sets out the Key Decision definition which was agreed by the Task and Finish Group following benchmarking of similar authorities based upon both size and budget.

3.19 **Part Two- Public Participation and Rights**

This section includes a broad description of the rights of citizens and the Petition Scheme. It also sets out the rules in relation to how the public and members can access information. Public participation was important to all members who provided comments.

3.20 **Part Three- Council**

This section sets out the functions of Council, the overall budget and policy framework and how the Full Council makes decisions. The Meeting Procedure Rules set out how the Council will operate, the Task and Finish Group went through this document in detail and other members have made suggested improvements which have been welcomed and have resulted in positive changes.

3.21 **Part Four- Executive**

The Executive Procedure Rules set out how the Executive will operate. The Executive may have 9 members plus the Leader and there will be portfolios which can be established at the discretion of the Leader.

It is proposed that there are 5 Executive Advisory Panels and these are the key to the hybrid model of governance. They are cross party and chaired by the relevant Portfolio Holder. Meetings will be publicly accessible in line with the principle of transparency and openness that the Council wants to promote through the Constitution. The Panels purposely do not align to services, portfolios (these will not be established by the Leader until after the election in any event) or functions and promote a holistic approach to policy development through focussing on outcomes for residents of North Northamptonshire.

3.22 **Committees**

Detailed consultation has taken place to draw up a draft committee structure which will form the basis of the delegation of functions to committees within the Constitution. The committee structure is based upon statutory requirements, benchmarking and implementing the principles agreed with the Task and Finish Group.

Terms of Reference were prepared for the Member Task and Finish Group with specific recommendations which have been agreed by Members. In addition, comments have been received from the wider membership and where possible have been included within the Terms of Reference.

The size of Committees was agreed by the Task and Finish Group following benchmarking with other Authorities and considering the size of the new council. It was agreed that all Committees would be able to have substitute members but that these should be named. All members of Committees should have relevant training to be able to make informed decisions. Quorum was determined as one quarter of the membership for Council and all Committees apart from Area Planning Committees which differ. this is rounded up so for a Committee of 13, the quorum is 4).

The Task and Finish Group were keen to include co-opted members onto Audit and Governance Committee in accordance with best practice. Following feedback from the wider membership there is the option to appoint an independent Chairman to the Audit and Governance Committee should members wish to do so at Annual Council.

3.23 **Planning Committees**

Detailed work and benchmarking was carried out by the Planning work stream and the Task and Finish Group. In addition a dedicated briefing was available for all members to attend.

Although it was initially proposed to have two area Committees and a Strategic Committee, members were keen to reflect the importance of localism and therefore four Area Planning Committees have been proposed in line with current sovereign council boundaries. Due to the amount of members within the boundaries that will be elected in May, the size of each Committee has been proposed as 9 with a quorum of 5. There will also be named substitutes.

A Strategic Planning Committee has also been established for strategic planning matters.

In relation to Planning Policy, an Executive Advisory Panel will be established to allow cross party involvement in planning policy.

3.24 **Scrutiny**

The importance of scrutiny has been a key theme in developing the Constitution. It is recognised that a strong Scrutiny function that can influence and challenge is vital to effective decision making.

Under section 21 of the Local Government Act 2000, the Council must have at least one Scrutiny Committee. The Centre for Public Scrutiny “Good Scrutiny Guide” states that “Scrutiny’s structures are often a reflection of the culture in which scrutiny operates and the role that has been agreed for it”. As a council which wants to use the opportunity to be innovative and transformational it is important that the scrutiny function is agile and able to respond to the fast paced environment the council seeks to promote.

The scrutiny workplan will be an essential tool in delivering this approach. The workplan is a living document and will be reviewed at each meeting. It is informed by matters of concern raised by the public/members/stakeholder, the Corporate Plan, the strategic risk register, performance data, the Forward Plan and published decisions. The workplan should be a reflection of those matters that are at the top of the agenda for the authority, the public and stakeholders.

If an item is added to the workplan then a Task and Finish Group would be created to scrutinise and provide in depth review. This will allow scrutiny to have real impact on the organisation, react quickly and fulfil its statutory functions in relation to crime and disorder, health and education in a way that multiple Committees would not.

Whilst this modern and agile approach to Scrutiny was welcomed by the Group, following feedback from other members, they proposed that an additional Scrutiny Committee be established called the “Scrutiny Committee-Finance and Resources”. This Committee will not change the progressive way that the Scrutiny Committee (called the “Scrutiny Commission”) will work but

will provide a standing Committee to focus primarily on the budget which is particularly important as the new council is established. It is important that all finance matters are referred to this Committee to avoid duplication.

Both Committees will be able call in those decisions that have been included on the Forward Plan in relation to their respective terms of reference however the inclusion of Executive Advisory Panels which provide important overview work for policy and development and important decisions are likely to reduce the amount of call ins.

3.25 Joint Arrangements

This section details the joint arrangements between the Council and other bodies. It also sets out any joint arrangements with the Children's Trust.

The Council will establish a North and West Joint Committee will deal with shared service arrangements between the Councils and another Joint Committee to oversee the Councils arrangements with regard to the Children's Trust. The Joint Committee will be a meeting of the Executive and will be subject to agreed joint Executive Procedure Rules between the two Councils. Decisions of the Joint Committee will be subject to the requirements in relation to the publication of 28 day notices through a Forward Plan. The Scrutiny arrangements of the Council will apply to decisions of the Joint Committees.

The terms of reference for the shared services committee are included within the Constitution but the terms of reference for the Children's Trust will be considered by Executive in March 2021.

Police, Fire and Crime Panel

Separate work has been undertaken to identify the changes needed to the membership of statutory bodies in which the existing councils have duplicated membership. The Police, Fire and Crime Panel will need to decide those new arrangements and that decision has been referred to their meeting.

3.26 Councillors

This section includes the Members Allowance Scheme which is subject to a separate report. If approved by members the scheme will be incorporated into the Constitution.

It is proposed that the Council adopt the LGA Members' Code of Conduct. The Local Government Association developed the Model Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of ethical standards, leadership and performance. It is proposed to invite Town and Parish Councils to adopt the new Code too to ensure that a consistent approach is adopted throughout North Northamptonshire. Arrangements for dealing with Complaints Procedure is also included in this section.

Details of the proposed Member/Officer Protocol have been discussed with the Member Task and Finish Group and reflect the desire for strong relationships between members and officers. This is an important document which sets the culture of the organisation.

3.20 Officers

A detailed list of proper officer functions has been drawn up and is included. When an officer is appointed as a Proper Officer, e.g. the Head of Paid Service, this has the effect of legislation providing powers directly to an officer role and these powers cannot be exercised by any other decision maker other than a properly appointed deputy.

The Officer Delegation Scheme sets out principles for how officers should take decisions. The key principle that they will ensure that consult and engage members as appropriate and that they must comply with governance processes and procedures. The Scheme should support members and officers to deliver in their respective roles.

Traditionally, authorities have drafted delegations as lists of individual powers to officers. This has resulted in a high risk that a power may be missed and decisions would be more likely to be challenged. Recognising this risk, many authorities have adopted the approach of reversing the scheme so that officers are delegated catch all powers within a certain functional area and reserved matters to Members are clearly set out. This provides greater clarity about matters which are reserved to Members whilst reducing the risk that the scheme becomes out of date or misses a relevant power. It also avoids the need to amend the scheme with each change of legislation. Where members have reserved power to make decisions, it is listed on the right hand side of the table.

3.21 Interim Arrangements

Between 1 April, when the Constitution comes into effect, and the fourth day after the election (the date specified in the Order) the Shadow Period continues and the Shadow Executive will continue to be responsible for the majority of decisions. During this period a streamlined committee structure will be in place. This is set out in the Interim Arrangements section of the Constitution. This will fall away after the election and will be removed from the Constitution and the substantive Committee Structure will then be in place and appointed to at the Annual General Meeting.

4. Implications (including financial implications)

4.1 Resources and Financial

The publication of the Constitution is proposed to have limited cost as it will be published digitally. However, the Council is required to provide a hard copy at

a fee if requested to do so. The initial digital preparation may also require some design/development.

It is suggested that some limited documentation will need to be prepared to enable new members and the public to have a broad outline of the new arrangements.

The Constitution is being drafted by existing staff employed by the authorities and there are no additional costs.

4.2 Legal

4.2.1 This report relates to the high level legal requirements and the legal implications are detailed within the body of the report.

4.3 Risk

4.4 The Council is required to have a Constitution in place. If a Constitution is not approved prior to the 1st April then the Council will not be acting in accordance with legislation.

4.5 Consultation

4.4.1 The report and Constitution describe the future governance arrangements for the Council and are not subject to public consultation.

4.4.2 All members were provided the opportunity to attend briefings on the constitution and provide comments to the Monitoring Officer and Task and Finish Group.

4.6 Climate Impact

4.6.1 There are no specific climate impacts resulting from this report. The principles of the Constitution as drafted include efficiency and accountability. This is designed to ensure that meetings to determine a decision are kept to a single decision making body which reduces the need for meetings and, where applicable, documentation.

4.7 Community Impact

4.7.1 The draft Constitution introduces a new section dedicated to public participation in decision making. This is designed to encourage and support community involvement in decision making to help to ensure that future impacts are understood as part of the decision making process.

Existing Community Boards will continue to be supported until new arrangements can be put in place. The new Council will conduct a review of the needs of community based governance including local boards and forums. It is intended that this work will include public and stakeholder engagement.

4.8 Equality and Health

4.8.1 Under the general equality duty as set out in the Equality Act 2010, local authorities are required to have due regard to the need to eliminate unlawful

discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not. It is important to ensure that the Constitution does not discriminate unlawfully against any particular group of people.

5. Background Papers

5.1 None.



North
Northamptonshire
Council

NORTH NORTHAMPTONSHIRE COUNCIL CONSTITUTION

Approved by a meeting of the
North Northamptonshire Shadow Authority
on xxxx xxx 2021

Glossary

This glossary explains key terms used in the Council's Constitution but is not part of the Constitution.

Adjourned

To suspend (i.e., a meeting) with the intention to resume it later.

Annual Governance Statement

A public statement which reviews how well the Council has kept to its governance rules.

Annual Statement of Accounts

See Statement of Accounts.

Anti-Fraud and Corruption Strategy

The Council's strategy for protecting its valuable resources which describes the expectations and practices to avoid their loss.

Asset Management Strategy

The Council's approach to getting the best possible value and revenue from things it owns (assets), such as buildings, land, roads, and technology.

Approved Supplier List

A list of suppliers which have met specific criteria to enable them to provide particular goods or services to the Council.

Balance Sheet

A statement of the Council's assets, liabilities, and capital at a particular point in time which details the balance of the Council's income and expenditure over the preceding period.

Budget

Every year the Council puts a financial plan in place which describes how and where the Council will spend money to provide services and deliver the aims which it set out in its corporate plan. It also sets the level of council tax which it will charge in the next financial year. The budget sets out the money which the Council intends to spend during the year against the money available which has been received in council tax, income, and grants.

Executive

Also known as the Executive, the Executive is the Council's decision-making body responsible for making the majority of decisions. The Executive makes decisions within a policy framework and budget set by the whole Council. The Executive is made up of the Leader and up to nine other Members, including a Deputy Leader.

Executive Member

An elected Member appointed to the Executive by the Leader. Some Executive Members are assigned responsibility for a specific portfolio and are sometimes referred to as Portfolio Holders. Executive Members can also make decisions when powers to do so are delegated to them by the Executive or Leader.

Capital and Investment Strategy

The Council's medium to long term plan for investing in its asset base.

Capital Programme

Part of the Medium-Term Financial Plan which sets out capital projects approved by full Council over a medium term, multi-year period.

Chair of the Council

The Chair of the Council is an elected Member who chairs meetings of the Council and carries out a variety of civic and ceremonial duties. The Chair is elected to be the Chair by the other Members, usually at the Council's Annual Meeting. The Chair cannot be a Executive Member and is assisted in their work by the Vice-Chair.

Chief Executive

The Council's most senior Officer who is responsible for the management and direction of the Council's staff. The Chief Executive is accountable to the Leader of the Council, the Executive, and the Council as a whole. The Chief Executive is also generally designated as the Council's Head of Paid Service - a statutory role. The postholder has powers set out in law as well as the powers given to them by this Constitution.

Chief Finance Officer

The Chief Finance Officer (CFO) is a Statutory Officer and the powers held by the CFO are set out in statute. The CFO is also referred to as the Section 151 Officer – this is because the role is given powers by section 151 of the Local Government Act 1972. Every Council must appoint a CFO. The CFO is responsible for managing the Council's finances and providing expert financial advice to the Council. The CFO must be a qualified accountant and must ensure that the Council does not intend to spend more money than it has to carry out its plans (this is called a balanced budget).

Clear Days

Does not include the starting or finishing day. Example: for 5 clear days' notice: do not include the day when notice was given. If this was on a Tuesday, time starts to run on Wednesday. Notice would not be completed until 12.01am the following Wednesday. Saturday, Sunday, or bank holidays are not counted.

Code of Conduct (Councillor Code of Conduct / Officer Code of Conduct)

A set of rules which elected and co-opted councillors and officers must follow.

Commercial Agreement

A type of contract for goods or services in exchange for something in return, usually money.

Commissioning

Within the Council, the process of buying services from outside the Council and monitoring and managing the purchase and carrying out of those services.

Committee

A Committee is a formal group of elected Members whose remit, terms of reference and operating rules are set out in the Council's Constitution. There are many different committees. Each one makes decisions about a specific area of responsibility – for example planning or licensing.

Confidential Information

In relation to meetings and reports this is information which the Council has received from a Government department on terms which cannot be disclosed publicly.

It can also be information which (i) the Council cannot disclose due to a court order or legislation or (ii) is not public, is information which was given to the Council in such a way that made it clear it was meant to be kept confidential.

Constitution

This governance document, or 'rule book', which sets out how the Council will make decisions and who will make those decisions. It also sets out how residents and others can participate.

Contract

An agreement which: may be oral, written, partly oral and partly written or implied from conduct between the Council and another person; gives rise to obligations which are enforceable or recognised by law (i.e., legally binding) and commits the Council to paying or doing something. A reference to a contract may also include a contract to which the Contract Procedure Rules apply and a "call off contract" means an order made or call off contract entered into under a Framework Agreement.

Contractors

See suppliers.

Contract Management

The process of ensuring the contract results in the benefits and outcomes envisaged and that the advantages secured during the tendering phase are realised and improved through further proactive performance management during its term.

Contract Management System

The IT system and associated processes used to support supplier and contract management, providing visibility and a single view of all Council contracts. It is also the Council's contract register.

Contract Procedure Rules

The part of the Constitution that sets out the procedures to be followed when seeking to establish a contract with an external supplier.

Council

The term often used to refer to the whole organisation (i.e., councillors and officers); but see full Council below. North Northamptonshire Council is led by councillors who are elected by the public.

They set the priorities and the budget for the organisation. Staff working for the Council (officers) deliver the day-to-day operations. The word Council is used to refer both to the organisation as a whole and specifically to the decision-making body.

Council Body

May include any Committee, Board, Panel, or informal working group.

Council Tax

The income collected from residents based on banded property values and which funds a significant proportion of council services.

Councillor

A councillor is elected and is a member of the Council. Councillors stand for election normally every four years and are accountable to the residents of a specific area (their electoral ward) but are responsible for making decisions for the entire council area. Councillors do not have to be a member of a political party, but most do. Those who do not are known as 'un-grouped' or 'independent' councillors.

Councillor Call for Action

The Councillor Call for Action allows councillors to refer matters of concern within the community to the relevant Board or Committee. The aim is to provide councillors with additional powers that enable them to respond to local community concerns which have proved difficult to resolve.

Debt Management Strategy

The Council's strategy to manage and recover the sums of money it is owed.

Decisions

The choices and agreements made on a particular issue. The Council's Constitution sets out the rules on how formal decisions are to be taken in compliance with the law (see also Key Decisions). The Constitution also sets out how decisions are to be recorded and published.

Development Plan

Means the Council's local plans and other documents that set out the policies and proposals for the development and use of land within the administrative area of North Northamptonshire Council.

Disclosable Pecuniary Interest

A disclosable interest means something which an elected Member must declare in a meeting relating to their role outside the Council which could impact on their decisions for the Council. A pecuniary interest is a financial interest as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Elected Member

See Councillor.

Executive

See Executive.

Executive Advisory Panel

Cross party meetings of elected members where policy is developed and recommendations are made to the Executive

Executive Director

The Council's most senior officers report directly to the Chief Executive and are accountable to Members and the Executive. These posts include the statutory Director of Adult Social Services (DASS) and the Director of Children's Services (DCS).

Exempt Information

In relation to meetings and reports this means information which can be withheld from the public. It must pass one of seven tests in order for it to be exempt and it must also be in the public interest to do so. If an item is deemed to be exempt during a public meeting, then members of the public and any press have to leave the meeting while exempt information is being discussed. We set out the rules in the Access to Information Procedure Rules at Part 5 Section 4 of this Constitution.

EU Procurement Regulations

The Agreement on Government Procurement (GPA) entered into under the auspices of the World Trade Organisation, the European Community Treaty (EU Treaty)* and any relevant regulations, directives, or decisions of the European Community*; any Acts of Parliament or statutory instruments implementing the above for the time being in force in the United Kingdom; and any relevant judgements of the European Court of Justice* or UK courts.

**These will continue to be followed at the present time even though the United Kingdom has left the European Union.*

External Auditors

An independent auditor appointed to review the Council's financial and management arrangements.

Financial Year

The financial year for the Council is not the same as the calendar year. Our financial year starts on 1 April and ends on 31 March.

Financial Procedure Rules

The rules which set out how the Council will manage its financial affairs (in Part 9 Section 7 of this Constitution).

Financial Scheme of Delegation

The financial limits on spend set up by service area. More details are in Part 9.7. of the Constitution.

Follow On Decisions

Means a decision on consequential matters following a decision to approve a Planning

Application. These include but are not limited to: approval or discharge of planning conditions, legal agreements, and non-material amendments.

Forward Plan

A list of the 'key decisions' the Council will make over the next one to four months. The Forward Plan also includes a summary of any reports which will be presented to the Executive. You can view the Forward Plan for North Northamptonshire Council on its website.

Framework

A term used in different ways which refers to the way that the Council operates - for example, policy framework, commissioning framework, governance framework.

Full Council

The full Council is all the Members who make up North Northamptonshire Council. Full Council meets throughout the year with the meeting being chaired by the Chair. Full Council takes specific decisions, including setting the budget. It also appoints committees to make decisions about specific issues such as planning and licensing.

Function

Within the Council, a function is a service which the Council provides or an activity which it undertakes; or which it is has a duty to deliver - for example housing and education.

Head of Paid Service

The Head of Paid Service is a Statutory Officer with overall responsibility for the employment of Council officers (generally the Chief Executive).

Hybrid

A model of governance that is legislatively Executive but encompasses the best of the Executive and Committee System governance arrangements to promote inclusive and transparent decision making.

Independent Person

The Council has to have at least one designated independent person who is not a councillor or a member of staff. The independent person is consulted about complaints made against councillors and also about the dismissal of any of the Council's statutory officers.

Key Decision

Key decisions are executive decisions (not those made by committee) and are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) (Regulations) 2012 and are decisions which: -

- Result in the Council incurring expenditure which is, or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or

- Are deemed significant in terms of their effect on communities living or working within the area of the Council.

The Council has decided that a significant decision financially is £500k.

Leader (of the Council)

Members elect a person who will be the Leader of the Council. Usually this is the leader of the largest political group on the whole Council. The Leader of the Council is also the Leader of the Executive and will appoint up to nine other Members to form the Executive to take Executive decisions on behalf of the Council. The Leader can appoint up to two Deputy Leaders from the Members appointed to the Executive.

Legal Professional Privilege

Confidential communications between lawyers and their clients can be withheld from a court or from a third party using legal professional privilege.

Legislation

The Law which can be made by Parliament which takes the form of an Act of Parliament (a Statute) or Statutory Regulations or By-laws which can be made by the Council.

Light Touch Rules

A more relaxed set of rules for awarding contracts for certain services in relation to health and social care.

Medium Term Financial Plan

Sets out the Council's budget (revenue and capital) over a period of more than one year and is linked to the Corporate Plan and Service Plans.

Member

See Councillor.

Minutes

The formal written record of a meeting. Minutes of North Northamptonshire Council meetings are available on the Council's website.

Monitoring Officer

The Monitoring Officer is a Statutory Officer responsible for the lawful and good governance of the Council, in particular the Constitution, decision-making and the conduct of councillors (including Town and Parish councillors) and officers.

Motion

A proposal for a discussion or debate.

Municipal Year

The period between annual meetings of the Council. The municipal year is not the same as the Council's financial year, which starts on 1 April. The municipal year usually starts in May but is not a fixed date and as such the number of days in a municipal year varies slightly.

Natural Justice

The right of all parties in proceedings to a fair hearing before an impartial tribunal.

Officer

Someone employed by the Council.

Scrutiny Committee

A Committee which supports and challenges the work of the Executive and help hold it to account. The Scrutiny Committee is made up of Members who are not part of the Executive.

Permission in Principle (PIP)

Means an application by a developer to the Council to determine whether a housing development is acceptable in principle only and does not include technical details. A Permission in Principle is not a grant of planning consent.

Planning Applications

Means planning applications for full and outline consent as well as applications for reserved matters approvals and, for the avoidance of doubt, excludes Permission in Principle (PIP) and Related Matters.

Planning Officer

Means an employee of the Council tasked with processing and evaluating planning applications.

Policy

A policy sets out a strategic objective for the Council and provides a framework of principles and guidelines which must be followed to achieve those objectives.

Policy Framework

Refers to the Council's strategies and policies as set out in Part 3 of this Constitution.

Point of Order

Where a Member considers that a breach of the Procedure Rules or legislation has occurred within a debate.

Portfolio

Within the Council, a portfolio is a specific area of responsibility - for example housing. You can view the portfolios and who is responsible for each area (the Portfolio Holders) on the website.

Procedure

The means by which a strategy or policy will be implemented or a process which must be followed.

Procurement

How the Council identifies, sources, selects, and manages the resources it needs to buy in to deliver services or meet its strategic objectives.

Proper Officer

A term used to refer to the Council's lead Officer for a particular function. The list of Proper Officers is in Part 9 of this Constitution.

Quorum

The minimum number of attendees who have to be present at a meeting of the Council, a Committee or Sub-Committee etc to conduct its business.

Related matters

Means applications for permitted development, prior approvals, advertisement consent, tree preservation orders, high hedges, and listed building consent.

Representations

Members of the public can give their views on any Executive or Executive Member reports or on any proposed decision by informing Democratic Services by the deadline outlined on the meeting agenda.

Reserves

Sums of money set aside on the Council's balance sheet. The Council has 'general reserves', and 'earmarked reserves' which are set aside for a specific purpose.

Scheme of Delegation

The Scheme of Delegation sets out how the Council and the Executive have delegated authority to a committee or another body, or to an individual Member or officer to exercise their powers or perform their functions. The Officer Scheme of Delegation concerns those powers and functions delegated to officers. The Scheme of Delegation will also specify any limits on the delegated authority.

Section 151 Officer (S151 Officer)

See Chief Finance Officer.

Standards Complaint

Refers to a complaint made against an elected or co-opted councillor, or Town or Parish councillor, that the councillor concerned has failed to comply with the relevant Councillor Code of Conduct.

Statement of Accounts

A document required by law which sets out the Council's financial position at 31 March each year and includes the Council's income and expenditure for a given financial year.

Statute

An Act of Parliament – the law.

Statutory

Required by law. Councils have statutory duties including preventing homelessness, managing community safety, and determining planning applications.

Statutory Officers

The Council is required by law to appoint officers in certain key roles. The Statutory Officers are the Head of Paid Service; the Monitoring Officer and the Section 151 Officer. The Council must also appoint other officers including a Director for Children's Services, a Director for Adult Social Services, a Director of Public Health, and a Scrutiny Officer.

Sub-Committee

A group of elected Members from the committee in question convened to undertake a particular task or perform a particular function. The sub-committee then reports back and is accountable to the committee.

Suppliers

Also known as contractors, suppliers are those parties which enter into a contract with the Council to provide goods or services.

Trading Account

Services which are funded by generating income from internal and external sources.

Treasury Management Strategy

The way in which the Council manages its cash, borrowing, lending and investments, and associated risks.

Virement

The movement of money from one budget heading to another. Vires (intra vires / ultra vires) A Latin phrase which means 'powers'. Within the Council, vires concerns the power or lawful authority to make a decision, perform a function or undertake an action. A decision made, function performed, or action undertaken will be 'intra vires' if the Council has the power and lawful authority to do it and 'ultra vires' if it does not.

Ward

A ward is an electoral area. North Northamptonshire Council has 26 wards.

End of Glossary

February 2021

Constitution Index

No.	INDEX	Pages (to be completed following adoption)
	Glossary	
1.	Introduction, Summary and Explanation 1. Decision Making	
2.	Public Participation and Rights	
3.	Council 1. Role of Council 2. Meeting Procedure Rules <ul style="list-style-type: none"> • Remote Procedure Rules • Budget Council Protocol 3. Budget and Policy Framework Procedure Rules	
4.	Committees 1. Governance Structure 2. Strategic Planning Committee 3. Area Planning Committees 4. Democracy and Standards Committee 5. Audit and Governance Committee 6. Health and Wellbeing Board 7. Employment Committee 8. Licensing and Appeals Committee	
5.	Executive 1. Executive Procedure Rules 2. Executive Advisory Panels 3. Access to Information Procedure Rules	
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6.	Joint Arrangements 1. Combined Authorities 2. Statutory Bodies 3. Joint Committees	
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	<ul style="list-style-type: none"> 5. Planning Protocol 6. Member Allowances Scheme 	
9.	<p>Officers</p> <ul style="list-style-type: none"> 1. Management Structure 2. Scheme of Delegation 3. List of Proper Officers 4. Employee Code of Conduct 5. Officer Employment Procedure Rules 6. Contract Procedure Rules 7. Financial Procedure Rules 	
10.	Interim Arrangements	

Introduction, Summary and Explanation

This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where you can find out information about it.

You will see boxes at the beginning of each document like this which will give you a summary of what information you can expect to find within the document and provide you with a brief introduction.

1. INTRODUCTION

1.1. On 1st April 2021 a new council namely North Northamptonshire Council took on responsibility for local government services previously delivered by Corby Borough Council, the Borough Council of Wellingborough, East Northants District Council and Kettering Borough Council. It also took on the powers of Northamptonshire County Council within its boundary. It was created by the Northamptonshire (Structural Changes) Order 2000 (the 2000 Order”).

1.2. The constitution sets out;

- a) How the Council operates
- b) How its decisions are made
- c) What procedures will be followed.

1.3. The council is required by the Local Government Act 2000 to maintain a constitution and whilst some of the processes in this constitution are required by law, others are needed to make sure that those responsible for delivering public services are accountable, that decisions are transparent and that they are in the public interest.

1.4. The constitution governs the actions of elected councillors (“members of the Council”), any persons co-opted to its decision making arrangements, its officers, contractors and where identified, third parties.

1.5. Wherever possible, this constitution is written in plain English because the council wants to provide a clear and accessible explanation of how the council operates. If you have suggestions as to how the constitution can be improved then please contact Adele Wylie who is the Monitoring Officer and responsible for the upkeep of the constitution.

- 1.6. The constitution can only be changed by full council, in public session, unless there are minor or consequential changes which can be completed by the Monitoring Officer. (A consequential change is one which arises from a decision made by councillors on another matter, which means that the wording in the constitution needs to be changed to reflect the impact of that – e.g. a change of name of a committee or an officer post).

2. WHAT IS THE CONSTITUTION AND HOW DOES IT WORK?

- 2.1. The constitution is divided into seven parts. (A further Part 8 provides provisions for the period between 1st April 2021 and 10th May 2021 before elections are held to the council; and will fall away thereafter).

Part One - Summary and Explanation

- Sets out an explanation of what the Council is and how it works.

Part Two - Public Participation and Rights

- Sets out how the public can participate in decision making and also outlines their rights.

Part Three - Council

- Sets out the Council's Rules of Procedure, and the functions of full council including the rules on the Budget and Policy Framework.

Part Four - Committees

- Sets out the Terms of Reference for non-executive committees – these are there to set out the powers and remit of the committees and to establish how meetings will be conducted. They also ensure that decisions made in these meetings are lawful.

Part Five - Executive

- Sets out the rules relating to the Executive and also describes the Executive Advisory Panels that recommend items to the Executive

Part Six - Scrutiny

- Sets out the rules relating to Scrutiny, including how they can call in items and exercise their rights to review matters of local concern

Part Seven - Joint Arrangements

- Sets out the arrangements for where services continue to be jointly delivered with the West Northamptonshire Council on a formal basis.

Part Eight - Councillors

- Sets out matters relating to standards and allowances for elected members of the council

Part Nine - Officers

- Sets out the financial, contractual, and employment rules which apply to the conduct of the Council's business as a provider of services, as an employer, and as a purchaser of goods and services. It also sets out how officers make decisions.

Part Ten - Interim Arrangements

- Sets out interim arrangements that cease to apply on 10th May 2021.

3. HOW THE COUNCIL OPERATES

3.1. Councillors

- 3.1.1. The council has 78 elected councillors. Each councillor will represent residents in their electoral ward. There are 26 wards in the council's area, each ward has three members. Elections are held every four years. The wards are described in the 2020 statutory Order and are subject to review by the Electoral Commission from time to time. Councillors are directly accountable to their constituents for the running of the council. They have a duty to represent all their constituents, combined with a duty to make decisions in the interests of the whole area of North Northamptonshire, over and above any particular part of it.
- 3.1.2. Councillors have to adhere to a Member Code of Conduct. If you have any concerns about an elected member then you can contact the Monitoring Officer who is responsible for upholding ethical standards.
- 3.1.3. All councillors meet together as the council (sometimes referred to as "Full Council"). Formal meetings of the council are open to the public with the exception of confidential or exempt items. At these meetings, councillors will decide upon key strategies for how the council operates and will set a budget each year. Each year the council will also approve the creation of committees for different local government functions (eg, planning, licensing) and political groups will nominate councillors to be members of those committees. Most committees are politically balanced, this means that membership will represent the political make-up of the whole council.
- 3.1.4. Some councillors will also be members of the Executive which is a group of up to 10 elected members who strategically lead the council. The Executive is held to account by the members of the Scrutiny Committee who provide a role of "critical friend" to the Executive.
- 3.1.5. Every four years the council will elect a Leader of the council and they will chair the Executive.

3.1.6. Councillors will work closely with officers in developing policies and strategies, to give directions to the council's vision and values and to ensure services are effectively delivered in accordance with its wishes. Councillors do not however have a role in the actual delivery of services and cannot be employed by the council in any capacity.

3.2. Council Employees

3.2.1. The council has people working for it (referred to as "Officers") to give advice, implement decisions and manage the day to day delivery of services. The most senior officer is the Chief Executive. Some officers have specific responsibility by law to make sure that the council acts lawfully and uses resources effectively, economically and efficiently.

3.2.2. The rules within this constitution direct how officers operate and make decisions, for example around conduct, procurement, use of resources, use of information and employment practices.

3.3. Meetings of the Council

3.3.1. All formal decision-making meetings of the council are open to the public, except where an item of confidential or exempt business (which is defined in the Access to Information Procedure Rules) is being discussed.

3.3.2. There may be, in addition, informal, non-decision-making meetings, where councillors and officers are able to meet in private to discuss the way in which policy or service design options are to be assessed and presented, prior to reports or possible actions being placed in the public domain.

3.4. Rights of members of the public

3.4.1. Members of the public have a number of rights in their dealings with the Council. These rights are set out in Part Two. notwithstanding any general rights in law.

End of Introduction, Summary and Explanation

February 2021

Decision Making

Decisions within the Council can either be made by elected members or officers. Generally, elected members make important strategic decisions on policy and officers make the operational decisions within those policies. It is important that elected members and officers work together for the benefit of North Northamptonshire.

This document provides an introduction to how decision making works.

1. PRINCIPLES OF DECISION MAKING

1.1. When the Council makes decisions we will make sure that we do the following;

- a) Make sure that the action we are taking is proportionate to the results we need to achieve
- b) Make sure that we consult where appropriate to do so
- c) Respect human rights
- d) Ensure that the decision represents best value for North Northamptonshire
- e) Ensure that we are open and transparent in the way we make decisions
- f) Be clear about what we trying to achieve and what the outcomes will be
- g) Consider whether an alternative option is more appropriate
- h) Give reasons for why we have made decisions

2. TYPES OF DECISION AND THE DECISION TAKERS

2.1. Council

2.1.1. Full Council is a meeting of all the elected members where they discharge the functions contained within Part Three of the Constitution. Council approves the Budget and Policy Framework which is the framework which the Executive must operate within.

2.1.2. There are different types of Council meetings;

- a) The annual meeting of the Council which is generally held in May
- b) Ordinary meetings which are held bi-monthly
- c) Extraordinary meetings if there is a specific item that needs to be considered outside the schedule meetings

- 2.1.3. The Meeting Procedure Rules set out how members will debate items that are on the agenda and other rules relating to how the meetings are conducted.
- 2.1.4. Full Council will set the Council's budget in February each year. The budget has a number of elements including;
 - a) The allocation of financial resources to different services and projects
 - b) Proposed contingency funds
 - c) The Council tax base
 - d) Setting the Council tax
 - e) The Councils borrowing requirements
 - f) The Councils capital expenditure
 - g) The setting of virement limits

2.2. The Hybrid Model of Governance

- 2.2.1. The Council operates a hybrid "Executive" governance model. It is open to the Council to change to other models of governance, provided it follows the process set out in legislation.
- 2.2.2. Under this model, the Council appoints a Leader of the Council who will serve for a four year term; he/she will appoint a Deputy Leader and will be the Chair of the Executive. The Leader will then appoint up to 8 other Councillors who, together with the Leader form the Executive.
- 2.2.3. The Executive generally takes the lead on deciding on a range of strategic matters however they must make sure that their decisions are in accordance with the budget and policy framework adopted by Council.
- 2.2.4. Some decisions must be taken by Council (or Committees on its behalf) and these are set out in this Constitution. Any other decision is an executive function and decision shall be made by the Executive or on its behalf.
- 2.2.5. The Council wants to ensure that it involves a wide range of elected members in its policy development for important matters that are executive functions. It has therefore created Executive Advisory Panels. These are cross party Panels which are led by a member of the Executive. They will help to develop policy and look at important decisions before they are made by the Executive and then provide recommendations to the Executive which will help to inform their

decision making. They are an important aspect of creating an inclusive decision making culture.

2.3. The Executive

- 2.3.1. Executive meetings are open to the public with the exception of confidential or exempt matters. The terms confidential and exempt are defined in this constitution.
- 2.3.2. Each member of the Executive may be allocated a portfolio of services for which they will act as spokesperson, with a role in the communication of policies and initiatives, and in aspects of the design of services. They will have an oversight of the performance of that service area. They are referred to as Portfolio Holders.
- 2.3.3. The Leader can make decisions on behalf of the Executive of he/she may decide to give specific powers to members of the Executive.

2.4. Scrutiny Committees

- 2.4.1. The Council has Scrutiny Committees which support the council. The Committees role is to hold the Executive to account and provide reviews into Council functions where appropriate. The Committee is essential to good governance and making sure there is challenge to decision making where appropriate.

3. OTHER ARRANGEMENTS

- 3.1. In addition to the Scrutiny Committees, the Council has other Committees which make decisions on public functions (e.g. planning, licensing). The Council also has other partnership bodies, including for example, the Health and Wellbeing Board, where councillors, officers and external partners work together.
- 3.2. Some functions will be delivered in conjunction with West Northamptonshire Council, either by this Council providing a service which also affects residents in West Northamptonshire Council's area, or by West Northamptonshire Council providing a service to residents in North Northamptonshire. Some of these arrangements are time limited and some are intended to be permanent. The Constitution describes the arrangements for joint decision making and management of these services.
- 3.3. It also describes the relationship between the Council and the Childrens' Trust for Northamptonshire.

4. CITIZENS RIGHTS

- 4.1. Members of the public have a number of rights in their dealings with the Council. These rights are set out in Part Two. notwithstanding any general rights in law.

5. DECISION MAKING BY OFFICERS

- 5.1. Some executive and Council decisions can be made by Officers and the extent of this authority is set out in the Officer Scheme of Delegation. All Key Decisions need to be recorded and published but some other decisions also need to be recorded. Further details is set out in the Access to Information Procedure Rules.

6. KEY DECISIONS

- 6.1. The definition of a Key Decision is set out in The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 and is defined as;
- 6.2. An executive decision, which is likely
- i. to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant; or
 - ii. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions
- 6.3. The council has decided that significant expenditure or savings are those amounting to above £500,000.
- 6.4. All Key Decisions must be published on the website 28 days in advance of them being made unless they are urgent in which case there are processes to follow which include seeking the approval of the Chairman of the relevant Scrutiny Committee. The Forward Plan enables the public and all members to understand the key decisions that are going to be taken and make representations in advance.
- 6.5. Key Decisions have to be published within 2 clear working days of being made and will be published on the website.
- 6.6. Scrutiny Committees have the ability to call in Key Decisions and any other decisions which have been included on the Forward Plan and have 5 clear working days to call in the decision following their publication on the website (in accordance with the Scrutiny Procedure Rules).

7. FINANCE, CONTRACTS AND LEGAL MATTERS

7.1. Finance

7.1.1. The Council manages its financial affairs in accordance with the Financial Procedure Rules

7.2. Contracts

7.2.1. The way that the Council procures, enter into and/or manages contracts shall be in accordance with the Contract Procedure Rules

7.3. Authentication of Legal Documents

7.3.1. The Monitoring Officer or any person she authorises shall sign documents which are necessary to any legal proceedings

7.4. Common Seal of the Council

7.4.1. Certain documents shall have the Councils Common Seal affixed to them rather than a signature of an Officer. The affixing of the Common Seal shall be attested by any Chief Officer or Officer as authorised by the Monitoring Officer.

End of Decision Making

February 2021

Public Participation and Rights

How you can get Involved

This section details the rights of citizens and how they can use them. North Northamptonshire Council wants to be a community led council and believes that we should work with our residents, businesses and visitors to create strong and resilient communities and ensure that North Northamptonshire is a great place to live, work and visit. We want to encourage and actively support people getting involved in meeting these aspirations.

Although we will work closely with residents, visitors and businesses through informal means to ensure that you can influence and develop what we do; to encourage involvement the following document sets out the key ways in which the public and others outside the Council can get involved.

1. COUNCILLORS

- 1.1. The area of North Northamptonshire Council is divided into 26 administrative areas, called wards. Each ward has three elected councillors who are elected every four years. There is more information about elections and how to register to vote on the Council's website.
- 1.2. Although elected members have responsibility for the whole of the council area, councillors also have a particular responsibility to the residents of their ward.
- 1.3. Details of who your local councillor is, and how to get in touch with them are also available on the council's website. You are able to ask your elected councillor to raise matters with the Council on your behalf.
- 1.4. A councillor may hold scheduled sessions where residents can meet them face to face to talk about issues and to get advice and this will be publicised by your councillor if this is the case.

2. ROLES AND FUNCTIONS OF ALL COUNCILLORS

2.1. **Key roles.** councillors will;

- a) Be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b) Bring the views of their communities into the council's decision making process;
- c) Effectively represent the interests of their ward and of individual constituents;

- d) Deal with individual casework and act as an advocate for constituents in resolving their particular concerns or grievances;
- e) Respond to constituents' enquiries and representations, fairly and impartially;
- f) Participate in the governance of the Council;
- g) Be available to represent the council on other bodies; and
- h) Maintain the highest standards of conduct and ethics

3. EXECUTIVE

- 3.1. The Executive consists of the Leader and Executive Members who are responsible for particular areas and activities which may be referred to as "portfolios". You can check who the Portfolio Holder is for a particular matter at the council's website.
- 3.2. The Executive has developed a Forward Plan which you can access at the council's website. It shows the most important decisions (known as "Key Decisions") which the Executive will be taking in the future and when this is likely to be done. This is the best way to understand what decisions will be made in the coming months.

4. EXECUTIVE ADVISORY PANELS

- 4.1. The Executive has created five panels which are led by an Executive member. Although they are not decision making they will help to develop policy and make recommendations to the Executive to help inform their decision making. You can attend their meetings to understand how policy is developed.

5. SCRUTINY COMMITTEES

- 5.1. The Council has two Scrutiny Committees which acts as a "critical friend" to hold the Executive to account. They may also scrutinise decisions made by or on behalf of the Executive. The Scrutiny Committees also carry out investigations and reviews, and welcome suggestions from residents and businesses as to areas they could investigate. You can provide your suggestions at the council's website.

6. LOCAL MEETINGS

- 6.1. Meetings such as community forums may take place in local areas which you will be able to attend.

7. PARISH AND TOWN COUNCILS

7.1. Parish and Town Councils will make certain decisions within your local area. Although the council seeks to have a strong relationship with these councils, North Northamptonshire Council is not a parent body to them. The Monitoring Officer is by law responsible for matters relating to the conduct of Town and Parish councillors and together with the councils Democracy and Standards Committee seeks to uphold ethical standards of elected members. The Monitoring Officer cannot become involved in decisions made by Parish or Town Councils.

8. ATTENDANCE AT MEETINGS

8.1. Meetings of bodies which are shown in our governance diagram are open to the public. The diagram is shown within this section of the constitution.

8.2. The dates and times of our meetings are published on our website and agendas are made available at least five clear working days ahead of the meeting so you can see what items will be discussed. All meetings are open for you to come and watch the debate. You can also usually watch it live on our website.

8.3. There are some occasions when we need to discuss confidential details. We can only do this when there are legal reasons such as personal information which mean we have to go into private session. When this happens we exclude the press and public from the meeting while these issues are discussed.

8.4. If an agenda item is to be considered in private, this will be clearly marked on the agenda for the meeting.

9. SPEAKING AT MEETINGS

9.1. Council, Executive and Scrutiny Committee

9.1.1. You can speak at Council, Executive or Scrutiny meetings provided you give notice two clear working days before the meeting, eg: if the meeting is on a Thursday evening, you must notify us by Monday at 5.00pm.¹

9.1.2. For Executive and Scrutiny meetings, you can make a statement which must relate to agenda items and you will normally be expected to attend the meeting to read out your statement. You will have a maximum of 3 minutes in which to make your statement and will make it at the start of the agenda item. Your statement will be taken into account during the subsequent debate on the matter.

¹ Except where a deadline would normally fall on a Friday at 5.00pm, in which the deadline will be extended to Monday at 9.00am.

9.1.3. For Council meetings, you can ask questions (up to a maximum of three). You will need to submit the question in writing which must be received by 5.00pm, two clear working days before the meeting of the council at which it is to be asked.² Your name and address must be included and questions need to be framed so as to find out information rather than make a statement. Your questions must relate to something that the council is responsible for.

9.1.4. The total time allowed at Full Council is 15 minutes for public statements and 15 minutes for questions received from members of the public. Total time for questions asked by Councillors is a maximum of 30 minutes, but it is also a matter for the discretion of the Chairman who, in exercising their discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

9.2. Who do I contact?

9.2.1. You must notify Democratic Services (democraticservices@northnorthants.gov.uk) if you intend to speak or submit a question, with details of the statement or question so that we can ensure that it is relevant to the particular meeting.

9.2.2. Statements and questions will not be allowed if they are defamatory, frivolous, repetitious, offensive or of a confidential nature.

9.3. Planning and Licensing Committees

9.3.1. You can find out how you can attend or speak at our Planning Committee meetings by looking at the Planning Committee Speaking Procedure within this section of the constitution at Appendix 1.

9.3.2. Where you are invited to address one of the Licensing Sub Committees you will be advised about the rules on attending and speaking.

10. REPORTS AND BACKGROUND PAPERS

10.1. You have the right to access public documents and they can be found at the council's website. We publish reports that have been considered by our decision making meetings for a minimum of six years.

11. PETITIONS

11.1. The council is pleased to accept petitions in relation to anything for which the Council is responsible. There are rules which set out what happens when we

² Except where a deadline would normally fall on a Friday at 5.00pm, in which the deadline will be extended to Monday at 9.00am.

receive a petition and how we respond as a council. The Petitions Scheme can be found within this section of the constitution as Appendix 2.

- 11.2. The petition must relate to a matter for which the council has direct responsibility. They need to clearly show what they are about and the names and addresses of everyone who signs the petition must be set out in an identifiable way.
- 11.3. Some petitions, for example, those asking for the council to have a different form of governance, must follow special rules set out in law.
- 11.4. An e-petitions facility is available to help you create petitions and which allows you to gather signatures electronically. This can be found at the council's website.

12. BUDGET AND POLICY DEVELOPMENT

- 12.1. The council is particularly keen to encourage public participation when we are preparing the budget and other plans and strategies within our policy framework so that our residents are able to directly influence decisions. When we do this we will consider options with the relevant body which may be the Executive Advisory Panels, Executive and Scrutiny Committees before a decision is finally made by all the councillors sitting as Full Council. Public participation is also encouraged in the preparation of plans and strategies which are decided by the Executive.

13. ACCOUNTS AND AUDITS

- 13.1. You have the right to inspect the Council's accounts and make your views known to the External Auditor. Should you have any concerns about any matters relating to perceived unlawful activities in the council then you can whistle blow by using the council's Whistleblowing Policy which can be found at the council's website.

14. PUBLIC CONSULTATION

- 14.1. We try to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, we will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.
- 14.2. We follow the "Gunning Principles" when we consult. This means that we make sure:
- 14.3. consultation is at a stage where the council has not made up its mind on any proposals;
- 14.4. we give enough information and reasons for any proposals to enable you to understand their impact and respond;

14.5. we give you enough time to consider our proposals and respond to them; and

14.6. we will consider all responses to the consultation when finalising the decision.

15. SOCIAL MEDIA

15.1. You can also get updates from North Northamptonshire Council on social media and by following the council's social media on:-

- Facebook
- Twitter
- LinkedIn
- Instagram

15.2. Many local councillors have their own private social media accounts too.

16. COMPLAINTS

16.1. You have the right to complain to the council under its complaints scheme. If you have exhausted this process then you can also complain to the relevant Ombudsman. Details can be found on the council's website.

16.2. If you believe that a Councillor has not complied with the Member Code of Conduct then you can make a complaint to the Council's Monitoring Officer at monitoringofficer@northnorthants.gov.uk

17. REQUESTS FOR INFORMATION

17.1. You are able to exercise your rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to obtain information held by the Council.

18. PUBLICATION SCHEME

18.1. The Council has a Publication Scheme which sets out our commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information. You can access the Scheme on the council's website.

Appendix 2

Procedures for speaking at planning committees

1. If you wish to speak at a planning committee

- 1.1. Please register with Democratic & Legal Services before 12 noon on the working day before the Committee is due to meet by emailing democraticservices@northnorthants.gov.uk
- 1.2. The time, date and details of the venue can be found on the agenda
- 1.3. Speakers must be available from the advertised meeting start time

2. At the meeting

- 2.1. The Committee Chair will run through procedures and check whether registered speakers are present. Agenda items may not necessarily be discussed in the order they appear on the agenda.
- 2.2. For each item, the Committee Chair will introduce the item and ask the Planning Officer to present any updates. The Chair will then call any registered speakers to present their comments to the Committee.
- 2.3. The order of speakers will be:
 - a) One third party speaker for and one third party speaker against the proposal
 - b) One Parish/Town Council representative
 - c) One Ward Councillor
 - d) Applicant or their agent/representative
 - e) Planning Officer who presents the report
- 2.4. Third party speakers for or against the proposal will be registered on a first come first served basis.
- 2.5. Where there is significant demand for public speaking on a proposal more than one speaker for and against the proposal may be permitted, but this will only be at the discretion of the Committee Chair.

- 2.6. Where more than one ward councillor wishes to speak they should in the first instance seek to collaborate and agree between them who will represent the ward and the content of the presentation. If ward councillors cannot agree this, the two ward councillors will be permitted to speak and will share the time allocated for ward councillors on a 50/50 basis.
- 2.7. Speakers will be limited to speak for 3 minutes after which you will be asked to stop.
- 2.8. Ward councillors will be limited to speak for 5 minutes after which you will be asked to stop.
- 2.9. Once speakers have completed their presentation to the committee the Committee Chair has discretion to allow committee members to question the speaker on points of clarification and to inform the subsequent committee debate.
- 2.10. To ensure the smooth running of the meeting, once you have spoken and answered any questions from the committee members, you will not be able to add anything.
- 2.11. The Committee will then discuss and debate the application.

3. Tips on speaking

3.1. What should you speak about?

- a) Explain the proposal or the reasoning behind it, or
- b) Explain the effect of the development on you
- c) Make your comments within the framework of planning legislation, for example:

Planning Policy (Development Plan)

Government guidance

Design, appearance, layout

Residential amenity

Highway safety and traffic

Character of the area, historic buildings

Noise, disturbance, smell

What should you not do?

- d) Talk about non-planning issues (e.g. private property rights/right to a view, effect on property value, developer's motives etc)

- e) Make personal or slanderous statements which could result in legal action against you
- f) Refer to sensitive personal information about any other person (for advice on what this means please contact the Local Authority)
- g) To make the most effective use of your time try not to repeat Committee report information

Appendix 2

Petition Scheme

This document is the Council's Petition Scheme. The council welcomes petitions from people who sign the petition must live, work or study within North Northamptonshire. This document sets out how people can submit a petition to the council.

Introduction

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

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

The council 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 Council
Petition which calls an officer to account	750 – 1,499	Any petition with 750 – 1,499 signatures will summon a senior officer of the Council to give evidence at a public Council meeting
Standard Petition	5 – 749	Any petition with 5 – 749 signatures will be referred to a senior officer of the Council to provide a response

How can I submit a petition?

Paper petitions must be sent to:

North Northamptonshire Council, Sheerness House, Kettering, NN16 8TL

e-Petitions

Petitions can be created, signed and submitted online via the Council'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 council or its committees. Meetings dates and times are published on our 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 a council meeting please contact democraticservices@northnorthants.gov.uk at least 10 working days before the date of the meeting and they will talk you through the process.

How will the Council 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 council's Monitoring Officer will be consulted and will determine if the petition is valid. The council will inform you if it considers the petition to be invalid and the reason why.

Following the above, and within 10 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 Council'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 Council roles in addressing petitions are:

Democratic Services

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

Monitoring Officer

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

Senior Officer

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

Scrutiny Committees

Information on all petitions is shared with the council's relevant Scrutiny Committee which will 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 council 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 council must include:

- i) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council 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 council will contact to explain how it 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 council.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. Please read the council's Terms and Conditions (Appendix A) before submitting a petition.

In the period immediately before an election or referendum the council may need to deal with your petition differently – if this is the case the council will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the council may decide not to do anything with it. In that case, it 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 Council to see if the action is already being taken in connection to your concerns and to determine if the council is the most appropriate organisation to receive your petition.

How will the Council respond to petitions?

If the council can do what your petition asks for, the acknowledgement may confirm that the council have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Full Council debate, or a senior council 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 council will tell you the steps it plans to take.

The council'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 council's committees; or
- Consideration in some form of public Council meeting.

If your petition is about something which the council 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 council 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 council officer be called to give evidence at a public meeting of the relevant Scrutiny Committee. The Monitoring Officer will liaise with colleagues and the Chair of the relevant Scrutiny Committee to ensure that the appropriate officer attends.

The relevant 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 council 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 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

The Scrutiny Committee considering the petition has no power to make decisions on actions to be undertaken by the Full Council or the Executive.

Council Debates

If a petition contains 1,500 or more signatures the lead petitioner may ask that it be debated by the Full Council (unless the petition is requesting that a senior council officer give evidence at a public council 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 council at least ten working days before the date of the Full Council meeting.

The council will 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 council 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 is required to make the final decision, the Full Council may note the petition or make recommendations to them.

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

e-Petitions

What is an e-petition?

An e-petition is a petition which is submitted electronically to the council 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 council'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 council, 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 council will need full contact details of the person who is leading on the petition. Therefore, you will need to register on the council's website. It is a straightforward process which requires you to provide the council 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 council's website for signatures. When the "live" period is over, the way in which the council 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 council 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 provided on the Council's website.

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

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

monitoringofficer@northnorthants.gov.uk

How else can I have my say?

You can contact your local ward Member(s). (add link)

If you live in a place with a Parish or Town Council you could request that they raise the issue with the council on your behalf.

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

End of Public Participation and Rights

February 2021

Role of Council

The full Council is the term for the assembly of all 78 elected members of the North Northamptonshire Council. The decisions made by Council are those decisions set out in legislation as non- executive. Most of these are set out within this document but it is not an exhaustive list. Examples of decisions which must be taken by the Council are setting the council's budget, agreeing the overarching policy of the council "the Policy Framework" and appointing non- executive committees.

In addition, the Council will allocate non-executive functions to Committees (set out later in the constitution) to deal with matters that require objective decision making. These include staffing, elections, planning and licensing.

Anything that isn't set out within the constitution or legislation as being a non-executive function shall be determined by the Executive.

1. FUNCTIONS

1.1 The Council's functions are:

- 1.1.1 adopting and amending the council's constitution;
- 1.1.2 approving or adopting the council's Budget and Policy framework;
- 1.1.3 Setting the Council tax base
- 1.1.4 approving, adopting amending, modifying, revising, varying, withdrawing or revoking any plan or strategy which forms part of the Budget and Policy Framework
- 1.1.5 subject to the urgency procedure of the council's Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
- 1.1.6 appointing, removing and determining the term of office of the Leader of the Council;

- 1.1.7 To annually elect a Chairman and Deputy Chairman
- 1.1.8 deciding the composition of a council Committee and determining the Terms of Reference
- 1.1.9 appointing councillors to represent the council on outside bodies (unless the appointment is or relates to an executive function, or it has been delegated by the council to an individual or council body);
- 1.1.10 adopting, amending, revoking or replacing the Member Code of Conduct and the council's Arrangements for Dealing with Standards Complaints;
- 1.1.11 adopting, amending, revoking or replacing a Member Allowance Scheme;
- 1.1.12 passing byelaws and local legislation;
- 1.1.13 confirming and terminating the appointment of the council's Head of Paid Service (Chief Executive), Monitoring Officer and Section 151 Officer;
- 1.1.14 the non-executive functions specified in this constitution as being the responsibility of the Council;
- 1.1.15 appointing Honorary Aldermen;
- 1.1.16 Deciding whether to make proposals for a change in governance arrangements, deciding whether the change should be subject to approval in a referendum and passing a resolution to make a change
- 1.1.17 Approving and amending the annual Pay Policy Statement under Section 38 of the Localism Act 2011
- 1.1.18 making a request to the Local Government Boundary Commission for England under section 57 Local Democracy, Economic Development and Construction Act 2009 in relation to single-member electoral areas;
- 1.1.19 a resolution to change a scheme for elections under sections 32, 37 or 39 Local Government and Public Involvement in Health Act 2007;
- 1.1.20 functions relating to a community governance review under Local Government and Public Involvement in Health Act 2007

- 1.1.21 To adopt Local Development Documents and plans which together comprise the Local Development Framework; principally the NN Strategic Plan and all Part Two Local Plans
- 1.1.22 Authority to seek and make a Compulsory Purchase Order or to acquire land for housing purposes (Housing Act 1985)
- 1.1.23 all other functions which by law must be reserved to the Council.
- 1.1.24 so far as the law requires appointment of a local auditor at least once every five years;
- 1.1.25 the appointment of independent person(s) to the extent required for the purposes of issues arising in relation to any Members' Code of Conduct (including in respect of Parish and Town Councils) and/or arrangements relating to the dismissal of the Head of Paid Service, Monitoring Officer and/or Section 151 Officer;
- 1.1.26 appointment of Electoral Registration Officer;
- 1.1.27 appointment of Returning Officer;

In relation to the Northamptonshire Childrens' Trust to approve

- a) The appointment and removal of the Chair and Chief Executive, or alterations to their terms of appointment
- b) The appointment and removal of a Council Director to the Board of the Trust
- c) Any changes to the membership of the Trust
- d) Any changes to the Articles of Association
- e) The voluntary winding up of the company (of the Trust) or its dissolution
- f) Any changes to governance arrangements arising from the annual review thereof

2. Budget and Policy Framework

1. What is the Budget and Policy Framework?

- 1.1 The Council is responsible for setting the budget and policy framework. This sets out the broad financial envelope and the policy framework for decisions made by the Executive

1.2 The following are what constitute the council's Policy Framework;

- **Crime and Disorder Reduction Strategy** (under Sections 5 and 6 of the Crime and Disorder Act 1998);
- **Youth Justice Plan** (under Section 40 of the Crime and Disorder Act 1998);
- **Development Plan and Documents** (under Section 15 of the Planning and Compulsory Purchase Act 2004 and Plans and Alterations which together form the Development Plan under Part 2 of, and Schedule 8 to the Planning and Compulsory Purchase Act 2004)
- **Licensing Authority Policy Statement** (under Section 349 of the Gambling Act 2005);
- **The Councils Corporate Strategy/Plan**
- **Housing Strategy** (under Section 87 of the Local Government Act 2003)
- **Tenancy Strategy** (under Section 150 of the Localism Act 2011)
- The plan and strategy which comprise the **Housing Investment Programme**
- **Health and Wellbeing Strategy** (under the Health and Social Care Act 2012)
- **Climate Change Action Plan**
- **Annual Library Plan**
- **Children and Young Peoples Plan**
- **Local Transport Plan**
- **Minerals and Waste Development Framework**
- **Capital Investment Strategy and Medium-Term Financial Strategy**
- **Other plans and strategies determined by Council**

1.3 The following are what constitutes the council's Budget Framework;

- calculations required under section 31A, 31B and 36 of the Local Government Finance Act 1992
- the council tax requirement including the basic rate of council tax and the setting of council tax for respective bands

- decisions relating to the control of the Council's borrowing, capital expenditure, treasury management, annual investment strategy and minimum revenue provision in accordance with relevant Codes of Practice.

Meeting Procedure Rules

The Council is required by law to have procedural rules that govern proceedings at decision making meetings. For the purposes of these Rules a Sub-Committee does not include a Task and Finish Group or Advisory Group.

These Rules set out how meetings of the Council and most Committees will be conducted, for example, who can speak, when and how proposals are debated.

PART A – COUNCIL MEETINGS

1. COUNCIL MEETINGS

1.1. The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.

1.2. Meetings will commence at 7.00pm at a place (or places) to be agreed by the Council. The Chair, or the Council, can agree to hold a meeting at a different place or time.

2. ANNUAL MEETING OF THE COUNCIL

2.1. Timing

2.1.1. In a year when there is an Ordinary Election of Councillors, the Annual Meeting shall take place within 21 days from the retirement of the outgoing Councillors. In any other year, the Annual Meeting shall take place on such a day in the month of May or June as the Council may fix.

2.2. Business

2.2.1. The Annual Meeting shall:

- a) elect the Chair of Council who shall then preside;
- b) Appoint the Vice-Chair of Council;
- c) approve the minutes of the last meeting;
- d) receive any declarations of interest from Councillors;
- e) receive any apologies for absence from Councillors;
- f) receive any announcements from the Chair;
- g) elect the Leader in any year in which the Leader's term of office

expires (for a four-year term), or if the office of Leader becomes vacant, the term of office of the Leader shall, subject to earlier removal, end on the day of the Annual Meeting following the ordinary election of councillors;

- h) note the appointments to the role of Deputy Leader and to the Executive;
- i) receive any announcements from the Leader;
- j) appoint a Scrutiny Committee, a Standards Committee, an Audit Committee and such other Committees as the Council considers appropriate and as are required by law;
- k) approve a programme of ordinary meetings of the Council for the year;
- l) approve the allocation of seats to Political Groups in accordance with the political balance rules;
- m) delegate to the Monitoring Officer the power to appoint councillors (including substitutes) to committees and sub committees in accordance with the wishes of the Group Leaders except where appointments to those bodies is exercisable only by the Executive.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1. Ordinary meetings of the Council shall take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings shall:

- a) elect a person to preside if both the Chair and the Vice-Chair of the Council are not present;
- b) approve the minutes of the last meeting;
- c) receive any declarations of interest from Members;
- d) receive any announcements from the Chair and Leader;
- e) provide for up to 15 minutes in total, to receive any statements from members of the public who are residents of, or working in, North Northamptonshire relating to an item of business on the public part of the agenda of that meeting;
- f) provide for up to 15 minutes in total, including the provision of responses, to receive any questions from members of the public who are residents of, or working in, North Northamptonshire relating to matters of which the Council has direct responsibility or influence;
- g) provide for up to 30 minutes in total, including the provision of

responses, to receive any questions from Councillors relating to matters of which the Council has direct responsibility or influence;

- h) Provide for members of the Executive to put forward presentations relating to their respective portfolios and upon which Members will be able to ask them questions;
- i) deal with any business adjourned from the last Council meeting;
- j) receive a report from any Committees as appropriate;
- k) consider motions given by notice; and
- l) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework.

4. BUDGET MEETING OF THE COUNCIL

4.1. Budget meetings shall:

- a) Appoint a person to preside if the Chair and Vice-Chair are not present;
- b) Approve the minutes of the last meeting;
- c) Receive any declarations of interest from councillors;
- d) Receive announcements from the Chair;
- e) receive any statements from members of the public who are residents of, or working in, North Northamptonshire relating to an item of business on the public part of the agenda of that meeting;
- f) Receive and consider the Council plan, budget and associated necessary reports; and
- g) Receive any other urgent business as agreed by the Chair;
- h) Follow the **Budget Council meeting protocol** attached as Appendix 1 to these rules.

5. EXTRAORDINARY MEETINGS

5.1. Calling Extraordinary Meetings

- 5.1.1. The Monitoring Officer may call and those listed below may direct the Monitoring Officer to call extraordinary Council meetings in addition to

ordinary meetings:

- a) the Council by resolution;
- b) the Chair of the Council; or
- c) any five Councillors if they have presented a signed requisition to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

5.2. Motion to remove the Leader

5.2.1. A motion to remove the Leader from office may only be:

- a) made at an extraordinary meeting convened specifically for that purpose not less than 21 days from the submission of the motion;
- b) submitted in the form of a requisition signed by not less than one third of the total number of Members of the Council; and
- c) considered on one occasion by the Council in any six-month period.

5.2.2. Where the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office.

5.3. Items of Business at Extraordinary Meetings

5.3.1. Only business specified in the summons may be transacted at an extraordinary meeting of the Council.

6. CHAIR AND VICE-CHAIR OF THE COUNCIL

6.1. The Chair of the Council, or in his/her absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings of the Council. Where both the Chair and Vice-Chair are absent, the Council will appoint another Councillor, other than a member of the Executive, to chair the meeting, who will have the same powers and duties as the Chair.

6.2. The Chair is responsible for, and must conduct themselves in accordance with, 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 Council to ensure that business is carried out efficiently, effectively and fairly between the different political groups whilst preserving the rights of councillors and the interests of members of the public;

- c) ensuring that at Council meetings, matters of concern to local communities can be debated through the appropriate councillors;
- d) ensuring that Councillors who are not on the Executive or who do not hold the Chairpersonship of a main Committee are able to hold those office holders to account;
- e) promoting public involvement in the council's affairs and acting as a contact between members of the public, organisations and the council;
- f) being the first citizen of North Northamptonshire Council and to participate in civic functions on behalf of the Council; and
- g) undertaking such other roles as may be placed upon the office from time to time by the council.

6.3. On any matter concerning the conduct of Council meetings during a meeting, the decision of the Chair shall be final.

7. QUORUM

7.1. The quorum of meetings of the council will be one quarter of the total membership. During any meeting, if the Chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. WHAT THE COUNCIL CAN DECIDE

8.1. The Council will decide such matters as required by the law and those matters set out in Part 3 of this constitution.

9. ORDER OF BUSINESS

9.1. Business shall be dealt with in the order set out in 2.2, 3.1, 4.1, or 5.1 above depending on the nature of the meeting to be transacted, unless the person presiding at the meeting of the council decides otherwise.

10. GUILLOTINE

10.1. If the business of a council meeting has not been concluded three hours after its commencement, the Chair will draw the attention of the meeting to the time and to this Rule.

10.2. The Chair shall seek a mover and seconder and subsequently take a vote without discussion and by a show of hands as whether to continue the meeting.

10.3. If the vote is not carried, then items remaining to be considered will be adjourned to a later meeting.

11. URGENT BUSINESS

11.1. Business cannot be dealt with at a Council meeting unless it is included in the Summons. The Chair may allow business which is not specified in the Summons to be transacted if it is required to be transacted under any enactment or is brought before the Council as a matter of urgency and is not dealt with in accordance with Rule 23 below.

11.2. Where the Chair is of the opinion that by reason of special circumstances an item of business is urgent, that reason shall be specified in the minutes of the meeting.

12. CONFIRMATION OF MINUTES

12.1. Minutes of the last Council meeting shall usually be confirmed at the next ordinary meeting of the Council.

12.2. 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 Chair shall sign the minutes.

12.3. All Committee minutes shall be confirmed by the respective Committee only. Sub Committee minutes shall be approved by the Chairman of the Sub Committee.

12.4. Executive minutes shall be confirmed by the Executive.

13. MATTERS FOR DECISION BY THE COUNCIL

13.1. All matters for decision by the Council shall be included with the agenda, other than items of urgency under Rule 11 above.

13.2. When the item is reached on the agenda, the Leader, the relevant Portfolio Holder, the Chair of the relevant Committee or another councillor will, where appropriate, move the recommendation. Another councillor may second the motion and may reserve the right to speak until later in the debate.

14. MOTIONS (PROCEDURAL) WHICH MAY BE MOVED WITHOUT NOTICE

14.1. The following motions and amendments may be moved at a Council meeting without notice.

- a) Appointment of a Chair of the meeting at which the motion is made;

- b) Motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee;
- c) That an item of business specified in the summons should have precedence;
- d) Reference to the Council, a Committee, Sub-Committee or the Executive;
- e) Appointment of or appointment to Committees, Sub-Committees or the Executive occasioned by an item mentioned in the summons to the meeting;
- f) Receipt of Records of Executive Decisions;
- g) Adoption of recommendations of the Executive, Committees and Sub-Committees and any consequent resolutions;
- h) That leave is given to withdraw a motion;
- i) That leave is given to alter a motion by the mover of that motion;
- j) Receipt of reports of officers and any consequent resolutions;
- k) Extending the time limit for speeches;
- l) Amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons;
- m) That the Council proceed to the next business;
- n) That the question be now put;
- o) That the debate be now adjourned;
- p) That the Council do now adjourn;
- q) Authorising the sealing of documents;
- r) Suspending Meeting Procedure Rules, in accordance with Procedure Rule 36;
- s) Motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the press and public;
- t) That a Councillor named under Procedure Rule 33 should not be heard further or should leave the meeting; and
- u) Giving consent of the Council where consent of the Council is required

by these Meeting Procedure Rules.

15. PUBLIC PARTICIPATION AT COUNCIL MEETINGS

- 15.1. A public speaking time will apply to Council meetings, as detailed below. Members of the public may also submit questions in accordance with the process set out in Rule 16 below.
- 15.2. Members of the public may make statements at meetings of the Full Council, and Executive. The protocol for statements is as follows:
- a) Subject to the requirements of this protocol, a member of the public who lives or works in the area of the Council may submit a written statement to the Leader of the Council, a Portfolio Holder or the Chair of the Council or of a Committee of the Council.
 - b) A person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Monitoring Officer at the main office of the Council or by email to democraticservices@northnorthants.gov.uk by 5.00pm, at least two clear working days before the beginning of the meeting of the Council at which it is to be raised¹. The person's name and address must be included.
 - c) A statement put under this protocol must relate to an item on the public part of the agenda.
 - d) Statements shall be printed in order of receipt and circulated to Councillors prior to the commencement of the Council meeting. No discussion shall be allowed upon statements.
 - e) The person making the statement shall normally attend the meeting to read out their statement.
 - f) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the statement out of order. The Chair shall also have the right to rule statements out of order where necessary in order to avoid repetition.
- 15.3. Any person who is qualified to make a statement in accordance with Rule 15.2 may, alternatively, present a petition to the Council. The petition must relate to a matter for which the Council has direct responsibility. The same time limit that applies when making a statement also applies to presenting a petition. Petitions submitted in this way will be referred to the relevant Portfolio Holder who will respond to the petitioner. Councillors shall also be informed of the response.
- 15.4. The time for statements from members of the public shall normally commence immediately after the item 'Chair's and Leader's Announcements' on the

¹ Except where a deadline would normally fall on a Friday at 5.00pm, in which the deadline will be extended to Monday at 9.00am.

Council agenda. The time limit for making a statement shall be three minutes for any person. The total time limit for public statements shall be 15 minutes but it is otherwise a matter for the discretion of the Chair 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.

16. QUESTIONS

16.1. Questions by Councillors and Members of the Public at Council meetings

16.2. In accordance with Procedure Rule 3.1 f), members of the public and Councillors may ask questions at meetings of the full Council. The protocol for questions is as follows:

- a) Subject to the requirements of this protocol, a Councillor or a member of the public who lives or works in the area of the Council may submit a written question to the Leader of the Council, a Portfolio Holder or the Chair of the Council or of a Committee of the Council.
- b) A Councillor or a member of the public wishing to ask a question shall submit the question in writing which must be received by the Monitoring Officer at the main office of the Council by 5.00pm, two clear working days before the meeting of the Council at which it is to be asked². The person's name and home or work address must be included. A Councillor or a member of the public may ask no more than three questions at any meeting.
- c) A question shall be directed to the Chair, Leader, a Portfolio Holder or the Chair of a Committee and shall relate to a matter which the Council, the Executive or the Committee has powers, duties or responsibilities. Questions shall be so framed as to elicit information rather than make a statement and shall be limited to 50 words.
- d) Questions shall be printed in order of receipt and circulated to Councillors prior to the commencement of the Council meeting, along with the answers provided. The Chair shall have discretion to change the order of statements or questions to allow a broader variety of matters to be considered by the meeting concerned.
- e) No discussion shall be allowed upon questions or answers. The person asking the question shall not be required to read out their question, nor shall the person responding be required to read out their response. However, supplementary questions and answers shall be read out.
- f) A question will be ruled out of order and rejected by the Chair, in consultation with the Monitoring Officer, where it:

² Except where a deadline would normally fall on a Friday at 5.00pm, in which the deadline will be extended to Monday at 9.00am.

- i. does not relate to a matter for which the Council/Committee has a responsibility;
 - ii. is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - iii. requires the disclosure of confidential or exempt information;
 - iv. names or identifies individual service users, members of staff or members of staff of partner agencies; or
 - v. is considered to be inappropriate for the particular meeting.
- i) Following the answer to each question, the questioner may 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.

16.3. The time allowed for questions under Rule 17 will be a maximum of 45 minutes (15 minutes for members of the public and 30 minutes for Councillors) but it is otherwise a matter for the discretion of the Chair 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.

16.4. The Chair may agree to take urgent questions where he/she consider that it has not been possible for a Councillor to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.

16.5. Subject to Rule 16.1 d) questions will be asked in the order of receipt and answered without discussion. In replying, the Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Councillor to whom the question is addressed may:

- a) reply directly;
- b) reply by reference to a publication;
- c) reply by written answer with a copy to such other Councillors as the Council agrees; or
- d) refer the question to an appropriate committee or to the Executive.

17. NOTICES OF MOTION

17.1. Procedure

17.1.1. Notice of every motion (other than a motion which under Procedure Rule 14 may be moved without notice) shall be given in writing, signed

by the Member(s) of the Council giving the notice, and delivered, by 5.00pm at least six clear working days before the next meeting of the Council³, to the Monitoring Officer by whom it shall be dated, in the order in which it is received.

17.2. Scope

17.2.1. Motions must be about matters for which the Council has direct responsibility or influence.

17.2.2. The Chair, following consultation with the Monitoring Officer, is authorised to reject any motion that appears to the Chair or the Monitoring Officer to be irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper. A motion will not be accepted if it is substantially the same as a motion which has been put or an address made by some other person at the same meeting of the Council on the basis that any differences can be addressed at the meeting through an amendment to the accepted motion, or at another meeting of the Council in the preceding six months.

17.3. Motions to be set out in summons

17.3.1. The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated 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 Executive or non-Executive functions but otherwise in the order in which they have been received.

17.4. Withdrawal of Motion which is before the Council

17.4.1. Where a notice of motion is before the Council 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 with the consent of the Chair of the Council.

17.5. Motions not moved

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

17.6. Motions increasing expenditure or reducing revenue of Council

³ Except where a deadline would normally fall on a Friday at 5.00pm, in which the deadline will be extended to Monday at 9.00am.

17.6.1. Any notice of motion which would have the effect of materially increasing the expenditure or reducing the revenue of the Council, otherwise than in the form of a proposal that the matter be referred to the Executive for consideration and report, shall not be deemed to have been duly given for the purposes of this Standing Order.

17.7. Motions reviewing or rescinding Executive decision taken under delegated powers

17.7.1. Any notice of motion which would have the effect of reviewing or rescinding a decision of the Executive taken under delegated powers, otherwise than in the form of a proposal that the matter be referred to the Executive for consideration and report, shall not be deemed to have been duly given for the purposes of this Standing Order.

17.8. Deferment of a Notice of Motion

17.8.1. 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 Chair of the Council indicates, in writing, his/her agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

18. RULES OF DEBATE

18.1. The rules of debate to be followed at Council meetings are set out below.

18.2. Budget Council Meetings

18.2.1. Specific rules of debate apply to Budget Council meetings which are attached to these rules as Appendix 2.

18.3. Motions and Amendments

18.3.1. No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting. At meetings other than those of the full Council, the Chair of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair 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 14.

18.4. Seconder's Speech

- 18.4.1. When seconding a motion or amendment a Councillor may advise the Chair that he/she will reserve his/her right to speak until a later period in the debate.

18.5. Only one Councillor to speak at a time

- 18.5.1. When speaking at a Council meeting a Councillor shall if possible, stand and address the Chair. While a Councillor is speaking the other Councillors will remain seated, unless rising, if possible, on a point of order or in personal explanation.

18.6. Content and length of speeches

- 18.6.1. A Councillor 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 Councillors when the Council is agreeing a budget, or where the Council, 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.
- 18.6.2. In advance of the meeting at which the Council is due to agree a budget, the Council's 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 Chair 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.

18.7. When a Councillor may speak again

- 18.7.1. At a Council meeting a Councillor 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 Councillor;
 - b) if the motion has been amended since he/she last spoke, to move a further amendment;
 - c) if his/her first speech was on an amendment moved by another Councillor, 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 rule 18.13.1 or 18.15.2;
 - 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 18.1.4 (b) to (j), below when the procedure in those paragraphs shall be followed.

18.7.2. At a Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- a) at Committees or Sub-Committees Councillors may, at the discretion of the Chair, speak more than once.

18.8. Amendments

18.8.1. 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/or add words;
but such amendment shall not have the effect of negating the motion before the Council.

18.8.2. The Chair, following consultation with the Monitoring Officer, is authorised to reject any amendment that appears to the Chair or the Monitoring Officer to be irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper. A motion will not be accepted if it is substantially the same as a motion which has already been submitted to the same meeting of the Council.

18.9. Notice of Amendments

18.9.1. A Councillor who wishes to propose an amendment to a report included with the summons (other than in accordance with Rule 14) or a motion submitted in accordance with Procedure Rule 17 shall be required to submit that motion to the Monitoring Officer no less than two 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.

18.10. Number of Amendments

18.10.1. 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 Chair 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.

18.11. Status of Amendments

18.11.1. 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 substantive motion upon which any further amendment may be moved.

18.12. Alterations to Motions or Amendments

18.12.1. A Councillor 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 Council (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

18.13. Withdrawal of Motion

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

18.14. Right of Reply

18.14.1. 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 of 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.

18.15. Motions which may be moved during debate

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

- a) to amend the motion (subject to paragraph 7);
- 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 Council, Executive, a Committee or Sub-committee for consideration or reconsideration;

- g) that the question be now put;
- h) that a Councillor be not further heard;
- i) by the Chair under Procedure Rule 33 that a Councillor do leave the meeting;
- j) a motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the public.

18.16. Closure Motions

18.16.1. A Councillor may move, without comment, at the conclusion of a speech of another Councillor,

- a) “That the Council proceed to the next business”,
- b) “That the question be now put”,
- c) “That the debate be now adjourned”, or
- d) “That the Council do now adjourn”.

18.16.2. When one of these Motions has been seconded the Chair 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 of 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 of 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 of reply on that occasion.

18.17. Points of Order

18.17.1. A Councillor may rise (or where necessary, instead raise their hand) 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 Councillor

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.

18.18. Ruling of Chair on a Point of Order/Personal Explanation

18.18.1. The ruling of the Chair 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. The Chair of the meeting shall consult on any question of interpretation with the Monitoring Officer or their designated nominee prior to making a ruling.

18.19. Respect for the Chair

18.19.1. At the Council meeting whenever the Chair rises during a debate a Councillor then standing shall sit down and the Council shall be silent. In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

19. RESCISSION OF EARLIER RESOLUTION

19.1. Subject to Rule 15.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

19.2. Such a motion may be moved if:

- a) it is recommended by the Executive or a Committee; or
- b) notice of such motion has been given under Rule 19 and signed by at least one third of the total number of Councillors (26) who include members from more than one political group.

20. VOTING

20.1. Each Councillor has one vote.

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

20.3. When a Councillor asks for a recorded vote to be taken, and 10% of the overall number of Councillors (8) stand in their places to support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained. If necessary, a Councillor may raise their hand instead of standing in order to indicate their support for a request for a recorded vote.

- 20.4. A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 20.5. A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 20.6. A Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 20.7. Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

21. OFFICES AND APPOINTMENTS

- 21.1. Voting to elect or appoint the Chair and Vice Chair of the Council, or Councillors 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 suitable electronic means.
- 21.2. 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.
- 21.3. The Chair, or person presiding, will have a second or casting vote where the votes are equal.

22. ELECTION OF CHAIR OF COMMITTEES AND SUB-COMMITTEES

- 22.1. The Chair of every Committee and Sub-Committee excluding the Executive will be elected at the annual first meeting of the Council where possible.
- 22.2. The Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.
- 22.3. Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Committee or Sub-Committee concerned.
- 22.4. Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Rule 17 will apply.
- 22.5. Where a Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Executive members for appointment.

23. URGENT BUSINESS – NON-EXECUTIVE MATTERS

- 23.1. An item of urgent business which has to be decided before the next meeting

of the Council and which does not fall within the Executive's functions and responsibility can be determined by the Head of Paid Service, subject to the procedure set out below.

- 23.2. 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 Chair (or Vice-Chair if he/she is not available).
- 23.3. A copy of the consultation document shall be sent to the appropriate Executive Member, the Chair of the Overview and Scrutiny Committee (or a relevant Sub-Committee established by it), the group leaders and the Councillors for the area concerned, if the matter particularly affects one or more electoral areas.
- 23.4. Any such approval shall be in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.
- 23.5. The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the Head of Paid Service and the Chief Finance Officer.
- 23.6. A report of any action under this Procedure Rule shall be made available by electronic means to all Councillors.

Part B – COMMITTEE AND SUBCOMMITTEE MEETINGS

24. PROGRAMME OF MEETINGS

- 24.1. Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council under Rule 1.1. Alterations to the date, time and/or venue for meetings, as well as the inclusion of additional meetings, shall be matters for the Chair of each committee to determine as set out in paragraph 27.2 below.
- 24.2. When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Monitoring Officer will consult the Chair of the relevant Committee or Sub-Committee before any action is taken. The Chair of the Committee or Sub-Committee will then determine the matter.

25. QUORUM AT COMMITTEES AND SUB-COMMITTEES

- 25.1. No item of business will be transacted at a meeting of a committee or sub-committee unless there are at least one quarter 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.

26. MINUTES OF COMMITTEES AND SUB-COMMITTEES

- 26.1. The minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 26.2. 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.
- 26.3. Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.
- 26.4. The Minutes of any Sub-Committee must be submitted to the next suitable meeting of the parent Committee by the Sub-Committee Chair.
- 26.5. Members may ask a question or comment on any minute. The Chair of the Committee or 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.
- 26.6. Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.
- 26.7. Any question about the accuracy of any minute of a Committee or Sub-Committee must be considered and determined by that Committee or Sub-Committee at its next suitable meeting.

27. MOTIONS MOVED WITHOUT NOTICE AT COMMITTEES AND SUB-COMMITTEES

- 27.1. Rule 11 lists those motions and amendments which can be moved without notice.

28. RULES OF DEBATE AT COMMITTEES AND SUB-COMMITTEES

- 28.1. Rule 18 sets out the rules of debate.

29. VOTING AT COMMITTEES AND SUB-COMMITTEES

- 29.1. Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 29.2. A recorded vote will be required where any three members request that one takes place after a proposition is put by the Chair but before the vote is taken, such a vote to be recorded in the minutes as to whether each member present gave his or her vote for or against that proposition or abstained from voting.

- 29.3. A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 29.4. A Councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 29.5. 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.

30. MOVER OF A MOTION AT COUNCIL UNDER RULE 13: ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES

- 30.1. Where a motion has been referred under Rule 13 from the Council 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.
- 30.2. 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.

31. REQUESTS BY MEMBERS FOR ITEMS OF BUSINESS TO BE INCLUDED ON AGENDAS OF A COMMITTEE OR SUB-COMMITTEE

- 31.1. This rule sets out details of the process by which a Councillor can ask for an item of business to be included on the agenda of a Committee or Sub-Committee meeting.
- 31.2. This Rule does not apply to special meetings of Committees and Sub-Committees or to the Executive.
- 31.3. A Councillor may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 31.4. A Councillor 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 Councillor. A notice may be submitted electronically and bear an electronic signature, provided the notice has been originated by that Councillor.
- 31.5. 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 Council within the preceding 6 months.
- 31.6. Items arising from such notices shall appear on the agenda after the ordinary public or private agenda items accordingly.

- 31.7. This procedure will apply to Councillors exercising their rights under Section 9FC of the Local Government Act 2000 and Scrutiny Procedure Rule 9.4 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 31.4 above on the number of items shall not apply to items submitted under this paragraph.

32.COMMITTEE AND SUB-COMMITTEE AGENDA - URGENT ITEMS OF BUSINESS

- 32.1. 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.
- 32.2. The Chair of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

33.ATTENDANCE OF COUNCILLORS AT COMMITTEES AND SUB-COMMITTEES OF WHICH THEY ARE NOT MEMBERS

- 33.1. Notwithstanding their rights as a member of the public, a Councillor may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, including when exempt or private and confidential business.
- 33.2. A Councillor 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.
- 33.3. The Councillor has no right to vote but may speak with the consent of the Chair of the meeting.

34.OVERVIEW AND SCRUTINY COMMITTEES/SUB-COMMITTEES

- 34.1. 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

35. RECORDS OF ATTENDANCE

- 35.1. The Monitoring Officer will keep a record of Members attending any meeting of the Council, the Executive, and any Committee or Sub-Committee.

36. DISCLOSURE OF CONFIDENTIAL/EXEMPT MATTERS

- 36.1. No Councillor 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 Council, the Executive, a Committee or Sub-Committee.

- 36.2. No Councillor shall disclose to any person other than a Councillor any matter arising during the proceedings of the Council, the Executive, 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 Council or would be contrary to law.

- 36.3. No Councillor shall, without the consent of the Chair 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 Council 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 32.1 or 32.2.

37. DISORDERLY CONDUCT BY MEMBERS

- 37.1. If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding, or any other Councillor may move “That the Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.

- 37.2. If the Councillor continues the misconduct after a motion under Rule 33.1 has been carried, the person presiding may: either move “That the Councillor do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

- 37.3. In the event of general disturbance by Councillors 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.

38. DISTURBANCE BY MEMBERS OF THE PUBLIC

- 38.1. If a member of the public interrupts the proceedings at any meeting the person presiding shall issue a warning to 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.

39. VARIATION AND REVOCATION OF PROCEDURE RULES

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

40. SUSPENSION OF PROCEDURE RULES

- 40.1. Subject to Rule 36.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved except where this would be in contravention of statute.
- 40.2. A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 18.15) unless there shall be present at least one-third of the Members of the Council or that Committee or Sub-Committee respectively.

41. INTERPRETATION OF PROCEDURE RULES

- 41.1. 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 Council, shall not be challenged at any meeting.
- 41.2. The person presiding, prior to enacting Rule 37.1, shall consult on any question of interpretation with the Monitoring Officer or their designated nominee.

42. SUBMISSION OF NOTICES BY MEMBERS – ELECTRONIC MEANS

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

43. MEETINGS BY REMOTE MEANS

- 43.1. During the period of the Coronavirus Restrictions specified in the relevant legislation the provisions of Appendix 1 will apply allowing the Council, its Committees and Sub-Committees to hold meetings using remote technology.

- 43.2. During the period that Appendix 1 applies the remainder of the Council's Constitution, including these procedure rules, is to be interpreted in a manner which gives effect to Appendix 1.
- 43.3. On 7 May 2021 or such other time as the regulations specified in Appendix 1 cease to apply, the provisions of Appendix 1 shall also cease to apply.

Appendix 1

Remote Procedure Rules

These standing orders provide the rules for the conduct of any meeting which apply for remote meetings of the Council and its various Committees, Sub-Committees and Working Groups.

Members may be able to participate by remote-means (including (but not limited to) video conferencing, live webcast, live interactive streaming if so agreed by the Chair of the Meeting in accordance with arrangements agreed from time to time by the Council.

Attendance by remote-means will be with the agreement of the Chair and processes for arranging attendance as set out in these Procedure Rules must be complied with. These Procedure Rules will remain in force for meetings held before 7th May 2021 and are to be applied in accordance with The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020.

1. Introduction

1.1 The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the North Northamptonshire Council 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 Council 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.

1.2 The effect of the Regulations on the Council'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: [XXX](#)

2.2 Members will be notified of a remote meeting by electronic means and all agenda papers will be available on the Council's website (see paragraph 2.1). Paper copies are available on request or by arrangement.

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. Quorum

3.1 Any Member so authorised to participate by remote conferencing shall be regarded as present for the purposes of determining a quorum. In the event of any failure of the video conferencing link the Chair will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will, only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

4. Access to Meetings

4.1 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.

4.2 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.

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

5. Management of Remote Participation

5.1 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.

5.2 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.

5.3 The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members. Any Member 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.

5.4 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.

6. Disruption to remote conferencing

6.1 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. 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.

6.2 In the event of connection failure, the Member(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.

6.3 If a Member has not been present for part of the item under the debate then they shall seek advice from the Monitoring Officer as to whether they should vote, before doing so.

7. Remote Attendance by the Public

7.1 Any member of the public who has been given permission by the Chairman to address a meeting in accordance with the constitution 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.

7.2 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.

7.3 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.

8. Voting

8.1 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.

9. Declarations of Interest

9.1 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.

10. Exclusion of Public and Press

10.1 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.

Appendix 2

Budget Council Meeting Debate Protocol

Pre Meeting

1. All political group leaders (or their nominee) who wish to provide proposed amendments to the proposed budget on behalf of their groups at least 3 clear working days before the Budget Council meeting, shall do so, in writing.

This will enable the Chief Finance Officer to have advanced notice and review the proposed amendments prior to the Authority meeting.

2. All political group leaders (or their nominee) will identify in their submission (if more than one amendment is provided) if they wish for the amendments to be debated individually or as a group of amendments in one go.

Please bear in mind that any amendments must result in a balanced budget and therefore how the amendment would be funded must be clear.

This will allow Democratic Services to share copies of the amendments either in the Chamber or on screen to ensure that members are able to view them and make an informed decision.

It would also be helpful to have agreement between the political groups about which group will propose amendments first to enable a smooth and well-ordered meeting.

At the Meeting

1. At the beginning of the meeting, the Chair shall remind councillors that there are certain rules of procedure that apply only to the debate on the budget. Otherwise the meeting will be run according to the usual rules of procedure set out in the meeting procedure rules.
2. At the beginning of the debate on the budget, the Chair shall invite a member on behalf of the ruling group to move (up to 30 minutes) the budget. The Chair shall then invite a member to second (up to 3 minutes) the budget.
3. The Chair shall invite a member on behalf of the Labour group to make a statement in response to the budget (up to 15 minutes).
4. The Chair to invite a member of the Liberal Democrat group to make a statement in response to the budget (up to 10 minutes).
5. The Chair shall invite a member of any other group to make a statement in response to the budget (up to 10 minutes).
6. All groups shall be given the opportunity to provide a response.

7. The Chair will advise that any amendments to the substantive motion must now be put (if required) Any amendments shall be proposed (up to 5 minutes) and seconded (up to 3 minutes) prior to being debated. The Chair shall require that all amendments must be put in writing and provided to the Chair before they are discussed or put to the meeting
8. The mover of an amendment shall have a right of reply followed by the mover of the ruling groups budget having a right of reply at the end of the debate on an amendment.
9. At the conclusion of the vote on any and/or all amendments (If required) have been exhausted the Chair shall advise the meeting that the substantive motion - the ruling groups budget – will be debated. All members may contribute to the debate (for up to 3 minutes each) except the mover or seconder of the original motion (unless the seconder has reserved their right to speak). No further amendments are allowed at this stage by any of the members of the Council.
10. After the debate on the substantive motion, the proposer has a right of reply (up to 5 minutes). The debate is concluded and a recorded vote must then taken on this.

End of Meeting Procedure Rules

February 2021

Budget and Policy Framework and Procedure Rules

The Council is responsible for the adoption of the Budget and Policy Framework as set out in Part Three of the constitution “Council”. This sets out the broad financial envelope and the policy framework for decisions made by the Executive. Once the budget and policy framework are in place, it will be the responsibility of the Executive to implement it.

1. How the Framework is developed

- 1.1. The Executive will publicise, by including in the Forward Plan, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework. The relevant Executive Advisory Panel shall have already provided an essential role in developing the proposal.
- 1.2. The Executive will notify all members of how it will undertake consultation after publication of initial proposals. The Chair of the relevant Scrutiny Committee will also be notified. The consultation period in each instance shall be not less than 4 weeks unless the requirements of any statutory timetable/ deadline make this impracticable.
- 1.3. If the relevant Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. The relevant Scrutiny Committee may investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from the relevant Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive’s response.
- 1.4. Once the Executive has approved draft proposals, the Monitoring Officer will refer them at the earliest opportunity to the Council for decision.

2. Process for Conflict Resolution - Plans and Strategies

- 2.1. This procedure applies in relation to those plans and strategies forming the policy framework of the Council as set out above and to any plan/strategy for the control of the Council’s borrowing and capital expenditure. The following paragraphs have been incorporated as required by the Local Authorities (Standing Orders)(England) Regulations 2001.

2.2. Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in the following paragraph.

2.3. Subject to paragraph 3.6 below, before the Council:

- amends the draft plan or strategy;
- approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- adopts (with or without modification) the plan or strategy

it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

2.4. Where the Council gives instructions in accordance with paragraph 3.3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may:

- submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”) with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- inform the Council of any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for any such disagreement.

2.5. When the period specified by the Council, referred to in paragraph 3.4 has expired, the Council must, when:

- amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- adopting (with or without modification) the plan or strategy

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.

- 2.6. Where an amendment to a draft plan or strategy has been in accordance with the Meeting Procedure Rules, the Leader may indicate on behalf of the Executive that s/he accepts the amendment. In these circumstances, the amendment will be regarded as incorporated in the draft strategy before Council and not (for the purposes of Rules 2.2 to 2.5 above) as an objection to it.

3. Procedure for Conflict Resolution - Revenue Budget

- 3.1. This procedure applies to estimates and calculations relating to the revenue budget and council tax. Paragraphs 3.2 to 3.5 below have been incorporated into these Rules as required by the Local Authorities (Standing Orders)(England) Regulations 2001. Those paragraphs do not apply to estimates and calculations submitted by the Executive to the Council where the estimates and calculations were drawn up by the Executive on or after 8th February in any financial year.
- 3.2. Where, before 8th February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:-
 - estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZF, the Local Government Finance Act 1992;
 - estimates of other amounts to be used for the purposes of such a calculation; or
 - estimates of such a calculation and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 3.3.
- 3.3. Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 3.2, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 3.4. Where the Council gives instructions in accordance with paragraph 3.3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may:

- submit a revision of the estimates or amounts as amended by the Executive (“revised estimates or amounts”), which have been reconsidered in accordance with the Council’s requirements, with the Executive’s reasons for any amendments made to the estimates or amounts, to the Council for the Council’s consideration; or
 - inform the Council of any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for any such disagreement.
- 3.5. Where the period specified by the Council, referred to in paragraph 3.4 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 3.2 take into account:
- any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - the Executive’s reasons for those amendments;
 - any disagreements that the Executive has with any of the Council’s objections, and
 - the Executive’s reasons for that disagreement, which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.
- 3.6. Where estimates and calculations are drawn up by the Executive on or after 8th February in any financial year and are submitted to the Council for their consideration, the procedure in paragraphs 3.2 to 3.5 will not apply. In these circumstances the estimates and calculations will be submitted to the relevant Scrutiny Committee, together with amendments submitted in accordance with the Meeting Procedure Rules. Where the relevant Scrutiny Committee has any objection to the estimates and calculations, it will report such objections to the Council, the Leader and the lead Executive member. The Leader will report to the Council whether they agree or disagree with any objection of the relevant Scrutiny Committee.
- 3.7. Immediately after any vote is taken at a budget decision meeting where the calculation set out in paragraph 3.2 is made, including a meeting where making the calculation was included as an item of business on the agenda for that meeting, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. In this paragraph, references to a vote are references to a vote on any decision related to the making of the calculation.

4. Decisions outside the Budget or Policy Framework

- 4.1. Subject to the provisions of paragraph 7 and Financial Regulations in relation to the budget, and paragraphs 6 and 8 in relation to the policy framework, the Executive, committees of the Executive, individual members of the Executive and any officers discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council.
- 4.2. If the Executive, committees of the Executive, individual members of the Executive and any officers, discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget, and not authorised by paragraph 7 or Financial Regulations, then the decision must be referred by that body or person to the Council for decision. If the advice of the Monitoring Officer is that the decision would be contrary to the policy framework and not authorised by paragraph 8, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions of paragraph 5 apply.

5. Urgent Decisions Outside the Policy Framework

- 5.1 The Executive, a committee of the Executive, an individual member of the Executive or officers, discharging Executive functions may take a decision which is contrary to the Council's policy framework if the decision is a matter of urgency. However, the decision may only be taken if:
- either the Chief Executive, the Chief Finance Officer or the Monitoring Officer advise in writing that the legal or financial position of the Council or the interests of the Council and/or the residents of North Northamptonshire would be significantly affected if the matter were not determined before the next scheduled Council meeting, and
 - the Chair of the relevant Scrutiny Committee (or in their absence the Chairman of the Council) agrees that the decision is a matter of urgency.
- 5.2 The advice of the Chief Executive, Chief Finance Officer or Monitoring Officer and the consent of the Chair of the relevant Scrutiny Committee (or, if relevant, the Chairman of the Council) to the decision being taken as a matter of urgency must be noted on the record of the decision.

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

6. Virement

- 6.1 The scheme of virement is set out in the Financial Procedure Rules.

7. In-year Changes to Policy Framework

- 7.1. The responsibility for agreeing the policy framework lies with the Council, and decisions by the Executive, a committee of the executive, an individual member of the Executive or officers, discharging executive functions must be in line with it. Subject to paragraph 6, no changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes which are necessary to ensure compliance with the law, national emergencies, ministerial direction or government guidance, or where the existing policy document is silent on the matter under consideration. Where such a change is made, they shall be recorded and published as a decision.

8. Call-in of decisions outside the Budget and Policy Framework

- 8.1. Council can only consider call-in decisions or proposed decisions which relate to an executive decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget. Where Councillors are of the opinion that this is the case they shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- 8.2. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer and/or the Chief Financial Officer conclude that the decision was a departure; and to the relevant Scrutiny Committee if the Monitoring Officer and/or the Chief Financial Officer conclude that the decision was not a departure.
- 8.3. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, Councillors may, in accordance with the call-in procedure set out in the Scrutiny Procedure Rules, refer the matter to Council.

8.4. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by members of the relevant Scrutiny Committee unless the Leader of the Council, or in their absence the Deputy Leader, agrees that the Council need not necessarily meet within the specified period. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.

8.5. The Council may either:

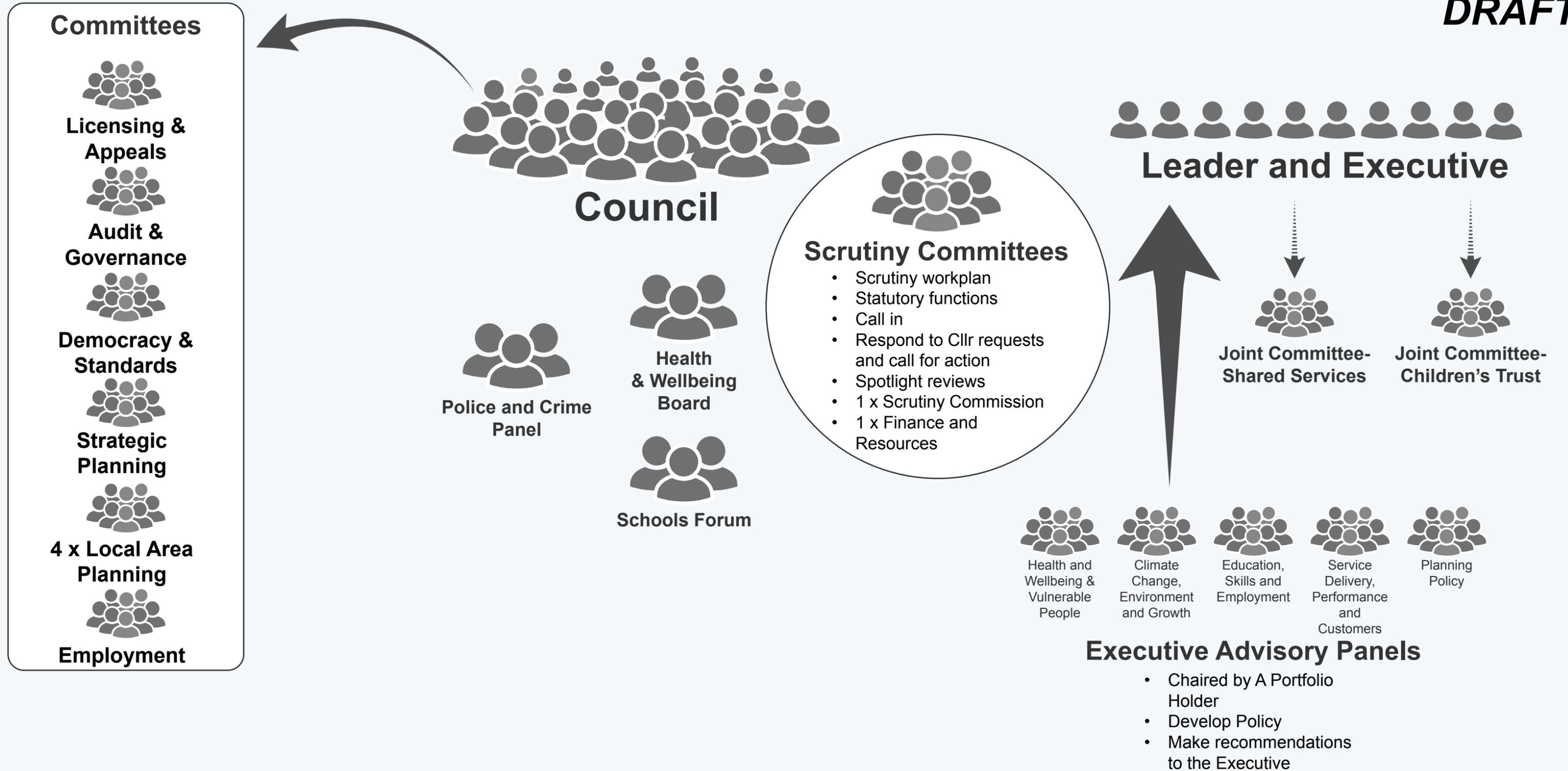
- endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the executive function decision taker and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

End of Budget and Policy Framework

February 2021

Part 4.1 - Governance Structure

DRAFT



Strategic Planning Committee

The Council has established a Strategic Planning Committee.

The purpose of the Committee is to consider strategic planning matters. More local planning matters are dealt with by the four Area Planning Committees or by officers using delegated powers.

These Rules detail the membership of the Committee and what the roles and responsibilities of the Committee are.

MEMBERSHIP

The Committee shall comprise 13 Councillors all of whom shall have undertaken relevant training. The Committee shall be politically balanced.

SUBSTITUTIONS

Named substitutes. Substitutes must have completed relevant training.

Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to.

CHAIRMANSHIP

Term of office will be one year.

The Chair and Vice Chair shall be appointed by the Council

QUORUM

The quorum shall be a quarter of voting members.

TERMS OF REFERENCE

To exercise the Council's functions relating to town and country planning and development management in relation to applications for large scale major development including:

1. Any planning matter relating to the North Northamptonshire Garden Communities SUE's and Villages developments.
2. Any planning matter relating to a residential development which totals 250 dwellings or more.

3. Any planning matter relating to a retail, commercial or industrial development with a floor space of 10,000m² or more, or a site area of 5ha or more.
4. All minerals or waste development.
5. Any planning matter involving energy production exceeding 10MW of energy generation capacity and / or with a site area of 10ha or more (but below the relevant threshold for Nationally Significant Infrastructure Projects).
6. Any planning matter involving highway infrastructure, that in the opinion of the relevant senior planning officer, is primarily concerned with improving or changing the strategic highway infrastructure network (but is below the relevant threshold for Nationally Significant Infrastructure Projects).
7. Any planning matter that crosses the boundaries applicable to any Area Planning Committee.
8. Any other planning matters which in the opinion of the relevant senior planning officer and in consultation with the Chairs of the relevant Planning Committees are considered to have strategic implications by reason of their scale, nature or location.

Area Planning Committees

The Council has established four Area Planning Committees, based on the local government boundaries of the predecessor Borough and District Councils.

The purpose of the Committees is to consider area based planning matters not otherwise reserved for consideration by the Strategic Planning Committee or else dealt with by planning officers under delegated powers.

These Rules detail the membership of the Committees and what the roles and responsibilities of the Committees are.

MEMBERSHIP

The Committees shall comprise 9 Councillors whose wards are situated within the defined areas, all of whom shall have undertaken required training. The Committees shall represent political balance within the defined areas.

SUBSTITUTIONS

Named substitutes from a pool of two Councillors from each political group within the defined areas. Substitutes must have completed relevant training.

Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to.

CHAIRMANSHIP

Term of office will be one year.

The Chair and Vice Chair shall be appointed by the Council.

QUORUM

The quorum shall be 5.

TERMS OF REFERENCE

To exercise the Council's functions relating to town and country planning and development management in relation to applications for smaller scale, non-strategic development including:

- a) Residential development of up to 249 dwellings that is not related to a strategic development

- b) Retail, commercial or industrial developments with a floor space of up to 9,999m² or more, or a site area of 4.99ha that is not related to a strategic development
- c) Any matter involving energy production up to 9.9MW of energy generation capacity and / or with a site area of up to 9.99ha that is not related to a strategic development
- d) Any matter involving highway infrastructure, that in the opinion of the relevant senior planning officer, is not primarily concerned with improving or changing the strategic highway infrastructure network.

Democracy and Standards Committee

The Council has established a Democracy and Standards Committee. The functions that are to be discharged by the Committee are not Executive functions and cannot be discharged by the Executive.

The purpose of the Committee is to make necessary decisions in relation to decision making governance; to make necessary decisions in relation to Elections and to have responsibility for Community Governance and Boundary Reviews on behalf of the Council. The Standards responsibilities of the Committee are to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of North Northamptonshire.

These Rules detail the membership of the Committee and what the roles and responsibilities of the Committee are.

1. MEMBERSHIP BREAKDOWN OF THE COMMITTEE

Representing	Number of Representatives	Term of Office	Method of Appointment	Voting Rights
North Northamptonshire Council	7	Appointed annually	Council appointment	Full voting rights
Parish Representatives	2	4 years	Approved by the Committee	Full voting rights
Town Representatives	2	4 years	Approved by the Committee	Full voting rights
Total	13			

1.1.Appointments shall be politically balanced. Members to have completed relevant training.

1.2.There shall be a standing invitation to the Councils appointed Independent Persons.

2. SUBSTITUTIONS

2.1.Named substitutes. Substitutes to have completed relevant training.

3. CHAIRMANSHIP

3.1. Term of office will be one year.

3.2. The appointment /removal of the Chair and Vice Chair shall be determined by Council.

4. QUORUM

4.1. The quorum shall be a quarter of voting members.

5. TERMS OF REFERENCE

5.1. Democratic functions of the Committee

- a) To have overall responsibility for reviewing the Council's Constitution and Decision-Making Governance and recommending any proposed changes to the Council.
- b) To have delegated responsibility for the conduct of polling station reviews and other election functions which it is necessary for the Council to decide (but not the functions delegated directly by statute to the Returning Officer or Electoral Registration Officer).
- c) To have delegated responsibility for preparing submissions on behalf of the Council to the Local Government Boundary Commission for England in relation to the governance of the area.
- d) To have delegated responsibility for preparing submissions on behalf of the Council to the Parliamentary Boundary Commission for England.

5.2. Standards functions of the Committee

- a) To promote and maintain high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils.
- b) To keep the Member Code of Conduct and where appropriate the Planning Code of Conduct under review and make recommendations to Council on any amendment or revisions to the Codes when appropriate.
- c) To advise, train or arrange training for Members and co-opted Members of the Council, Parish and Town Councils on matters relating to the Member Code of Conduct and the Planning Code of Practice.
- d) To give general guidance and advice to Members and Co-opted Members of the Council, Parish and Town Councils on Members' interests and keep under review the Register of Members' Interests

and Register of Gifts and Hospitality, as maintained by the Monitoring Officer.

- e) To grant dispensations to Members and co-opted Members from requirements relating to interests.
- f) To keep the Council's Arrangements for Dealing with Standards Complaints under review and make recommendations to Council on any amendment or revisions to the Arrangements when appropriate.
- g) In accordance with the Council's Arrangements for Dealing with Standards Complaints, to assess and / or refer for investigation allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Councils, if so requested by the Monitoring Officer.
- h) To determine allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Councils.
- i) To be a consultee in relation to the Council's Officer Code of Conduct.
- j) To make recommendations to Council with regard to the appointment of Independent Persons.
- k) To oversee the Council's Protocol on Member / Officer Relations.
- l) To receive an annual report from the Monitoring Officer detailing complaints received, complaints dealt with and resolutions achieved.
- m) To exercise all the Council's functions, as specified in Regulation 2 of the Local Authority (Functions and Responsibility) (England) Regulations 2000 insofar as such functions are not the responsibility of the Council or any other Committee of the Council.

5.3. Sub Committees

5.3.1. The Democracy and Standards Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties.

5.3.2. Sub Committees shall have a quorum of three.

5.3.3. In relation to Sub Committees established for the purpose of discharging functions relating to standards complaints, when there is a Parish Council or Town Council complaint one member must be a Town or Parish representative.

5.3.4. For unitary complaints, all members of the Sub Committees shall be Unitary Councillors.

5.4. Assessment Sub Committee

5.4.1. To determine, in accordance with the Council's Arrangements for Dealing with Standards Complaints, whether standards complaints should be referred for investigation.

5.5. Hearing Sub Committee

5.5.1. To determine, in accordance with the Council's Arrangements for Dealing with Standards Complaints, complaints referred to the sub-committee following completion of an investigation into allegations of misconduct on the part of Members and co-opted Members of the Council, Parish and Town Council

Audit and Governance Committee

The Council has established an Audit and Governance Committee. One of the reasons it has been established is to act as an advisory committee to the Council and the Executive on audit and governance issues. The functions that are to be discharged by the Committee are not Executive functions and cannot be discharged by the Executive.

The purpose of the Committee is to provide independent assurance as to the Council's governance, risk management framework and associated control environment. This is important to ensure that the Council understands where things may go wrong and has controls in place to make sure that it mitigates against them. It should also provide independent scrutiny of the Council's financial and non-financial performance and oversee the Council's financial reporting process. To help maintain its independence, the Committee has the right to meet privately with the External Auditor and the Head of Internal Audit as considered necessary.

These Rules detail the membership of the Committee and what the roles and responsibilities of the Committee are.

1. MEMBERSHIP BREAKDOWN OF THE COMMITTEE

Representing	Number of Representatives	Term of Office	Method of Appointment	Voting Rights
North Northamptonshire Council	10	Annually	Determined by Council	Full voting rights
Independent Persons	3	4 years	Determined by Council	Full voting rights
Total	13			

1.1. Relevant training shall be undertaken by members.

2. SUBSTITUTIONS

2.1. Named substitutes. Substitutes must have completed relevant training.

3. CHAIRMANSHIP

3.1. Term of office will be one year.

3.2. The Chair and Vice Chair shall be appointed by the Council. The Chair may be an Independent Person.

4. QUORUM

4.1. The quorum shall be a quarter of voting members.

5. TERMS OF REFERENCE

5.1. Audit Activity

- a) To approve the Council's Internal Audit Charter setting out the Internal Audit Strategy and Terms of Reference.
- b) To approve, but not direct, Internal Audit's annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there is no inappropriate scope or resource limitations.
- c) To consider the Annual Report and opinion of the Head of Audit and a summary of internal audit activity and the level of assurance it can give over the Council's corporate governance arrangements
- d) To consider summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary.
- e) To consider reports dealing with the management and performance of the Internal Audit function.
- f) To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales.
- g) To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports of those charged with governance.
- h) To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales.
- i) To comment on the scope and depth of the external audit work and to ensure it gives value for money.
- j) To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.
- k) To consider the reports of inspection agencies relevant to the Council.
- l) To suggest work for Internal and External Audit.
- m) To undertake an annual review of the effectiveness of the system of Internal Audit.

5.2. Regulatory Framework

- a) To review any issue referred to it by the Chief Executive or Corporate Director or any Committee of the Council.
- b) To monitor the effective development and operation of risk management and corporate governance throughout the Council.
- c) To monitor council policies on “raising concerns at work” and anti-fraud and anti-corruption policies including the Council’s complaints process.
- d) To oversee the production of the Council’s Statement of Internal Control/Governance Statement and recommend its adoption.
- e) To consider the arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice.
- f) To consider the Council’s compliance with its own and published standards and controls.

5.3. Accounts

- a) To review the annual statement of accounts.
- b) Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- c) To consider the External Auditor’s report to those charged with the governance, issues arising from the audit of the accounts.

5.4. Risk Management

- a) To consider the effectiveness of the Council’s risk management arrangements.
- b) To review regular reports from the Corporate Risk Management to gain assurance that the Council is monitoring and managing its risks effectively.
- c) To be satisfied that the Council’s assurance statements, including the Annual Governance Statement properly reflect the risk environment and any actions required to improve it.
- d) To review and approve the Council’s Strategic Risk Register annually.
- e) To report to the Executive any matter where the Committee feels that there is significant new risk that is not mitigated.

5.5. Performance

- a) The Audit and Governance Committee will carry out an annual self-assessment, including a review of these terms of reference, to evaluate its own performance and determine any action required to improve its effectiveness. The outcomes will be reported to Full Council.

End of Audit and Governance Committee

February 2021

Health and Wellbeing Board

The Health and Wellbeing Board is a statutory committee that enables key leaders from across North Northamptonshire and the county to secure better health and wellbeing outcomes for the local population, better quality of care for all patients and care users, better value for the taxpayer and reduce health inequalities by shaping the future of services through a more integrated approach to commissioning health and wellbeing related services.

The purpose of the Board is to provide a strategic lead for the local health and care system, and improve the commissioning of services across the NHS, local government and its partners. It shall initiate and encourage the integrated delivery of health, social care and other services with health and wellbeing related responsibilities (such as housing, leisure, planning community activity) and hold the Integrated Care System to account through monitoring and assurance.

This section sets out the role and terms of reference of the Board.

1. MEMBERSHIP

Representing	Number of Representatives	Method of Appointment	Voting Rights
North Northamptonshire Council	Two elected members	Appointed by the Leader	Full voting rights
North Northamptonshire Council	Director of Adult Social Services	Not applicable	Full voting rights
North Northamptonshire Council	Director of Children's Services	Not applicable	Full voting rights
North Northamptonshire Council	Director of Public Health	Not applicable	Full voting rights
Local Healthwatch Organisation	One representative	Notified by the Local Healthwatch organisation	Full voting rights
Clinical Commissioning Group	A representative of each relevant CCG (one representative may represent more than one CCG with the permission of the Board)	Notified by the relevant Clinical Commissioning Group/s	Full voting rights

1.1. The Board may appoint additional persons to become members of the Board upon a vote.

1.2. Individuals may be listed under membership of the Board as Special Advisors by invitation for specific issues and expertise.

2. SUBSTITUTIONS

2.1. Members of the Board shall each name a deputy who will have the authority to make decisions in the event that they are unable to attend a meeting.

3. CODE OF CONDUCT

3.1. All members of the Board shall adhere to the Councillor Code of Conduct when acting in the capacity of a Board member.

4. CHAIRMANSHIP

4.1. The Chair of the Board will be nominated by the Leader of the Council. The Chair can be an independent co-opted member.

4.2. The Vice Chair shall be appointed by the Board.

4.3. The Chair and Vice Chair's term of office shall last for a maximum of two years following which the Chair shall be appointed by Council.

4.4. In the absence of the Chair then the Vice-Chair shall preside. If both are absent the Board shall appoint, from amongst its members, an Acting Chair for the meeting in question.

5. QUORUM

5.1. The quorum shall be a quarter of voting members including at least one Elected Member representative from the local authority, one council officer and one representative from the Clinical Commissioning Group.

6. VOTING

6.1. Voting shall be by a show of hands and only full Board Members (or their Deputies in their absence) shall have voting rights.

7. MEETING FREQUENCY

7.1. The Board shall meet on a quarterly basis. The date, time and place of meetings shall be fixed by the Board.

7.2. The Chair may convene an extraordinary meeting at short notice to consider matters of urgency, under Schedule 12A of the Local Government Act 1972. The notice must state the business to be transacted and no other business is to be transacted at the meeting.

7.3. The Chair will be required to consider convening a special meeting of the Board if he/she is in receipt of a written requisition to do so signed by no less than three of the Constituent Members of the Board. Such a requisition shall specify the business to be transacted and no other business shall be transacted at such meeting. The meeting, if convened by the Chair, must be held within seven days of the Chair's receipt of the requisition.

7.4. The Chair of the Board, or majority of those present at a Board meeting can take the decision that meetings of the Board may be adjourned at any time to be reconvened at any other day, time and place, as the Board decides.

8. WORKING GROUPS

8.1. The Board can establish Working Groups based on the Board's priority areas which will be reviewed on an annual basis. The Working Groups will be informal officer groups, ensuring that the views of patients and service users are included. The Working Groups provide an overview of work undertaken and any issues arising for discussion at alternate Health and Wellbeing Board meetings to be considered by members

9. GIVING ACCOUNT

9.1. The Board may seek any information and/or written/verbal evidence from senior staff of any organisation which is a member of the Board and members are directed to co-operate with any reasonable request made by the Board.

9.2. The Board may obtain independent professional advice and secure the attendance of outsiders with relevant experience and expertise if it considers this necessary. The costs, if any, of obtaining such third party advice shall be shared among the constituent organisations as agreed between them.

9.3. The Board shall seek to ensure there is an acceptable balance between the value of the information it receives and the time and other costs it takes to acquire and process it.

10. TERMS OF REFERENCE:

- a) The preparation of Joint Strategic Needs Assessments (JSNAs) which assesses the current and future health and social care needs of the local population.
- b) The preparation of a Joint Health and Wellbeing Strategy (JHWS).
- c) To encourage the integration of health and social care services, in particular providing appropriate advice, assistance or support for the purposes of integration of services under section 75 of the National Health Service Act 2006.
- d) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- e) Overseeing the publication of the Director of Public Health's Annual Report.
- f) To endorse and oversee the successful implementation of the Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG) arrangements locally.
- g) To review the Clinical Commissioning Group and local authority commissioning plans to ensure they take due regard of the JHWS and the JSNA, writing formally to the local authority leadership or NHS England as appropriate, if in its opinion the plans do not.
- h) To advise the Care Quality Commission, NHS England, Trust Development Authority or NHS Improvement (as appropriate), where the Board has concerns about standards of service delivery or financial probity.
- i) Publication of a Pharmaceutical Needs Assessment.
- j) To undertake any additional responsibilities as delegated by the local authority.

End of Health and Wellbeing Board

February 2021

Employment Committee

Under the Local Government Act 1972 the Council has established an Employment Committee. Employment matters are not Executive functions and cannot be discharged by the Executive.

These Rules details what powers the Employment Committee has. In general, the Committee details with employment matters relating to specified senior Officers.

1. Membership Breakdown of the Committee

1.1. The Committee shall comprise 13 Councillors who shall be politically balanced. Relevant training shall be undertaken by members.

2. Substitutions

2.1. Named substitutes only. Substitutes must have completed relevant training.

3. Chairmanship

3.1. The Chairman and Vice Chairman shall be appointed at Annual Council.

4. Quorum

4.1. The quorum shall be a quarter of voting members.

5. Terms of Reference

5.1. To recommend to the Council the appointment of the Chief Executive, Monitoring Officer and Section 151 Officer and where appropriate the dismissal of these Officers in accordance with the Officer Employment Procedure Rules.

5.2. To make appointments or dismissals to;

- Executive Director of Finance
- Director of Legal and Democratic
- Executive Director of Children's Services
- Director of Transformation
- Executive Director of Adults of Communities and Wellbeing
- Executive Director of Place and Economy
- Director of Public Health

- 5.3. To undertake associated activities including the interview and dismissal processes generally for the roles outlined.
- 5.4. Act as the hearing body for cases involving the Chief Executive, Monitoring Officer and Chief Finance Officer, where dismissal is not the likely outcome. This shall be undertaken in accordance with the Employment Procedure Rules.
- 5.5. Determine appeals from Chief Officers against disciplinary action, capability, grievance and harassment claims.
- 5.6. To determine pay awards to employees on locally agreed Pay Conditions (after taking into account any representations made by recognised Trade Unions and staff).
- 5.7. To approve significant staffing and organisational reviews.

6. Sub Committees

- 6.1. The Committee may establish at the appropriate time panels of members as a sub committee to act as appointment panels for the appointment of officers set out in paragraph 2
- 6.2. The Committee may establish at the appropriate time a Sub Committee to act as an investigating and disciplinary committee
- 6.3. The Committee may establish at the appropriate time a Sub Committee to act as an appeals committee in relation to disciplinary proceedings against the Chief Executive, the Monitoring Officer and the Section 151 Officer.
- 6.4. Members who are not members of the Committee may be co-opted onto Sub Committees with the approval of the Chair of the Committee.
- 6.5. The Chief Executive, Monitoring Officer and/or Human Resources shall act as advisors to the Panel where appropriate as determined by the Chair of the Committee.

End of Employment Committee

February 2021

Licensing and Appeals Committee

The Council has established a Licensing and Appeals Committee. The Licensing Act 2003 requires the Council to establish a Licensing Committee.

These Rules detail what powers the Licensing and Appeals Committee has and how meetings are conducted. In general, the Licensing and Appeals Committee deals with functions relating to licensing registration, enforcement and duties and powers contained within relevant legislation shown below.

The Council has also delegated certain functions to Officers and these can be found in the Officer Delegation Scheme.

1. Membership

1.1. The Committee shall comprise 13 Councillors. Relevant training shall be undertaken by members.

2. Substitutions

2.1. Named substitutes. Substitutes must have completed relevant training.

3. Chairmanship

3.1. Term of office will be one year.

3.2. The Chair and Vice Chair shall be appointed by Council.

4. Quorum

4.1. The quorum shall be a quarter of voting members.

5. Terms of Reference

5.1. To undertake the following licensing functions:

5.1.1. To exercise all powers of the Council not expressly reserved to Council relating to the exercise of those functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982 and any secondary legislation and the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006 and any other associated matters and any other similar licensing and registration functions. However, this does not include the exercise of any powers for the purpose of:

- a) any matter relating to the registration of common land including the variation of rights of common;
- b) any matter relating to the registration of any town or village green;
- c) any matter relating to the registration of an asset of community value; and/or
- d) a determination as to whether or not to adopt a policy forming part of the Policy Framework.

5.1.2. To approve licensing policy (except for matters specifically reserved by statute to Council or Executive)

5.1.3. Determine any matter relating to the functions of private hire and hackney carriage licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation.

5.2. To undertake the following Appeals functions;

5.2.1. To determine any appeal and/or review against a decision made by or on behalf of the Council or for which the Council is required by law to provide arrangements for an appeal/review body that includes Members.

6. Sub Committees

6.1. The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005.

6.2. Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.

6.3. Each sub-committee will comprise three Members drawn from the Licensing Committee on an ad-hoc basis:

6.3.1. to hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 (“the 2003 Act”) and associated regulations;

6.3.2. to determine applications for a provisional statement or the grant, variation, or transfer of a premises licence under the Gambling Act 2005 (“the 2005 Act”) where a representation has been received or where the Head of Service proposes that the power under Section 169(1)(b) be exercised to exclude certain licence conditions;

6.3.3. to determine all matters in relation to the review of a premise licence under the 2005 Act;

- 6.3.4. to determine applications for club gaming and club machine permits under the 2005 Act where objections have been received and matters relating to the cancellation of club gaming and club machine permits or licensed premises gaming machine permits
- 6.3.5. to determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.
- 6.4. Sitting as a Panel comprising 3 Members (drawn from the full Committee on a politically proportionate basis):
 - 6.4.1. to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation;
 - 6.4.2. in cases where the Director for Growth and Economy has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
 - 6.4.3. to determine all matters relating to street trading consents where representation or objections have been received;
 - 6.4.4. to determine appeals against officer decisions to reject applications for licences.

End of Licensing and Appeals Committee

February 2021

Executive Procedure Rules

The Functions of a local authority are divided into two broad categories Executive and non-Executive. The Council and its committees decide non-Executive matters these are described above in parts 3 and 4. All other decisions are made by the Executive.

The role of the Executive, comprising the Leader and between 2 and 9 Councillors (one of which must be appointed as Deputy Leader) appointed by the Leader is to provide strategic leadership to the Authority and to discharge executive functions. The Council will elect a Leader from among the members of the Council.

Executive functions can be discharged by the Executive as a whole, the Leader (or an individual Executive member if the Leader has given authority to them to do so) or an Officer in line with the Scheme of Delegation.

1. TERMS OF REFERENCE

- Providing strategic leadership to the Council.
- All functions except those reserved to Council by law, designated to Committees within the Constitution, those excluded under Schedule One of the Local Government (Functions and Responsibilities) (England) Regulations 2000 and those that are designated to officers by legislation.

2. MEMBERSHIP

- The Executive shall consist of the Leader of the Council, and up to 9 other Councillors (one of whom shall be appointed the Deputy Leader) all of whom shall have undertaken mandatory training contained within the Members' Development Programme. It shall not be politically balanced.
- The Leader of the Council is elected by Council, but the Leader is responsible for appointing the other Members of the Executive, and for notifying the Council of such appointments. The Leader shall notify the Annual Council of his appointments to Executive.
- No substitution arrangements will apply to the Executive, and neither the Chair nor Deputy Chair may be appointed to the Executive.

3. PORTFOLIOS

- The function of determining the Executive Portfolios sits with the Leader of the Council and can be varied at the discretion of the Leader. Current portfolios can be found here (link).
- Either at the Annual Meeting of the Council or as soon as practically thereafter, the Leader will present to the Monitoring Officer a written record of the detailed remits of the Portfolios of the Executive Members

4. DELEGATIONS

4.1 Either at the Annual Meeting of the Council or as soon as practically thereafter, the Leader will present to the Monitoring Officer a written record of any delegations made by the Leader in respect of the discharge of the Council's executive functions to;

- Individual Executive Members (including details of any limitation on their authority)
- Executive Committees (and who is appointed to them)
- Joint Committees (and who is appointed to them)
- Officers

4.2 Should the Leader wish to change any delegation mid-year then he/she may do so by providing written notice to the Monitoring Officer. The delegation of the executive function will take effect on receipt of the Leader's written notice. The Leader shall confirm, through their announcements any changes at the next ordinary meeting of the Council.

4.3 The Monitoring Officer will ensure that the record is published on the Council's website

4.4 The document presented by the Leader shall contain the following information about executive functions in relation to the coming year:

- the names and wards of the Councillors appointed to the Executive by the Leader;
- the nature of the responsibilities attached to the Portfolios allocated to those appointed to the Executive;
- the extent of any authority delegated to Executive Members individually, including details of the limitation(s) on their authority;

- the terms of reference and Constitution of such Executive Committees as the Leader appoints, and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees (there are no Area Committees established), any other authority or any joint arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made. This may simply be the endorsement of the Scheme of Delegation approved by Council.

4.5 The Council's Scheme of Delegation shall be subject to adoption by the Council and may only be amended by the Council, save for delegations relating to executive functions which may be varied by the Leader or in accordance with the authority delegated to the Monitoring Officer.

4.6 Where the Leader seeks to withdraw delegation from a committee, notice shall be deemed to be served on that committee when served on its Chair.

5. MEETINGS OF THE EXECUTIVE

5.1 The Executive will meet as indicated in the Council's calendar of meetings. The Executive or the Leader may agree to change the date or time of any programmed meeting subject to compliance with the requirements of Part 4A (Access to Information Procedure Rules) of this Constitution, to cancel a meeting where there is insufficient business to be transacted and/or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.

6. QUORUM

6.1 No business shall be transacted where at any time during the meeting of the Executive, or a Committee established by the Executive where there are fewer than one third of the total membership present.

7. CHAIRMANSHIP

7.1 The Leader will chair meetings of the Executive or in his/her absence, the Deputy Leader will chair. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Executive to chair that meeting.

8. ATTENDANCE AT EXECUTIVE MEETINGS

- 8.1 All meetings of the Executive shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.
- 8.2 All Members of the Executive shall be entitled to attend meetings of the Executive.
- 8.3 Attendance by other Members of the Council or the public shall be in accordance with the Meeting Procedure Rules.
- 8.4 There shall be a standing invitation to the Chair of Overview and Scrutiny Committee to attend public meetings of the Executive, including parts of the meetings where exempt items are being discussed. Such invitees shall be entitled to receive the agenda for the meeting (including exempt matters).
- 8.5 All members are entitled to exempt matters and to attend exempt meetings if access is necessary to perform their duties as a councillor.
- 8.6 The Executive may invite any person it considers 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.

9. TAKING OF DECISIONS BY THE EXECUTIVE

- 9.1 Key Decisions 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.

10. MEMBERS SPEAKING AT EXECUTIVE MEETINGS

- 10.1 The Chair of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Executive and to speak to any matter on the agenda for that meeting.
- 10.2 Members may speak at Executive meetings in accordance with the Meeting Procedure Rules.

11. BUSINESS AT EXECUTIVE MEETINGS

- 11.1 The business to be transacted at meetings of the Executive 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.

- Consideration of the minutes of the last meeting
- Declarations of interest (if any)
- Matters referred to the Executive (whether by the Overview and Scrutiny Committee or Council) for consideration by the Executive in accordance with the provisions contained in the Constitution)
- Consideration of reports from the Overview and Scrutiny Committee; and
- Matters set out in the agenda for the meeting, and which shall indicate which are key decision and which are not in accordance with the Access to Information Procedure Rules

12. CONSULTATION

12.1 All reports to the Executive from any member of the Executive or an officer must contain details of the nature and extent of consultation with stakeholders (if any) and relevant Executive Advisory Panel and/or Scrutiny Committee and the outcome of the consultation

13. RIGHTS TO PLACE ITEMS ON THE EXECUTIVE AGENDA

13.1 The Leader will decide upon the schedule for meetings of the Executive for matters in relation to executive functions.

13.2 Any member of the Executive may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Executive.

13.3 The Monitoring Officer will ensure that any matters referred to the Executive by the Council or the Council's Overview and Scrutiny Committee are placed on the agenda for the next appropriate meeting of the Executive.

13.4 Any Councillor may request the Leader to place an item on the agenda of a meeting of the Executive. The Leader shall have sole discretion as to whether or not to accede to such a request but shall consult the Monitoring Officer prior to making a decision. If such a request is granted, the Leader shall have sole discretion as to whether the Councillor in question can speak to the item at the meeting in question.

13.5 The Head of Paid Service, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of an Executive meeting. In pursuance of their statutory duties they can require that a special meeting of the Executive be convened.

13.6 Business cannot be conducted at formal meetings of the Executive unless it is included on the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.

13.7 The Executive will report to the Council 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.

13.8 Questions can be submitted by members of the public at meetings of the Executive in accordance with the Meeting Procedure Rules.

14. VOTING AT EXECUTIVE MEETINGS

14.1 Voting at Executive meetings will be by a show of hands and 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 chairing will have a second and casting vote.

14.2 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with the relevant part of the Council Meeting Procedure Rule

15. EXECUTIVE – COMMITTEES AND SUB-COMMITTEES

15.1 The Executive or the Leader may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

15.2 In making such appointments, the Executive or the Leader must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body including the extent of its decision-making powers.

16. RESOLVING DISPUTES

16.1 In the case of any dispute during the proceedings of the Executive the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person chairing the meeting will rule on the issue in question and his/her ruling will be final.

17. APPROVAL OF URGENT BUSINESS

17.1 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 he/she is not available). The decision taken shall be reported to the next public meeting of the Executive.

18. CONFLICTS OF INTEREST

- 18.1 Where the Leader or any Executive Member has a conflict of interest, he/she will follow the requirements of the Council Members' Code of Conduct in relation to such interests, including any restrictions on participating in the debate or voting upon the issue in question.
- 18.2 If all (or a majority) of the Members of the Executive present have a conflict of interest, then consideration will be given to applying to the Democracy and Standards Committee (or Monitoring Officer if urgent) for a dispensation from the provisions of the Code.
- 18.3 If the discharge of an Executive function has been delegated to another body or individual and a conflict of interest arises for that body or individual, then it will fall to the body or individual who delegated the matter to take the decision.

Executive Advisory Panels

Executive Advisory Panels are a key component of the Hybrid model of governance and the council's approach to inclusive decision making. The Panels are established by the Executive and provide advice to them. They enable a cross party approach to policy formulation pre-decision. They are consultative forums with no decision-making powers.

1. PANELS

1.1 There are five Executive Advisory Panels. The Leader of the Council shall have absolute discretion to create or change them.

1.2 The Panels are;

- Health and Wellbeing & Vulnerable People
- Climate Change, Environment and Growth
- Education, Skills and Employment
- Service Delivery, Performance and Customers
- Planning Policy

1.3 Where policy is cross-cutting, the relevant Executive Members shall decide which Panel they may use.

2. MEMBERSHIP

2.1 The Panels shall consist of relevant Executive members and 6 other Councillors as the Leader may determine.

2.2 Although the Panels are non-decision making, they shall be politically balanced to ensure that they reap the potential benefits associated with involving a range of representation.

2.3 Substitution arrangements shall apply with the consent of the Chair of the Panel.

3. CHAIRING THE MEETING

3.1 A relevant Executive member shall chair the Panel. In their absence they shall ask another member of the Executive to chair on their behalf.

4. ATTENDANCE AT MEETINGS

4.1 All meetings of the Executive Advisory Panels shall be open to the public

except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.

- 4.2 All Members of the Executive shall be entitled to attend Panel meetings.
- 4.3 Attendance by other Members of the Council or the public shall be in accordance with the Access to Information Procedure Rules or by invitation.
- 4.4 The Panels may invite any person it considers 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.

Access to Information Procedure Rules

This document is the Council's Access to Information Procedure Rules. The Council is committed to transparency and wishes to promote a positive attitude in responding to requests for information, both from Councillors and members of the public. The following rules set out the principles of how information can be obtained in respect of meetings of the Council, its Committees and Sub-Committees, Joint Committees and to public meetings of the Executive.

1. INTRODUCTION

1.1 The Council is committed to the principles of transparency laid down in

(a) sections 100A-H and schedule 12A of the Local Government Act 1972 that apply to Council Meetings and Committees of the Council;

(b) the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that apply to the Executive;

and Access to Information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004).

1.2 The Council is committed to:

(a) Promoting a positive attitude to dealing with requests for information.

(b) Maintaining information in an orderly and efficient fashion and disposing of information that is no longer required in a timely manner

(c) Increasing awareness and understanding of the implications of the Act, both amongst its employees and amongst members of the public.

1.3 These Procedure Rules make provision for access to information to relevant matters set out in this Constitution. They do not affect any additional rights to information contained elsewhere in this Constitution or the law.

1.4 In accordance with the law, it maintains a Publication Scheme approved by the Information Commissioner which is available on the Council's website.

2. GENERAL

- 2.1 These rules apply to all meetings of the Council, its Committees and Sub-Committees, Joint Committees and to public meetings of the Executive. They do not automatically apply to deliberative non decision-making bodies such as Task and Finish Groups or member briefings or matters which may be the subject of a future committee report.
- 2.2 In these Rules the word “meeting” means a meeting or meetings of any of these bodies unless specified otherwise.
- 2.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.
- 2.4 Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 2.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Council, Committees, Executive and Joint Committees, except in circumstances where the press and 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 Council on its website or made available at the meeting.

3. NOTICE OF MEETINGS

- 3.1 The Council will give at least five clear working days’ notice of any decision-making meeting by publicising, including by electronic means, relevant details, unless Paragraph 13 (Special Urgency) has been applied.
- 3.2 A copy of the Official Notice will also be published on the Council’s website.

4. REMOTE MEETING PROCEDURE RULES

- 4.1 The Remote Procedure Rules contains the means and guidance for the conduct of any remote public meeting of the Council, and its various Committees and Sub-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 remote meeting procedure rules are contained in Part 3.2 -Meeting Procedure Rules, elsewhere in this Constitution.

5. AGENDA AND SUPPORTING PAPERS - RIGHTS OF ACCESS

- 5.1 Copies of the agenda and supporting papers will be made available on the Council's website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an agenda later, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.
- 5.2 The Council 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 Councillors relating to that item.
- 5.3 The Council may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 3.2 above.

6. ACCESS TO DECISION RECORDS, MINUTES, AGENDA AND SUPPORTING PAPERS AFTER A MEETING

- 6.1 The Council will make electronically available, for a period of six years from the date of the meeting:
- (a) the minutes of the meeting where, under 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;
 - (b) the records of decisions taken, together with reasons by the Executive 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;
 - (c) where information relating to a decision is considered in private (see Rules 9 and 10 below), a reasonably fair and coherent public summary of the proceedings 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.

7. BACKGROUND DOCUMENTS

- 7.1 The officer, in whose name an item is to be submitted for decision, will set out in their report a list of the background documents which in his/her opinion:
- (a) which have been relied on to a material extent in preparing the report;
 - (b) discloses any facts or matters on which the report or an important part of

it has been based; and

(c) has been relied upon to a material extent in preparing the agenda item.

7.2 The requirements in Rule 5.1 above do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.

7.3 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.

8. DEFINITION OF CONFIDENTIAL AND EXEMPT INFORMATION

8.1 For the purposes of these Rules the definitions of confidential and exempt information are set out below.

8.2 Confidential Information means information supplied or given to the Council by a government department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public due to a prohibition in any enactment or by Order of the Courts.

8.3 Exempt Information is information falling within any of the categories set out in Appendix 1 to these rules subject to the conditions noted in that Appendix.

9. EXCLUSION OF THE PRESS AND PUBLIC FROM MEETINGS, CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE

9.1 The press and 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.

9.2 Exempt information – discretion to exclude

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

10. NO PUBLIC RIGHT OF ACCESS TO AGENDA PAPERS

10.1 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 likely 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 Council, including the Executive Committee.

11. THE EXECUTIVE: APPLICATION OF THESE RULES

- 11.1 Rules 10 to 20 will apply to the Executive and any Committees which it may establish from time to time.
- 11.2 Where the Executive or any of its Committees meet to discuss a Key Decision, with an officer or officers present, then it must, within 28 days of the date set out in the Forward Plan to 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 Councillors.

12. PROCEDURE BEFORE TAKING A KEY DECISION

- 12.1 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(s) of the Council;
 - (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 Executive, including a Committee or Sub-Committee of the Executive, public notice of the meeting has been given under Rule 2 above.

13. THE FORWARD PLAN

- 13.1 The Forward Plan will be prepared on a monthly basis to cover a three-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.
- 13.2 The Forward Plan will contain such matters as are considered to be Key Decisions to be taken by the Leader, the Executive, a Portfolio Holder, a Committee or Sub-Committee of the Executive Committee or an Office Holder in the course of the discharge of an Executive Committee function during the period covered by the Forward Plan. The Forward Plan will also include a summary of any reports which will be presented to the Executive Committee.
- 13.3 The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or officers as they consider appropriate.

These will be those decisions that are considered to be significant or sufficiently important and/or sensitive so that it is reasonable for a member of the public to expect it to be recorded and published.

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

- (a) that a key decision or significant decision is to be made;
- (b) the matter relating to the decision to be made;
- (c) 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;
- (d) the date on which, or the period within which, the decision will be taken;
- (e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (f) the means by which any such consultation is proposed to be undertaken;
- (g) the steps any person might take to make representations to the Executive or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
- (h) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (i) 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;
- (j) that other documents relevant to the matter may be submitted to the decision taker; and
- (k) the procedure for requesting details of those documents (if any) as they become available.

13.5 Where in relation to any matter where the public may be excluded from a public meeting under Rule 9, 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.

14. GENERAL EXCEPTION FOR KEY AND SIGNIFICANT DECISIONS

14.1 If a matter which is likely to be a Key Decision or a Significant 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 comply with Rule 11;
- (b) the Monitoring Officer has informed the Chair of the relevant Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Monitoring Officer has made copies of that notice available to the public at the main office of the Council and published it on the Council's website; and
- (d) at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.

14.2 As soon as practicable after complying with Rule 12.1, the Monitoring Officer shall make available at the main office of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 11 is not possible.

14.3 Where such a decision is taken by the Executive, 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.

15. SPECIAL URGENCY FOR KEY DECISIONS

15.1 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 Chair of the body taking the decision, obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Overview and Scrutiny Committee or if he/she is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair will suffice.

16. REPORT TO COUNCIL

16.1 If the relevant 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 relevant Scrutiny Committee

Chair, or the Chair/Vice-Chair of the Council under Rule 13 above;

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

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

17. RECORD OF DECISIONS OF THE EXECUTIVE

17.1 After any meeting of the Executive or any of its 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, shall produce as soon as practicable a written statement 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;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

17.2 Where an executive decision is taken by an individual member that member shall, as soon as reasonably practicable, produce or instruct the Monitoring Officer or their nominee to produce, a written statement of that decision including the matters stated in Rule 15.1 (a) to (c) and:

- (a) a record of any conflict of interest declared by any executive member who was consulted by the member who made the decision, and which relates to that decision; and
- (b) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

18. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

18.1 Meetings of the Executive at which any decisions are to be taken shall be held in public, subject to the requirements of Paragraphs 7 and 8 above.

19. MEETING OF THE EXECUTIVE COMMITTEE IN PRIVATE

19.1 Where a meeting of the Executive, or any of its Committees or Sub-Committees, is to be held in private under these Rules, at least 28 clear days before the meeting, the Monitoring Officer shall make available at the main office of the Council a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.

19.2 At least five clear days before the meeting, the Monitoring Officer must make available at the main office of the Council a further notice of its intention to hold a meeting in private containing:

- a) the reasons as to why the meeting is to be held in private;
- b) details of any representations received by the Executive about why the meeting should be open to the public; and
- c) a statement of the Executive Committee's response to any such representations.

19.3 All members of the Executive Committee shall be entitled to be given five clear working days' notice of the meeting, unless the meeting is convened at shorter notice on urgency grounds.

19.4 Copies of the notices required by Rules 17.1 and 17.3 shall be sent to the Chair of the relevant Overview and Scrutiny Committee.

19.5 Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 impracticable, the meeting may only be held in private where the Executive has obtained agreement from:

- a) the Chair of the relevant Overview and Scrutiny Committee; or
- b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny committee is unable to act, the Chair of the Council; or
- c) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the Council able to act, the Vice-Chair of the Council;
- d) that the meeting is urgent and cannot reasonably be deferred.

19.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 17.5 it must make available at the Council's main office and publish on the Council's website a notice setting out why the meeting is urgent and cannot reasonably be deferred.

20. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE COMMITTEE

20.1 Any member of the Executive may attend a private meeting of any of its Sub-Committees whether they are members of that body unless the body determines otherwise.

20.2 Any Executive member who is not a member of such a Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

21. OFFICER ATTENDANCE AT EXECUTIVE MEETINGS

21.1 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Executive Committee and its sub committees. The Executive cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place.

21.2 A private meeting of the Executive Committee or one of its Sub-Committees, 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.

22. RECORD OF EXECUTIVE AND NON-EXECUTIVE DECISIONS TAKEN BY OFFICERS

23.1 As soon as reasonably practicable after an officer has made a decision which is required to be recorded they shall record

(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.

23.2 Any record prepared in accordance with the above and any report considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.

23.3 How decisions shall be recorded shall dependent upon the classification of decision.

23.4 All formal decisions taken by the Executive including any and all taken by Officers and Committees or Sub-Committees operating under delegated and/or statutory authority, or a Council decision taken by an Officer under delegated authority will come under one of the following classification options, with the relevant rules applying to each:

- a) Key Decision (Executive)
- b) Significant decision (Executive).
- c) Officer delegated Executive decision.
- d) Officer delegated Non-Executive decision.
- e) Administrative and operational decision (Executive).
- f) Administrative and operational decision (Non-Executive).

23.5 The Monitoring Officer is responsible for advising, where necessary, under which classification a given decision comes.

23.6 Key Decision (Executive)

23.6.1 A Key Decision may only be taken by the Leader, Executive or an Executive Member (if given authority to do so).

23.6.2 Key Decisions must be included on the Forward Plan and must be recorded and published.

23.7 Significant Decision (Executive)

23.7.1 A significant decision is an Executive Decision that does not qualify as a Key Decision, but which is considered to be significant enough to be made by the Leader, Executive or Executive Member (if given authority to do so).

23.7.2 Significant Decisions must be included on the Forward Plan and must be recorded and published.

23.8 Officer Delegated Executive Decision

23.8.1 Officer delegated Executive decisions only need be included on the Forward Plan, recorded and published where the following all apply:

- a) it relates to the discharge of a function that is the responsibility of the Executive, and
- b) it is sufficiently important and/or sensitive so that it is reasonable for a member of the public to expect it to be recorded and published.

23.9 Officer Delegated Non-Executive Decision

23.9.1 An Officer delegated Non-Executive decision is one taken by an Officer if it would otherwise have been taken by full Council, or a Committee or Sub-Committee but has been delegated to an Officer either under a specific authorisation or a general delegation.

23.9.2 Officer delegated Non-Executive decisions do not need to be entered onto the Forward plan or be published. Records shall be made where the effect is one of the following;

- a) Granting a permission or licence.
- b) Affecting the rights of an individual.
- c) Involves significant financial implications for the Council

23.10 Administrative and Operational Decision (Executive)

23.10.1 Administrative and operational decisions (Executive) do not usually need to follow the Record of Decision rules but consideration should be given in all cases to the level of public interest that might exist.

23.10.2 The following are examples of decisions which are purely administrative or operational in nature:

- a) the ordering of stationery or office supplies
- b) decisions to allocate social care services to particular individuals where services are selected from an existing contract or framework agreement (as the decision to let that contract will have already been taken formally),
- c) decisions to “call off” from a framework contract, already awarded
- d) decisions to carry out routine maintenance on a maintained highway or Council-owned land or property which is provided for in the Council’s agreed revenue or capital budget
- e) decisions relating to the grant of a license of land where no proprietary interest in land is granted such as hall hires or short-term occupational licenses, sub-station licenses and similar

- f) decisions concerning the day-to-day management of property such as surrenders, break clauses, rent reviews, notices, etc
- g) a decision to issue legal proceedings or decide a court settlement.

23.11 Administrative and operations decisions (Non- Executive)

23.11.1 Administrative and operations decisions (non Executive) do not need to be included on the Forward Plan and do not usually need to follow the Record of Decision rules but consideration should be given in all cases to the level of public interest that might exist.

23.11.2 The following are examples of decisions which are purely administrative or operational in nature:

- a) decisions relating to employment matters, which are delegated to Officers including staff management, recruitment and capability/disciplinary matters
- b) decisions taken in response to requests under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), the Freedom of Information Act 2000, or the Environmental Information Regulations 2004
- c) decisions taken to appoint Members to Committees, joint Committees and outside bodies, delegated to Officers
- d) decisions taken by Officers to check and authorise expense claims submitted by Members in accordance with the Members' Allowances Scheme.

23.12 Any record prepared in accordance with rule 21.4 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 Council and on the Council's website.

23.13 Rules 21.4 to 21.5 do not apply to:

- a) decisions if the whole or part of the record contains confidential or exempt information; and
- b) 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.

23. ACCESS TO DOCUMENTS - SCRUTINY COMMITTEES

24.1 Subject to Rule 22.4 below, any member of a relevant Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader and/or the Executive Committee or its Sub-Committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Executive Committees and its Sub-Committees;
- (b) any decision taken by an individual member of the Executive or
- (c) any executive decision taken by an officer in accordance with Part 3 of this Constitution.

24.2 Where a member of the relevant Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 22.1 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.

24.3 Subject to Rule 22.4 the Chair of the relevant Scrutiny Committee is entitled to receive papers in relation to private decisions of the Executive Committee before the decision is made.

24.4 Where the Leader so determines, a member of the relevant 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;

The Leader must provide the relevant Scrutiny Committee with a written statement setting out his/her reasons for that decision.

24. ACCESS TO DOCUMENTS – WARD COUNCILLORS

25.1 Subject to Rule 23.4 below, in circumstances where action is proposed which the originator of a report, in consultation with his or her chief officer, believes may have an impact on communities living or working in a particular ward, then the Ward Councillors are entitled to copies of any document which is in the possession or control of the Leader and/or the Executive Committee or its Sub-Committees, which contains material relating to:

- (a) business transacted at a public or private meeting of the Executive Committee and its Sub-Committees;
- (b) a decision taken by an individual member of the Executive Committee;
or
- (c) an executive decision taken by an officer in accordance with Part 3 of this Constitution.

25.2 Where a Ward Councillor requests a document, which falls within Rule 23.1 the Monitoring Officer must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after receipt of the request.

25.3 Subject to Rule 23.4 the Ward Councillor/s is entitled to receive papers in relation to private decisions of the Executive Committee or its Sub-Committees before the decision is made.

25.4 Where the Monitoring Officer so determines, a Ward Councillor will not be entitled to any document that is in draft form.

25.5 The Leader or Monitoring Officer must provide the Ward Councillor with a written statement setting out his/her reasons for that decision.

25. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

26.1 All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Executive Committee or its 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 Appendix 1; or it contains the advice of a political advisor.

26.2 All Councillors 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 Executive Committees or its Sub-Committees which relates to any Key Decision unless Rule 23.1 above applies.

26.3 In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 23.1 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.

26.4 In relation to business conducted in private session, or executive decisions

made by an officer, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available within 24 hours of the meeting concluding, or where an executive decision is made by an individual member or an officer, within 24 hours of the decision being made.

26.5 These rights of a Councillor are additional to any other 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:

- (b) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (c) the Friendly Societies Act 1974;
- (d) the Friendly Societies Act 1992;
- (e) the Co-operative and Community Benefit Societies Act 2014;
- (f) the Building Societies Act 1986; or
- (g) 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 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.

**END OF ACCESS TO INFORMATION PROCEDURE RULES
FEBRUARY 2021**