



**North  
Northamptonshire  
Council**

# **North Northamptonshire Constitution**

(Approved by meetings of the  
North Northamptonshire Shadow Authority  
on 25 February 2021  
and the  
North Northamptonshire Shadow Executive  
Committee on 25 March 2021)

**Last Updated January 2024**

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**End of Index**

**May 2023**

# 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.

## **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**

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 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).

### **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.

### **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 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.

### **Museum Service**

North Northamptonshire Council has the powers to operate a museum service for public benefit according to the England & Wales: Public Libraries and Museums Act 1964; Local Government Act 1972. The Museum holds collections of objects, artworks and archives for public benefit, which should not be distributed for private gain or profit. The Museum is a permanent institution in the service of the public which acquires, cares for, researches, and makes accessible the collections in its care for the purposes of education, study and enjoyment. It is operated by statutory regulation and judicial process and is part of the Arts Council England Museum Accreditation scheme, or where this is not possible follows Museum Accreditation practice.

### **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**

**January 2022**

# Part 1

# Introduction, Summary and Explanation

# 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 1<sup>st</sup> 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 nine parts.

### 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.

### 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**

**March 2021**

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# Part 1.1

# Decision Making

# 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 (inclusive of the annual Budget meeting of the Council)
- 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 a minimum of two and a maximum of 8 other Councillors who, together with the Leader and Deputy 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 or 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 Children's 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 are 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 he/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 (including by electronic means) 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.

## **8. Museum Service**

8.1. North Northamptonshire Council has the powers to operate a museum service for public benefit according to the England & Wales: Public Libraries and Museums Act 1964; Local Government Act 1972.

8.2. The Museum holds collections of objects, artworks and archives for public benefit, which should not be distributed for private gain or profit. The Museum is a permanent institution in the service of the public which acquires, cares for, researches, and makes accessible the collections in its care for the purposes of education, study and enjoyment.

8.3. It is operated by statutory regulation and judicial process and is part of the Arts Council England Museum Accreditation scheme, or where this is not possible follows Museum Accreditation practice.

**End of Decision Making**

**November 2022**

# **Part 2**

# **Public Participation and Rights**

# 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 six 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 a Scrutiny Management Board and three 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, e.g.: if the meeting is on a Thursday evening, you must notify us by Monday at 5.00pm.<sup>1</sup>

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.

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<sup>1</sup> 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.<sup>2</sup> 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](mailto: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 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.

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<sup>2</sup> 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.

- 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](mailto: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 1

# Procedures for speaking at planning committees

## 1. If you wish to speak at a planning committee

- 1.1. Please register with Democratic Services before 12 noon on the working day before the Committee is due to meet by emailing - [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk)
- 1.2. The time, date and details of the venue can be found on the agenda.
- 1.3. Speakers are advised to be available from the advertised meeting start time, as the order that agenda items are discussed may vary.

## 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 their report and 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) Planning Officer who presents their report
  - b) One third party speaker for and one third party speaker against the proposal
  - c) One Parish/Town Council representative
  - d) Ward Councillor(s)
  - e) Applicant or their agent/representative
  - f) Planning Officer who concludes prior to Member discussion
- 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. The Chair in determining whether

to allow additional public speaking time should refer to the Guidance Note attached to this procedure.

- 2.6. Where a ward councillor wishes to speak on an application, they shall be allocated a maximum of 5 minutes.
- 2.7. If more than one ward councillor wishes to speak, each ward councillor (be it two or three) shall be allocated a maximum of 3 minutes each. Ward councillors are encouraged to seek to collaborate and agree between them the presentations to be made.
- 2.8. Third Party Speakers, Agent/Applicant and Town/Parish representatives will be limited to speak for 3 minutes each after which you will be asked to stop.
- 2.9. Once speakers have completed their presentation to the committee the Committee Chair will allow committee members to question a speaker strictly on points requiring clarification and in order to inform the committee debate. The Chair reserves the right to terminate any contribution if it is deemed not to be addressing the clarification requested.
- 2.10. Once you have spoken and answered any questions from the committee members, you will be invited to return to the public gallery and observe the remainder of the meeting.
- 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 Council)
- g) To make the most effective use of your time try not to repeat Committee report information

## **Guidance for Chairs of Planning Committees in the use of Chair's Discretion re. Public Speaking**

*This is guidance only. Ultimately the Chair has responsibility for deciding whether to use their discretion to allow additional public speaking time, however upon receiving a request to do so this should be considered allowing for reasonableness and practicality and considered on a "case-by-case" basis. The onus is on the Chair to ensure that the business of the meeting is dealt with in an efficient and business-like manner.*

If the officer recommendation in the report before Committee is to REFUSE planning consent, the Chair would not normally exercise their discretion to allow additional public speakers, above those indicated in the Public Participation Policy.

If the officer recommendation in the report before Committee is to GRANT planning consent, the Chair should reasonably consider using their discretion to allow additional speakers, above those indicated in the Public Participation Policy, if: -

- (i) The application has generated a significant number of Third-Party objections, relating to material planning considerations;
- (ii) That advice is taken from both legal and democratic services staff as to the desirability of allowing additional Third-Party contributions in the interest of reasonableness, and the extent of any application of discretion;
- (iii) That the Chair exercises their discretion in a reasonable manner; there is no requirement to allow every requesting objector the opportunity to speak;
- (iv) If the Chair allows objectors increased time to speak, that an increase in speaking allocation for the Applicant/Agent/Third-Party in favour of an application is permitted, if requested; this does not have to be exactly the same but proportionate;
- (v) If the matter under discussion has previously been deferred that preference be given to objectors yet to speak on the item;
- (vi) That objectors who are direct neighbours or have financial interest in the site or own land or property adjoining the site are given preference;
- (vii) That the time permitted for Third-Party public speaking on an item does not exceed 30 minutes in total;
- (viii) That Third-Party public speakers are reminded to avoid repetition where possible and to observe the time allocation provided.

## 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.

### 1. 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

## **2. How can I submit a petition?**

Paper petitions must be sent to:

North Northamptonshire Council, Democratic Services, Corby Cube, George Street, Corby, NN17 1QG

E-petitions:

can be created, signed and submitted online via the Council's website (further guidance for which is below in the supplementary 'Guidance for e-petitions') below.

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 (unless the petition reaches the threshold for calling an officer to account, or a debate at full council), the committee will then request 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](mailto:democraticservices@northnorthants.gov.uk) at least 10 working days before the date of the meeting and they will talk you through the process.

## **3. 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 this 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.

## **4. 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.

## **5. Exceptions to the Petitions Scheme**

Before submitting your petition, please ensure it is in compliance with the Council's petition scheme. A petition may be ruled inadmissible in the following circumstances. If in any doubt, please contact [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) who will be happy to discuss:-



- Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.
- 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.
- Submissions relating to matters which would usually be dealt with through the corporate complaints process;
- Submissions that are substantially similar to a petition considered by the Council within the last six months;
- Issues raised by staff related to their employment;
- Petitions that are handled through alternative means or where other procedures apply, such as those referring to:
  - Planning and Licensing Applications that have been submitted for Council decision;
  - Parking Appeals;
  - Decisions for where there is an existing right of appeal;
  - Statutory petitions (for example requesting a referendum on having an elected mayor).

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.

## **6. Other ways of making your views known**

Petitions are not the only, or necessarily the quickest way to resolve an issue or make your views known. You can also:

- Check with North Northamptonshire Council (see <https://www.northnorthants.gov.uk/contactus/contact-details>) 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.
- Contact your [ward councillor/s](#) (see link)
- If living in a place with a Parish or Town Council, request that they raise the issue with the council on your behalf.
- contact a local community association or tenants and residents' group and request that they raise the issue with the council on your behalf.

## **7. 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.

## **8. 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.

The Council will contact the lead petitioner to advise when your e-petition will go live on the website and to discuss the appropriate time for when the petition will stop collecting signatures (normally 28 days). 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.

### **How can I start an e-petition?**

North Northamptonshire Council offers its own [e-petition web service](#) to residents where you can manage and collect your signatures, and then automatically send it to Democratic Services once the petition has closed.

If you wish to use a website other than North Northamptonshire Council's, the way in which the website collects petitioners must be compliant with the requirements of our paper based petitions, i.e. names AND addresses need to be collected and able to be sent for verification to the monitoring officer either by sending a PDF copy of the petition by emailing [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) or posting a printed copy to us at:-

North Northamptonshire Council, Democratic Services, Corby Cube, George Street, Corby, NN17 1QG

### **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](#).

### **9. 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](mailto:monitoringofficer@northnorthants.gov.uk)

**End of Public Participation and Rights**

**May 2023**

# **Part 3.1**

# **Role of Council**

# 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 Children's 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.

**End of Role of Council**

**March 2021**

# **Part 3.2**

# **Meeting Procedure Rules**

# 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 approve a schedule of meetings for each Municipal Year. The schedule will be agreed at a meeting of the full Council.
- 1.2 The Proper Officer of the Council has a statutory responsibility for the summons and arrangements of Council meetings.
- 1.3 Full Council meetings will usually commence at 6:00 pm, on a Thursday, at a place to be agreed by the Proper Officer in consultation with the Chair.
- 1.4 The meeting to determine the Council's Budget for the forthcoming year (to be held by the end of February) will normally commence at 10:00 am.
- 1.5 The Proper Officer or the Council can agree to hold an unscheduled meeting subject to the "Extraordinary Meetings" provisions in this Constitution.

### 2. Annual Meeting of the full Council (Annual Council)

#### Timing

- 2.1 The Annual Meeting of the Council must be held by the end of May. The meeting marks the commencement of a new Municipal Year.
- 2.2 In a year when there are ordinary elections for councillors, the Annual Meeting shall take place within 21 calendar days from the retirement of the outgoing councillors.

#### Business to be undertaken at the Annual Meeting

- 2.3 The Annual Meeting shall –
  - (i) Elect the Chair of the Council who shall then preside;
  - (ii) Appoint the Vice Chair of the Council;
  - (iii) Receive any apologies for absence from councillors;
  - (iv) Receive any declarations of interest from councillors;
  - (v) Approve the minutes of the previous meeting;

- (vi) Receive any announcements from the Chair of the Council;
- (vii) Elect the Leader of the Council 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;
- (viii) Receive an address from the Leader of the Council (*custom and practise would be for the leader of any recognised group to be given the courtesy of a brief response following the Leader's address*);
- (ix) Note the appointments to the role of Deputy Leader and to the Executive;
- (x) Note the appointments of Leader and Deputy Leader of any recognised political groups (2 members or more);
- (xi) Appoint membership to the Council's committees and internal bodies as required under the approved Constitution, applying political balance rules for the designation of seats as required by statute or local choice;
- (xii) Approve a schedule of meetings for the new Municipal Year, if this has not previously been approved by Council;
- (xiii) Delegate to the Monitoring Officer the power to appoint councillors (including substitutes) to committees and internal bodies of the Council in accordance with the wishes of the respective group leaders, except where appointments to those bodies is exercisable only by the Leader of the Council or the Executive. Such appointments to be communicated to all councillors;
- (xix) Appoint Council representatives where required, whose appointment is not in the gift of the Leader of the Council, the Executive or another approved body;
- (xx) Any business which requires full Council determination that cannot await the next ordinary meeting of full Council, if agreed by the Proper Officer in consultation with the Chair of the Council;
- (xxi) Any business which requires full Council determination that cannot await the next ordinary meeting of full Council as submitted by the designated Monitoring Officer or the Chief Finance Officer.

2.4 There will not normally be public participation at the Annual Council meeting unless under Procedure Rule 2.3 (xx) or 2.3 (xxi) above an item(s) that requires Council determination is submitted, in which case normal public participation procedures for that item(s) only would apply.

### **3. Ordinary Meetings of the full Council**

3.1 Ordinary meetings of the Council shall take place in accordance with a programme determined by full Council.

Ordinary meetings shall –

- (i) Elect a person to preside if both the Chair and Vice Chair of the Council are absent;
- (ii) Receive any apologies for absence from councillors;
- (iii) Receive any declarations of interest from councillors;
- (iv) Approve the minutes of the previous meeting(s);
- (v) Receive any announcements from the Chair of the Council;
- (vi) Receive any announcements or presentations from the Leader of the Council. Provide for the Leader of the Council, or an Executive Member, to put forward a presentation (10 minutes) relating to their respective portfolios and upon which councillors will be able to ask questions and receive responses (10 minutes). A total of 20 minutes in total is applicable to this agenda item;
- (vii) 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 and which must relate to a report or motion for determination by full Council as published in the public agenda of that meeting (see Procedure Rule 15);
- (viii) 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 North Northamptonshire Council has direct responsibility or influence (see Procedure Rule 16);
- (ix) To receive any petitions as defined in the approved Council Petition Scheme (see Appendix 2, Part 2);
- (x) Deal with any business adjourned from a previous full Council meeting;
- (xi) To receive reports for determination as appropriate;
- (xii) To consider motions given by notice and published on the summons;
- (xiii) Provide 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 (see Procedure Rule 17);
- (xiv) Consider any other business specified on the summons to the meeting;
- (xv) To receive urgent reports, motions or presentations subject to the urgency provisions in these Meeting Procedure Rules.

#### **4. Budget Meeting of the full Council**

4.1 Annually there is a requirement for full Council to meet to set the level of Council Tax and agree budgets for the Council for the subsequent financial year. This meeting needs to be held by the end of February each year.

4.2 Budget meetings shall –

- (i) Elect a person to preside if both the Chair and Vice Chair of the Council are absent;
- (ii) Receive any apologies for absence from councillors;
- (iii) Receive any declarations of interest from councillors;

- (iv) Approve the minutes of the previous meeting;
- (v) Receive any announcements from the Chair of the Council;
- (vi) 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 and must relate to a public report for determination by Council as published in the agenda of that meeting;

4.3 The conduct of the remainder of the meeting will follow the Budget Council Meeting Procedure Rules as detailed in Appendix A;

4.4 To receive urgent reports, motions or presentations subject to the urgency provisions in these Meeting Procedure Rules.

## **5. Extraordinary Meetings of the full Council**

5.1 Extraordinary meetings are defined as meetings of the full Council which were not indicated on the approved calendar of meetings schedule. These are normally called as an item of business requires determination of the full Council prior to the next scheduled ordinary meeting as there is a legal obligation or business critical need for the full Council to determine a matter.

### Calling Extraordinary Meetings

5.2 The Proper Officer may call, and those listed below may direct the Proper Officer to call, an extraordinary meeting of full Council in addition to an ordinary meeting –

- (i) The officer designated as the Monitoring Officer (or in their absence their appointed deputy);
- (ii) The officer designated as the Chief Finance Officer (or in their absence their appointed deputy);
- (iii) The full Council by resolution;
- (iv) The Chair on receipt of a signed requisition from 8 councillors which details the need for an extraordinary meeting to be called, quoting the legal or business critical need for such a meeting.

5.3 Prior to the summons for an extraordinary meeting to be issued, the Proper Officer shall consult the Chair, the Leader of the Council, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

### Motion to remove the Leader of the Council

5.4 A motion to remove the Leader of the Council from office may only be –

- (i) Made at an extraordinary meeting of the full Council convened specifically for that purpose not less than 15 working days from the submission of the motion to the Proper Officer;

- (ii) Submitted in the form of a requisition signed by not less than one third of the total number of councillors (currently 26 councillors) of the Council; and
- (iii) Considered on one occasion by the Council in any six-month period.
- (iv) Where the full Council passes a resolution to remove the Leader of the Council, a new Leader is to be elected at the meeting at which the Leader is removed from office.

5.5 Where the item of business relates to the removal of the Leader of the Council, public participation rules would be suspended for the duration of that meeting.

#### Items of business at Extraordinary Meetings

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

5.7 Extraordinary meetings shall –

- (i) Elect a person to preside if both the Chair and Vice Chair of the Council are absent;
- (ii) Receive any apologies for absence from councillors;
- (iii) Receive any declarations of interest from councillors;
- (iv) Consider the item for determination as detailed on the summons of the meeting.

### **6. Chair and Vice Chair of North Northamptonshire Council**

6.1 The Chair of the Council, or in their absence the Vice Chair, will preside at meetings of the full Council.

6.2 Where both the Chair and Vice Chair are absent, the meeting 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.

6.3 The Chair is responsible for, and must conduct themselves in accordance with the following –

- (i) Upholding and promoting the purposes of the Council's approved Constitution and interpreting it with appropriate advice when necessary;
- (ii) 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 individual councillors and the interests of members of the public;
- (iii) Ensuring that at full Council meetings, matters of concern to local communities can be debated through the appropriate councillors;



- (iv) Ensuring that councillors who are not on the Executive or do not hold the chair of a standing committee are able to hold those office holders to account;
- (v) Promoting public involvement in the Council's affairs and acting as a contact between members of the public, local organisations and the Council;
- (vi) Being the "First Citizen" of North Northamptonshire Council and to participate in civic functions on behalf of the Council; and
- (vii) Undertaking such other roles as may be placed upon the office from time to time by the Council.
- (viii) On any matter concerning the conduct of full Council meetings where the Chair's adjudication is required, subject to seeking appropriate advice, the decision of the Chair shall be final.

## **7. Quorum**

- 7.1 The quorum of meetings of the full Council shall be one quarter of the total membership.
- 7.2 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 agreed by the Proper Officer, in consultation with the Chair. If the Proper Officer does not agree a date, the remaining business will be considered at the next ordinary meeting.

## **8. What the full Council can decide**

- 8.1 Full Council will decide such matters as required by law and those matters set out in Part 3 of the Council's approved Constitution.

## **9. Order of Business**

- 9.1 The business of the meeting will normally be dealt with in the order set out in the summons of the meeting.
- 9.2 If there is a request to vary the order of business made to the Chair, the Chair after seeking advice from the Proper Officer, will consider varying the order of business for the purpose of the efficiency of the meeting.

## **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 the guillotine rule. Council meetings would normally be expected to be completed within three hours; however it is recognised that in exceptional circumstances an extension to the meeting may be required.

- 10.2 The Chair shall seek a mover and a seconder and subsequently take a vote without discussion and by show of hands only as to whether to continue the meeting.
- 10.3 If the vote is not carried, then items remaining to be determined by full Council will be adjourned to a later meeting or if urgent will be subject to the urgency provisions within this Constitution.
- 10.4 If the vote is carried, the Chair will determine the new guillotine time. If that new time is reached and a further extension of time is required, the Council meeting may vote again to extend.
- 10.5 Subject to Procedure Rule 14 a Motion Without Notice to extend the guillotine may be made whilst another amendment duly moved and seconded is under debate. Any vote on the guillotine motion shall be taken as a separate vote.

## **11. Urgent Business**

- 11.1 Business will normally be stipulated in the summons of a meeting. The Chair may allow business which requires full Council determination and which is not specified in the summons, following consultation with the Proper Officer. The Chair will ensure that the matter of urgency cannot be dealt with under Procedure Rule 24 below.
- 11.2 Where the Chair determines that by reason of special circumstances an item of business is urgent, it may be considered by the meeting with the reason(s) for urgency 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 meeting of the Council.
- 12.2 Only matters relating to the accuracy of the minutes can be raised. Approval of the minutes requires a Mover and a Secunder and voted upon. Once approved the Chair shall sign the minutes.

## **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 Procedure Rule 11 above.
- 13.2 Any recommendation, motion, or proposed decision to be made by Council must first be moved by a councillor and seconded by another councillor prior to any vote on the item being taken. In seconding a recommendation, motion or proposed decision, where a debate on the item is permissible the seconder may reserve their right to speak until later in the debate.

## **14. Motions (Procedural) which may be Moved Without Notice**

- 14.1 The following motions may be moved at a Council meeting without notice –
  - (i) Appointment of a Chair of the meeting at which the motion is made;

- (ii) Motions relating to the accuracy of the minutes of the Council, committee or sub-committee;
- (iii) That an item of business specified in the summons should have precedence;
- (iv) Reference of an item to Council, the Executive, a committee or sub-committee;
- (v) Appointment of or appointment to committees or sub-committees occasioned by an item mentioned in the summons of the meeting;
- (vi) Notification by the Leader of the Council of appointments to the Executive;
- (vii) Receipt of records of Executive Decisions;
- (viii) Adoption of recommendations of the Executive, a committee or a sub-committee and any consequent resolutions;
- (ix) That leave is given to withdraw a motion;
- (x) That leave is given to alter a motion by the mover of that motion;
- (xi) Receipt of reports of officers and any consequent resolutions;
- (xii) Extending the time limit for speeches;
- (xiii) Amendments 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;
- (xiv) That the Council proceed to the next business;
- (xv) That the question be now put;
- (xvi.) That the Council do now adjourn;
- (xvi) Authorising the sealing of documents;
- (xvii) Suspending a Meeting Procedure Rule, in accordance with Procedure Rule 42;
- (xviii) Motion under Section 100A (4) of the Local Government Act 1972 (as amended) to exclude the press and public;
- (xix) That a councillor named under Meeting Procedure Rule 19.30 (viii) or (ix) should not be heard further or should leave the meeting; and
- (xx) Giving consent of the Council where these Meeting Procedure Rules require consent of the Council.

## **15. Public Participation at Council Meetings (Public Statements)**

- 15.1 A public participation time will apply to Council meetings, as detailed below.
- 15.2 Members of the public may also submit questions in accordance with the process set out in Procedure Rule 16 below.
- 15.3 Members of the public may make statements at meetings of the full Council, the Executive or a committee. Those bodies appointed by full Council undertaking duties or responsibilities as the Planning Authority or the Licensing Authority may draw-up their own Public Participation Policy, subject to approval by full Council. The normal procedure for statements is as stated below.
- 15.4 Subject to the requirements of these procedure rules, a member of the public who lives and/or works in the North Northamptonshire Council area, may submit a written statement to the Leader of the Council, an Executive Member, the Chair of a standing committee or the Chair of the Council.
- 15.5 A person wishing to make a statement under this procedure shall submit the statement to the named contact in Democratic Services as detailed on the summons of the meeting in writing to Democratic Services, The Cube, George Street, Corby NN17 1QG or by email to - [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) by 5:00 pm at least two clear working days before the day of the meeting of the Council at which it is to be raised. The person's name, address and telephone and/or email details must be included.
- 15.6 A statement put under this procedure must relate to a report or motion on the public part of the agenda where the Council are being requested to determine a matter. A statement will not be accepted under these rules where it relates to a standing agenda item e.g., acceptance of minutes, declarations of interest or where it relates to a Motion Without Notice.
- 15.7 Statements shall be printed in order of receipt and circulated to councillors prior to the commencement of the meeting. No discussion shall be allowed on statements.
- 15.8 The person making the statement shall normally attend the meeting to read out their statement. When calling the member of the public to read out their statement, if the Chair notes the member of the public is not present, the statement will be noted as read and the Chair will proceed with the business of the meeting.
- 15.9 If statements are unsuitable in form, defamatory, frivolous, offensive, vexatious, unlawful or are otherwise improper and relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair in consultation with the Monitoring Officer 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.

- 15.10 Statements relating to matters under consideration by North Northamptonshire Council in its role as Planning Authority or Licensing Authority (relates to proposed or registered applications yet to be determined) shall not be permitted. The member of the public will be directed to the appropriate procedure relating to representations on those matters. Statements relating to general planning or licensing policy would be permitted;
- 15.11 The time limit for making a statement shall be three minutes for any person.
- 15.12 The total time limit for public statements shall be 15 minutes but it is otherwise a matter for discretion of the Chair 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.

## **16. Public Participation at full Council Meetings (Public Questions)**

- 16.1 Subject to the requirements of this procedure, a member of the public who lives and/or works in the area of North Northamptonshire Council, may submit a written question to the Leader of the Council, an Executive Member, the Chair of a standing committee or the Chair of the Council.
- 16.2 A member of the public wishing to ask a question under this procedure shall submit their question to the named contact in Democratic Services as detailed on the summons of the meeting in writing to Democratic Services, The Cube, George Street, Corby NN17 1QG or by email to - [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) by 5:00 pm at least two clear working days before the day of the meeting of the Council at which it is to be raised. The member of the public's name, address and telephone and/or email details must be included.
- 16.3 A question shall be directed to the Leader of the Council, an Executive Member, a Chair of a standing committee or the Chair of the Council. The question must relate to a matter which North Northamptonshire Council has powers, duties or responsibilities for under law or local choice.
- 16.4 Questions shall be framed as to elicit information rather than make a statement and shall be limited to 50 words.
- 16.5 Questions shall be printed in order of receipt and circulated to councillors prior to the commencement of the Council meeting. The Chair shall have discretion to change the order of questions to allow a broader variety of matters to be considered by the meeting concerned. A copy of the response will be provided to the member of the public prior to the commencement of the meeting.
- 16.6 A member of the public may submit no more than one question at a meeting;
- 16.7 No discussion or debate shall be allowed on public 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 if their

response has been circulated to councillors. Supplementary questions and answers shall be read out.

- 16.8 A question will be ruled out of order and rejected by the Chair, in consultation with the Monitoring Officer, where it –
- (i) Does not relate to a matter for which North Northamptonshire Council has a power, duty or 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;
  - (v) Relates to matters under consideration by North Northamptonshire Council in its role as Planning Authority or Licensing Authority (relates to proposed or registered applications yet to be determined). Questions relating to general planning or licensing policy would be permitted;
  - (vi) Is considered to be inappropriate for the particular meeting.
  - (vii) The same or similar question has been asked at a previous Council meeting in the preceding six months.
- 16.9 Following the answer to each question, the member of the public may through the Chair ask a supplementary question which relates to the initial answer. A reply to the supplementary question may not be given if the question is not related to the initial answer, is unduly lengthy or is deemed inappropriate. Where required a written response to the supplementary question may be sent to the member of the public within 5 clear working days following the meeting.
- 16.10 The time allowed for public questions will be a maximum of fifteen minutes but is otherwise a matter for the discretion of the Chair who in exercising their discretion will have regard to the business to be transacted at the meeting and the objective of ensuring the business of the meeting is managed efficiently.
- 16.11 The member of the public asking the question shall normally attend the meeting to read out their question (optional). When calling the member of the public to read out their question, if the Chair notes the member of the public is not present, the question will be noted as read and the Chair will proceed with the business of the meeting.
- 16.12 Subject to Procedure Rule 16.5 questions will be asked in the order of receipt and answered without discussion or debate. In responding 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 –
- (i) Reply directly;

- (ii) Reply by reference to a document in the public domain (e.g., Council report, meeting minutes);
- (iii) Reply by a written answer to the questioner within five clear working days of the meeting where the question has been put.

## **17. Councillor Questions at full Council meetings**

- 17.1 Subject to the requirements of this procedure, a councillor of North Northamptonshire Council, may submit a written question to the Leader of the Council, an Executive Member, the Chair of a standing committee or the Chair of the Council.
- 17.2 A councillor wishing to ask a question under this procedure shall submit their question to the named contact in Democratic Services as detailed on the summons of the meeting in writing to Democratic Services, The Cube, George Street, Corby NN17 1QG or by email to - [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) by 5:00 pm at least six clear working days before the day of the meeting of the Council at which it is to be raised.
- 17.3 A question shall be directed to the Leader of the Council, an Executive Member, a Chair of a standing committee or the Chair of the Council. The question must relate to a matter which North Northamptonshire Council has powers, duties or responsibilities for under law or local choice.
- 17.4 Questions shall be framed as to elicit information rather than make a statement and shall be limited to 50 words.
- 17.5 Questions shall be printed in order of receipt and circulated to councillors prior to the commencement of the Council meeting. The Chair shall have discretion to change the order of questions to allow a broader variety of matters to be considered by the meeting concerned.
- 17.6 A councillor may submit no more than three questions at a meeting; however, the Chair reserves the right to ensure other councillors have the opportunity to table their questions, in which case the Chair may prioritise the questions received in order to provide greater participation.
- 17.7 No discussion or debate shall be allowed on councillor questions or answers. The councillor asking the question shall not be required to read out their question, nor shall the councillor responding be required to read out their response. Supplementary questions and answers shall be read out. A copy of all questions and responses will be circulated to all councillors and made publicly available via the Council's website following the meeting at which they were put.
- 17.8 A question will be ruled out of order and rejected by the Chair, in consultation with the Monitoring Officer, where it –

- (i) Does not relate to a matter for which North Northamptonshire Council has a power, duty or 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;
- (v) Relates to matters under consideration by North Northamptonshire Council in its role as Planning Authority or Licensing Authority (relates to proposed or registered applications yet to be determined). Questions relating to general planning or licensing policy would be permitted;
- (vi) Is considered to be inappropriate for the particular meeting.
- (vii) The same or similar question has been asked at a previous Council meeting in the preceding six months.
- (viii) The question exceeds the 50-word limit (see Procedure Rule 17.4).

17.9 If a submitted question is rejected, the councillor submitting the question will be informed in writing the criteria used for rejection of their question.

17.10 Following the answer to each question, the councillor may through the Chair ask a supplementary question which relates to the initial answer.

17.11 A reply to the supplementary question may not be given if the question is not related to the initial answer, is unduly lengthy or is deemed inappropriate. Where required a written response to the supplementary question may be sent to the councillor within 5 clear working days following the meeting.

17.12 The time allowed for councillor questions will be a maximum of thirty minutes but is otherwise a matter for the discretion of the Chair who in exercising their discretion will have regard to the business to be transacted at the meeting and the objective of ensuring the business of the meeting is managed efficiently.

17.13 The councillor asking the question shall normally attend the meeting to read out (optional) their question. When calling the councillor to read out their question, if the Chair notes the councillor is not present, the question will be noted as read and the Chair will proceed with the business of the meeting.

17.14 Subject to Procedure Rule 17.5 questions will be asked in the order of receipt and answered without discussion or debate. In responding 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 –

- (i) Reply directly;



- (ii) Reply by reference to a document in the public domain (e.g., Council report, meeting minutes);
- (iii) Reply by a written answer to the questioner within five clear working days of the meeting where the question has been put.

## **18. Notices of Motion submitted by councillors**

### Procedure

- 18.1 Notice of every motion (other than a motion which under Procedure Rule 19.30 may be moved Without Notice) shall be given in writing or by email to Democratic Services by 5:00 pm at least six clear working days before the day of the Council meeting.

### Scope

- 18.2 Motions must be about matters for which North Northamptonshire has direct responsibility or influence.
- 18.3 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 defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper.
- 18.4 A motion will not be accepted if it is substantially the same as a motion which has been put or relates to a decision to be made elsewhere on the meeting's agenda and could be addressed at the meeting through an amendment being proposed, or if the same or similar motion has been considered by the Council in the preceding six months.
- 18.5 Motions which relate to matters under consideration by North Northamptonshire Council in its role as Planning Authority or Licensing Authority (relates to proposed or registered applications yet to be determined) will not be permitted. Motions relating to general planning or licensing policy would be permitted;
- 18.6 During a pre-election period the Monitoring Officer, in consultation with the Chair, will ensure that the appropriate guidance be adhered to in consideration of the subject matter of any motion, recognising the unique political sensitivities during a pre-election period.

### Motions to be set out in summons

- 18.7 The summons for every ordinary meeting of full Council will set out all motions of which notice has been duly given, unless the councillor giving the notice has intimated in writing or email, when giving it, that they propose to move it at a 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.

### Withdrawal of Motion which is before Council

- 18.8 Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes to subsequently to withdraw it, they with the

consent of the seconder may do so, with the consent of the Chair of the meeting.

#### Motions not moved

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

#### Motions increasing expenditure or reducing revenue of Council

18.10 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 these Meeting Procedure Rules.

#### Motions reviewing or rescinding Executive decisions taken under delegated powers

18.11 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 these Meeting Procedure Rules.

#### Deferment of a Notice of Motion

18.12 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 to the Chair their agreement, and the Chair signifies agreement on behalf of the Council. The motion would then come to a subsequent meeting of the Council for report and decision.

### **19. Rules of Debate**

#### Budget Council Meetings

19.1 Specific Procedure Rules apply to Budget Council meetings. These are attached as Appendix 1 to these Procedure Rules.

#### Motions and Amendments

19.2 No motion or amendment shall be discussed by councillors unless it has been moved and seconded.

19.3 There shall be no public participation on Motions Without Notice and officers will not normally participate unless, through the Chair, an officer has been requested to provide specific legal, financial or procedural information or a statutory officer needs to provide advice or guidance to the meeting.

19.4 Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are discussed or put to the meeting. This

requirement does not apply to motions Moved Without Notice under Procedure Rule 19.30.

- 19.5 At meetings other than those of full Council, the Chair of that meeting may at their 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.

#### Secunder's Speech

- 19.6 When seconding a motion or amendment a councillor may advise the Chair that they will reserve their right to speak until a later period in the debate.

#### Only one councillor to speak at a time

- 19.7 When speaking at a Council meeting a councillor shall if possible stand and address the Chair. Whilst a councillor is speaking the other councillors will remain seated, unless rising, if possible, on a Point of Order or in Personal Explanation.

#### Content and length of speeches

- 19.8 A councillor will confine their speech to the question under discussion, a Personal Explanation or a Point of Order.
- 19.9 Except as indicated below, in the case of speeches made by councillors when the Council is agreeing a budget (Budget Council), or where the Council, committee or sub-committee otherwise agrees, the speech of the mover of the motion shall not exceed five minutes and all other speeches shall not exceed three minutes.
- 19.10 In advance of the meeting at which the Council is due to agree a budget, the Council's recognised political groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each recognised political group, and which exceed the three-minute limitation contained in these Procedure Rules.
- 19.11 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 recognised political groups, whether and (if so) how any extension of the three-minute limitation might be permitted to operate.

#### When a Councillor may speak again

- 19.12 At a Council meeting a councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except –
- (i) To speak once on an amendment moved by another councillor;
  - (ii) If the motion has been amended since last they spoke, to move a further amendment;

- (iii) If their first speech was on an amendment moved by another councillor, to speak on the main issue (the substantive motion) whether or not the amendment on which they spoke was carried;
- (iv) In exercise of a right of reply given by Procedure Rule 19.33 – 19.42;
- (v) On a Point of Order referring to the specific Procedure Rule;
- (vi) By way of Personal Explanation; or
- (vii) To move one of the motions specified in Procedure Rule 19.30 when the procedure in those paragraphs shall be followed.

19.13 At a Council meeting a councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except –

- (i) At committees or sub-committee meetings councillors may, at the discretion of the Chair, speak more than once.

#### Amendments

19.14 An amendment must be relevant to the motion and shall be either –

- (i) To leave out words;
- (ii) To leave out words and add others; or
- (iii) To insert and/or add words.

Any such amendment shall not have the effect of negating the motion before Council.

19.15 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.

#### Notice of Amendments

19.16 Amendments to reports of which notification has been included within the summons of the meeting may be moved without notice. The mover of any amendment may be required to provide a written copy of said amendment to the Chair prior to any debate on the amendment.

#### Number of Amendments

19.17 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.

#### Debate of reports containing recommendations

- 19.18 Where non-Executive reports are presented to Council which have been submitted by one of the Council's statutory officers and contain recommendations for deliberation and determination by the meeting these will normally be presented by the statutory officer or their deputy, then the recommendations subsequently moved and seconded by councillors.
- 19.19 Where reports are presented to Council which contain recommendations for deliberation and determination by the meeting which have been referred through to Council by the Executive these will normally be presented by the Leader of the Council or an Executive Member, then the recommendations subsequently moved and seconded by councillors.
- 19.20 Where reports are presented to Council which contain recommendations for deliberation and determination by the meeting and relate to items listed in the approved Council Budget and Policy Framework, these will normally be presented by the Leader of the Council or an Executive Member, then the recommendations subsequently moved and seconded by councillors.

#### Report Recommendations and Amendments

- 19.21 No report shall be discussed or amended by councillors until it has been moved and seconded.
- 19.22 The mover of a report's recommendations may address Council for a maximum of five minutes. A seconder may address Council for up to three minutes or reserve their right to speak until later in the debate.
- 19.23 Where required by the Chair, amendments to recommendations shall be put in writing and presented to the Chair prior to being moved and seconded. The Chair and the Monitoring Officer will consider the proposed amendment prior to it being moved and seconded to ensure it is compliant with Procedure Rule 19.4.
- 19.24 A mover of an amendment may speak for a maximum of three minutes. A seconder may address Council for up to three minutes or reserve their right to speak until later in the debate.

#### Status of Amendments

- 19.25 If an amendment is lost, another amendment may be moved on the original recommendations. If an amendment is carried, the recommendations as amended shall take the place of the original recommendations and shall become the substantive wording upon which any further amendment may be moved.

#### Alterations to Motions

- 19.26 A councillor may alter a motion or amendment of which they have given notice and may also, with the consent of the seconder, alter a motion or amendment which they have moved. In both cases, the consent of Council (or the committee or sub-committee) is required. There should be no discussion on whether consent should or should not be given.

### Withdrawal of Motion

19.27 The mover may withdraw a motion or amendment provided the seconder agree. Once the mover has asked for permission to withdraw, there should be no further discussion.

### Summation of Motion/Amendment

19.28 The mover of the motion shall have the right to reply at the close of the debate on the motion immediately before it is put to the vote (3 minutes).

19.29 If an amendment is moved, the mover of the original motion shall have a right to speak on the amendment. The mover of the amendment shall have a right to reply at the close of the debate on the amendment immediately before it is put to the vote (3 minutes).

### Motions which may be moved during debate

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

- (i) To amend the motion (subject to Procedure Rule 19.14);
- (ii) To adjourn the meeting;
- (iii) To adjourn the debate;
- (iv) To proceed to the next business;
- (v) To suspend Procedure Rules;
- (vi) To refer a matter to the Council, the Executive, a committee or sub-committee for consideration or reconsideration;
- (vii) That the question be now put;
- (viii) That a councillor be not further heard;
- (ix) By the Chair under Procedure Rule 14.1 (xix) that a councillor do leave the meeting;
- (x) A motion under s.100A (4) of the Local Government Act 1972 (as amended) to exclude the press and public;
- (xi) To extend the guillotine (see Procedure Rule 10).

### Closure Motions

19.31 A councillor may move, without comment, at the conclusion of a speech of another councillor –

- (i) “That the Council proceed to the next business;”
- (ii) “That the question be now put;”
- (iii) “That the debate be now adjourned;”

(iv) “That the Council do now adjourn.”

19.32 When one of these motions has been seconded the Chair shall proceed without debate as follows –

- (i) On a motion to proceed to next business – unless in the Chair’s opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion/amendment the right to reply, and then put to the vote the motion to proceed to next business.
- (ii) On a motion that the question be now put – unless in the Chair’s opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion/amendment that the question be now put, if it is passed, give the mover of the original motion/amendment the right of reply before putting the motion to the vote.
- (iii) On a motion to adjourn the debate or the meeting – unless in the Chair’s opinion the matter before the meeting has been insufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion/amendment the right to reply on that occasion.
  - (a) If the debate or meeting is adjourned for a short period to facilitate a comfort break etc, the debate or meeting shall readjourn at the specified time and continue with the debate or meeting as normal;
  - (b) If the debate is adjourned and it is agreed to continue at a subsequent meeting, then it shall be included on the summons of said meeting and debate shall begin again with the mover and seconder;
  - (c) If the full meeting is adjourned to another working day, then the business of the reconvened meeting shall commence from the point of business on the original summons from which time the original meeting was adjourned.

#### Points of Order and Personal Explanations

19.33 A councillor shall if possible stand (or where necessary instead raise their hand) on a point of order or in personal explanation and shall be entitled to be heard immediately. Whilst the councillor is speaking the other councillors will remain seated.

19.34 A point of order shall relate only to an alleged breach of the Procedure Rules or statutory provision and the councillor shall specify the Procedure Rule or statutory provision and the way in which they consider it to have been breached.

19.35 A councillor may request to address Council as a matter of Personal Explanation, regardless of whether they have already addressed Council on the agenda item under discussion, where another councillor speaking on the agenda item has “named” the councillor in their contribution and the “named councillor” feels that the other councillor has misquoted, distorted or misrepresented the “named councillors” contribution.

- 19.36 In moving the Personal Explanation, a councillor must not use the opportunity to contribute further to the debate or introduce new information or opinion, they must adhere to addressing the perceived misrepresentation, misquote or distortion only.
- 19.37 The Chair will determine whether the “named councillors” riposte is valid; if valid the councillor who made the comment will be requested to withdraw or correct their remarks without further comment.
- 19.38 If a councillor continually is proven to be misrepresenting, misquoting or distorting the contribution of fellow councillors at a meeting, or a councillor is misusing the rules around Personal Explanation they may be subject to a motion to “not be heard further” for the duration of that meeting.
- 19.39 This Rule does not apply to other or previous meetings of the Council, remarks made at meetings of other bodies, or remarks made outside of the Council e.g., on social media.
- 19.40 The request for Personal Explanation must be made prior to the closure of the particular agenda item at which it was made.
- 19.41 The request for Personal Explanation cannot be requested by proxy.
- 19.42 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 for 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.

#### Respect for the Chair

- 19.43 At the Council meeting whenever the Chair rises during a debate a councillor then standing shall sit down and the Council shall be silent.
- 19.44 In committee or sub-committee meetings, whenever the Chair rises from their seat, the councillors should remain in their seats and the committee or sub-committee shall be silent.

### **20. Rescission of Earlier Resolution**

- 20.1 Subject to Procedure Rule 18 at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which has passed within the preceding six-months or which is to the same effect as one which has been rejected within that period.
- 20.2 Such a motion may be moved if –
- (i) It is recommended by the Executive or a committee; or
  - (ii) Notice of such motion has been given under Procedure Rule 18 and signed by at least one-third of the total number of councillors (26 councillors) who include councillors from more than one recognised political group.



## **21. Voting**

- 21.1 Each councillor has one vote.
- 21.2 Voting will normally be by a show of hands or where practical and the means are available to those present by suitable electronic means.
- 21.3 When a councillor asks for a recorded vote to be taken and 10% of the overall number of councillors present, stand in their places to support the request, the vote will be recorded to show whether each councillor voted for or against the proposal 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.
- 21.4 A recorded vote will not be taken if the vote has already commenced.
- 21.5 A councillor may require after a vote is completed that the minutes of the meeting record how they voted or abstained. The request to be made immediately after the vote is taken.
- 21.6 A councillor may immediately after the item of business is voted upon request that a lost motion or amendment be recorded in the minutes.
- 21.7 Where there are equal votes cast on a motion or amendment the Chair or the person presiding will have, and should exercise, a second or casting vote.

## **22. Offices and Appointments**

- 22.1 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.
- 22.2 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.
- 22.3 The Chair, or person presiding, will have, and should exercise, a second or casting vote where the votes are equal.

## **23. Election of Chair of Committees and Sub-Committees**

- 23.1 The Chair of every committee excluding the Executive will be elected at the Annual Council Meeting where possible.
- 23.2 The Vice Chair of every committee will be appointed at the Annual Council Meeting where possible.
- 23.3 The councillor elected to each office must be a full member of the relevant committee.
- 23.4 The Chair (and if required the Vice Chair) of a sub-committee established by a committee will be appointed by the parent committee or the parent committee may defer those appointments to the sub-committee itself.

- 23.5 Where a vacancy occurs in an office on a committee or sub-committee during the Municipal Year, the relevant body will elect/appoint at its next ordinary meeting.
- 23.6 Unless Council decides otherwise, the election/appointment will be conducted by a show of hands and may relate to a number of offices; Rule 21 will apply.
- 23.7 Where a Chair and Vice-Chair are both absent from a meeting of a 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.

#### **24. Urgent Business – Non-Executive Matters**

- 24.1 An item of urgent business which has to be decided before the next meeting of full 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.
- 24.2 Where any matter is urgent and cannot await the next scheduled meeting, the Head of Paid Service may take the necessary action, provided that they have first consulted the relevant Chair (or Vice Chair if the Chair is unavailable).
- 24.3 A copy of the consultation document shall be sent to the Leader of the Council, the appropriate Executive Member, the Chair of the Scrutiny Commission, the leaders of any recognised political groups and the councillors for the ward(s) concerned if the matter particularly affects one or more electoral areas.
- 24.4 Any such approval shall be in writing; consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer (or in their absence their respective appointed deputies).
- 24.5 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 them to the Head of Paid Service and the Chief Finance Officer.
- 24.6 A report of any action under this Meeting Procedure Rule shall be made available by electronic means to all councillors.

### **Part B – Committee and Sub-Committee Meetings**

#### **25. Programme of Meetings**

- 25.1 Meetings of committees and standing sub-committees will be set out in the Schedule of Meetings approved by full Council under Procedure 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 Proper Officer to determine subject to consultation with the relevant Chair and subject to any provisions within the Constitution.
- 25.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange an extraordinary meeting, the Proper Officer will seek to consult the

Chair (or Vice Chair) of the relevant committee or sub-committee before any action is taken by the Proper Officer, explaining why action needs to be taken and/or the need for an extraordinary meeting, and why the business to be determined cannot wait for the next scheduled meeting of that particular committee or sub-committee.

## **26. Quorum at Committees and Sub-Committees**

26.1 No item of business will be transacted at a meeting of a committee or sub-committee unless the meeting is quorate in line with the agreed quorum for the respective committee or sub-committee as detailed within the Constitution. Where no quorum is specified the quorum shall be a minimum of three councillors.

## **27. Minutes of Committees and Sub-Committees**

27.1 The minutes of a committee or sub-committee must be confirmed at its next scheduled meeting.

27.2 Only matters relating to the accuracy of the minutes can be raised. Where the accuracy is questioned the meeting will consider any amendment to the draft minutes.

27.3 Where no issues of accuracy are raised, or after any challenge on the accuracy of the minutes addressed, following a mover and seconder for acceptance of the minutes a vote shall be taken. If agreed the Chair shall sign the minutes.

27.4 The minutes of any sub-committee must be submitted to the next suitable meeting of the parent committee by the sub-committee Chair. The Chair of the parent committee will allow reasonable time for members of the parent committee the opportunity to ask questions or comment upon the minutes of the sub-committee. Questions or comment relating to exempt or confidential matters will need to be taken following exclusion of the press or public.

27.5 A parent committee cannot question the accuracy of a sub-committee minute. Any challenge to a sub-committee minute needs to be addressed at the next suitable meeting of the sub-committee.

## **28. Motions Moved without Notice at Committees and Sub-Committees**

28.1 Procedure Rule 19.30 lists those motions and amendments which can be moved without notice.

## **29. Rules of Debate at Committees and Sub-Committees**

29.1 Procedure Rule 19 sets out the rules of debate.

## **30. Voting at Committees and Sub-Committees**

30.1 Voting at committee and sub-committee meetings will be by show of hands.

30.2 A recorded vote will be required where any three councillors 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 councillor present gave their vote for or against the proposition or abstained from voting.

- 30.3 Where a recorded vote is not undertaken, a councillor may require, immediately after a vote is completed, that the minutes of the meeting record how they voted or abstained.
- 30.4 A councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 30.5 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will have, and should exercise, a second or casting vote.

**31. Mover of a motion at full Council under Procedure Rule 18 – Attendance at the Executive, Committees or Sub-Committees**

- 31.1 Where a motion has been referred under Procedure Rule 18 from the full Council to the Executive, a committee or sub-committee for consideration and report, the mover of the motion has the right to attend the meeting and explain the motion.
- 31.2 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 they will be sent a copy of the relevant papers.

**32. Requests by Members for items of business to be included on agendas of a committee or sub-committee**

- 32.1 This Procedure 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.
- 32.2 This Rule does not apply to special/extraordinary meetings of the Executive, committees or sub-committees.
- 32.3 A councillor may, by notice to the Proper 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.
- 32.4 A councillor may not give notice of more than one item of business for any one meeting, except where reference is made and meets the obligations under Procedure Rule 32.7. The notice shall state the nature of the business and shall include the signature of the councillor. A notice may be submitted electronically and bear an electronic signature, provided the notice has been originated by that councillor.
- 32.5 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 six months.

32.6 Items arising from such notices shall appear on the agenda after the ordinary public or private agenda items accordingly.

32.7 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 a particular body, included on the agenda and discussed at the next ordinary meeting of that body. The restrictions in Procedure Rule 32.4 above on the number of items shall not apply to items submitted under this paragraph.

### **33. Committee and Sub-Committee – Urgent Items of Business**

33.1 Normally business will only be transacted at meetings of committees and sub-committees which appear in the agenda and which have 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.

33.2 The Chair of the committee or sub-committee may agree to deal with an item of business at the meeting if 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.

### **34. Attendance of Councillors at Committee and Sub-committees of which they are not members**

34.1 Notwithstanding their rights as a member of the public, a councillor may attend any meeting of a committee or sub-committee to which they have not been appointed, for the purposes of performing their duty as a councillor, including where exempt, private or confidential business is to be discussed.

34.2 A councillor will be given, when they arrive at the meeting, a copy of the agenda and relevant papers, subject to any restrictions imposed under the Access to Information Procedure Rules.

34.3 The councillor has no right to vote but may speak with the consent of the Chair of the meeting.

### **35. Overview and Scrutiny Committees and Sub-Committees**

35.1 In applying these Rules to committees and sub-committees established to undertake the Council's scrutiny responsibilities, regard shall be had to the Overview and Scrutiny Rules which are contained in Part 7 of this Constitution.

### **36. Executive Advisory Panels (EAP)**

36.1 The Executive may establish an Executive Advisory Panel. Details relating to these Panels can be found in Part 5.2 of this Constitution.

36.2 Meetings of the Panels are not covered by the Local Government Act 1972 (as amended) but will seek to operate utilising the requirements under said Act.

36.3 The Panel will seek to operate under normal meeting procedure rules and conventions.

- 36.4 Meetings of the Panel are open to public attendance unless exempt or confidential information is to be discussed. Broadcast by virtual means will be accepted as “open to public attendance.”

## **Part C – General Provisions**

### **37. Records of Attendance**

- 37.1 The Proper Officer will keep a record of councillors attending any meeting of the Council, the Executive, a committee or sub-committee.
- 37.2 For the purposes of the “six-month rule,” attendance will be at such meetings where the councillor is named on the summons of that meeting.
- 37.3 Attendance at a meeting using virtual technology where the Local Government Act 1972 (as amended) is in force, will not constitute attendance for the purposes of the “six-month” rule and the councillor not present will not have voting rights.

### **38. Disclosure of confidential/exempt matters**

- 38.1 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 press by or on behalf of the Council, the Executive, a committee or sub-committee as permitted following declassification (see 38.2 below) or as directed by Court Order or statute.
- 38.2 A decision on the declassification of documents will be made by the Proper Officer, following consultation with the Monitoring Officer (or their designated deputy) and the chair of the relevant body at which the material was originally presented.
- 38.3 No councillor shall disclose to any person other than another NNC councillor any matter arising during the proceedings of the Council, the Executive, a committee or a sub-committee and which comes to their knowledge by virtue of their office as a councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.

### **39. Disorderly conduct by Councillors**

- 39.1 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.
- 39.2 If the councillor continues the misconduct after a motion under Procedure Rule 19.30 (ix) 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.

39.3 In the event of general disturbance by councillors at any meeting which, in the opinion of the person presiding, renders the due and proper dispatch of business impossible, the person presiding will have the power to adjourn the meeting.

#### **40. Disturbance by Members of the Public**

40.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall issue a warning to them. If they continue, the person presiding shall order their removal from the meeting. In cases of general disturbance in any part of the meeting room open to the general public, the person presiding shall order that part to be cleared.

#### **41. Variation and Revocation of Procedure Rules**

41.1 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.

#### **42. Suspension of Procedure Rules**

42.1 Subject to Rule 19.30 (v) 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 and agreed except where this would be in contravention of statute.

42.2 A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 19.30 (v)) unless there shall be present at least one-third of the membership of the Council (26 councillors), or that committee or that sub-committee, respectively.

#### **43. Interpretation of Procedure Rules**

43.1 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, committee or sub-committee shall not be challenged at the meeting.

43.2 The person presiding, prior to enacting Procedure Rule 39 shall consult on any question of interpretation with the Monitoring Officer, or in their absence their designated nominee.

#### **44. Submission of Notices by Councillors – Electronic Means**

44.1 A councillor may communicate, by electronic means using their Council email address, any notice under any of the Council's Procedure Rules to initiate any process or procedure provided it is clear that that councillor has originated the notice.

## **Appendix 1 - Budget Council Meeting Procedure Rules**

### **Preamble**

Each year before the end of February the Council will meet to determine the budget for the subsequent financial year. The financial year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. Any decisions made by the Council at the Budget Council meeting in February become effective from the following 1<sup>st</sup> April unless there are specific reasons for an earlier or later implementation date.

The agenda for Budget Council usually includes at least three distinct reports –

#### Draft Budget (inc. Council Tax Resolution)

This covers the revenue expenditure forecasts and income required for the forthcoming financial year. This also includes the recommended level of Council Tax income required to be levied by North Northamptonshire Council, which together with precepts levied by other bodies e.g. town/parish councils; the Police, Fire & Crime Commissioner, forms the total Council Tax billed to households. The report will also set out the financial position for the ringfenced Dedicated Schools Grant (DSG).

#### Housing Revenue Account (HRA)

NNC owns a number of residential properties (houses, flats etc) across the area and provides “social housing.” Budget Council sets the rent for these properties each year. The HRA is a “ring fenced” budget therefore income from housing rents can only be spent on the provision of council housing and only certain costs can be recorded within the HRA as set out within guidance.

#### Capital Programme

The Council undertakes a number of capital projects each year. Budget Council sets the amount of money allocated to capital projects for the following financial year. Some capital projects may stagger more than one financial year.

In addition to the three main reports (see above), other finance-related reports may be scheduled for the meeting. If there were other business critical decisions to be made these can also be determined by Budget Council although normally they would be scheduled for the next ordinary Council meeting.

### **Pre- Budget Council Meeting**

The Council will receive recommendations from the Executive included in the budget reports. These recommendations would have been drafted by the Executive and circulated for both public and internal (e.g. scrutiny) consultation.

The Executive would have considered consultation responses prior to agreeing its final recommendations. These recommendations would form the basis of the reports to Budget Full Council.

All political group leaders (or their nominee) who wish to provide proposed amendments to the budget reports on behalf of their groups shall submit these at least



3 clear working days before the Budget Council meeting in writing (inc. by email) to the Proper Officer. This will enable senior leadership and particularly the Chief Finance Officer to have advanced notice and review the proposed amendments prior to the Budget Council meeting.

A Group/member's amendments will be taken en bloc on each report.

***Groups/members must be mindful that any amendment(s) must result in a balanced budget and therefore how the amendment(s) would be funded must be clear. Groups/members are encouraged to consult with the Chief Finance Officer and their staff at the earliest opportunity to ensure that any amendments a Group/member is proposing, if approved by Council, will result in the setting of a balanced and lawful budget. Any such discussions regarding potential amendments between a Group/member and officers shall be treated as confidential until issue of the relevant papers to all members.***

The Proper Officer will share copies of the amendment(s) either in the Chamber and/or on screen to ensure that members are able to view them and make an informed decision.

## **At the Meeting**

(to be repeated for each of the three main reports [shown in bold below]. Ordinary Meeting Procedure Rules apply for any other reports scheduled).

### Report Order for the Agenda

- **Draft Budget (inc. Council Tax Resolution)**
  - **Housing Revenue Account (HRA)**
  - **Capital Programme**
  - Other finance related reports
  - Urgency Reports (as per Meeting Procedure Rules)
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 budget reports. 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 report, the Chair shall invite the Leader of the Council or an Executive Member to MOVE (up to 25 minutes) the report. The Chair shall then invite a member to SECOND (up to 5 minutes) the report.
  3. The Chair shall invite a member on behalf of the largest minority group to MOVE any amendment(s) en bloc (up to 10 minutes).
  4. The Chair shall invite a member on behalf of the largest minority group to SECOND any amendment(s) en bloc (up to 5 minutes).
  5. The amendment(s) will be debated (3 minutes per speaker). The MOVER and/or SECONDER of the substantive motion may be called to speak during the debate. The MOVER of the amendments shall have a right to reply (3

- minutes) before a vote is taken on the amendment(s) only. If carried, the amendments will be incorporated into the substantive motion.
6. The Chair shall invite a member on behalf of the second largest minority group to MOVE any amendment(s) en bloc (up to 10 minutes).
  7. The Chair shall invite a member on behalf of the second largest minority group to SECOND any amendment(s) en bloc (up to 5 minutes).
  8. The amendment(s) will be debated (3 minutes per speaker). The MOVER and/or SECONDER of the substantive motion may be called to speak during the debate. The MOVER of the amendments shall have a right to reply (3 minutes) before a vote is taken on the amendments only. If carried, the amendment(s) will be incorporated into the substantive motion.
  9. If any other amendment(s) (with a MOVER and SECONDER indicated) have been received in writing by the deadline the Chair shall call these to be MOVED (5 minutes) and SECONDED (3 minutes). A councillor may only MOVE or SECOND one set of amendments on any one report item.
  10. Voting on amendments will normally be en bloc, however the MOVER and SECONDER of the substantive motion are able to approve an amendment or amendments for inclusion in the substantive motion, with the general consent of Council.
  11. Voting on amendments will normally be en bloc, however with the general consent of Council, an amendment(s) can be voted on individually with the remainder en bloc.
  12. At the conclusion of the debates and votes on all amendments have been exhausted the Chair shall advise the meeting that the substantive motion - the ruling groups budget (as amended) – 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.
  13. After the debate on the substantive motion, the MOVER of the substantive motion has a right of reply (up to 5 minutes). The debate is then concluded.
  14. A vote will then be taken on the report's recommendations. The Council Tax Resolution report must by statute be a "recorded vote."

## **General**

Matters of interpretation of this procedure will be at the Chair's discretion, following consultation with the Monitoring Officer (or their designated representative).

**End of Meeting Procedure Rules**

**January 2023**

# **Part 3.3**

# **Budget and Policy Framework and Procedure Rules**

# 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  
March 2021**

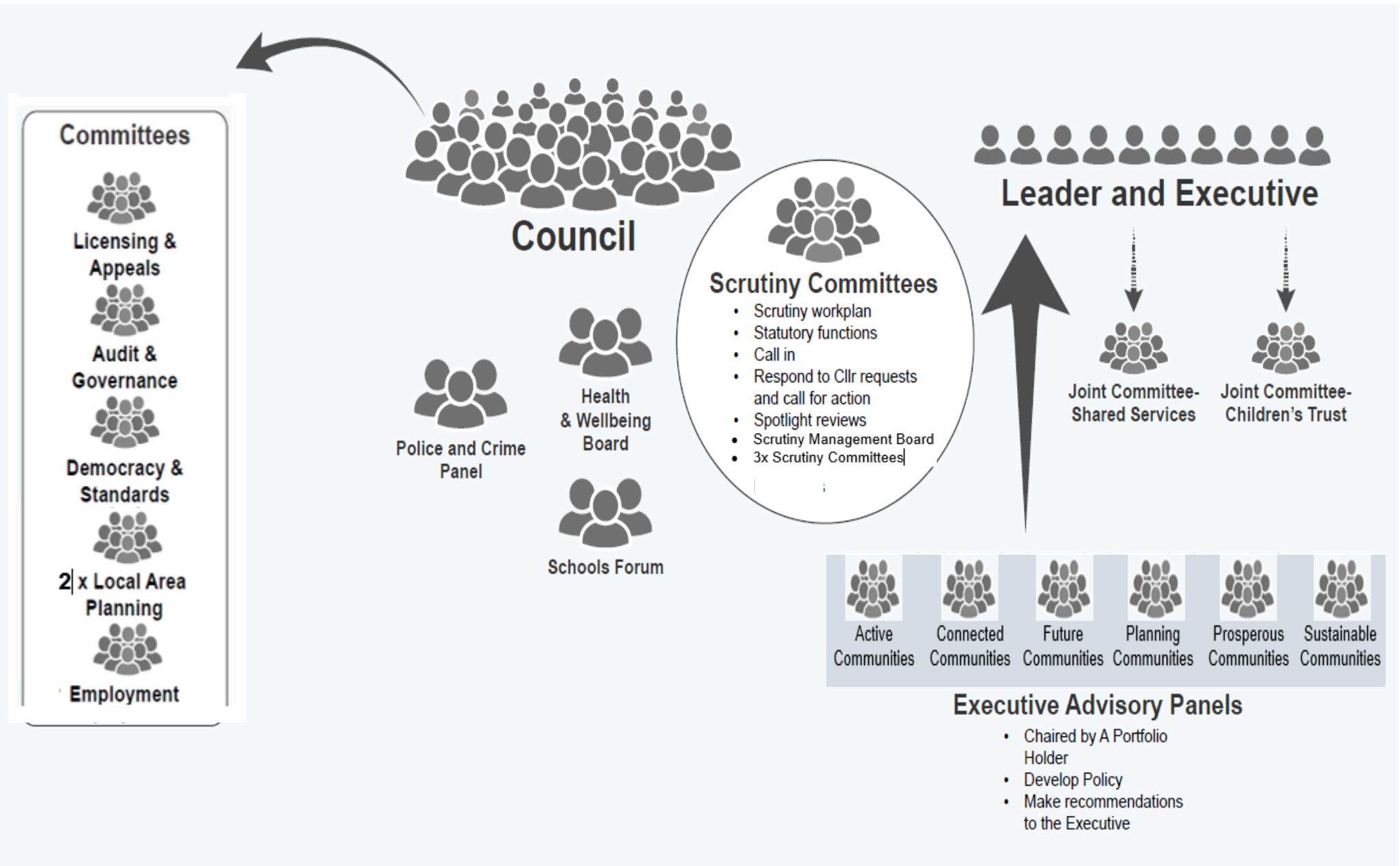
# **Part 4.1**

# **Governance Structure**

# Governance Model

North Northamptonshire Council Constitution - Part 4.1 - Governance Structure

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# **Part 4.2**

# **Area Planning Committees**

# Area Planning Committees

The Council has established two Area Planning Committees.

The purpose of the Committees is to consider all planning applications not dealt with by officers using delegated powers.

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

## 1. Membership

- 1.1. Each Committee shall comprise 13 Councillors all of whom shall have undertaken relevant training.
- 1.2. The Committee shall be politically balanced. Membership of each committee will be drawn from those members representing wards in each respective geographic area (North or South) [See map below].

## 2. Substitutions

- 2.1. Named substitutes. Substitutes must have completed relevant training.
- 2.2. 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.

## 3. Chairmanship

- 3.1. Term of office will be one year.
- 3.2. Annual Council shall appoint the Chair and Vice Chair of each committee.
- 3.3. Any in-year vacancies shall be elected/appointed by the committee at an ordinary meeting of that respective committee.

## 4. Quorum

- 4.1. The quorum shall be 7 voting members (including those acting as substitute members).

## 5. Terms of Reference

- 5.1. To exercise the Council's functions relating to town and country planning and development management in relation to all planning applications that are not dealt with by officers using delegated powers.

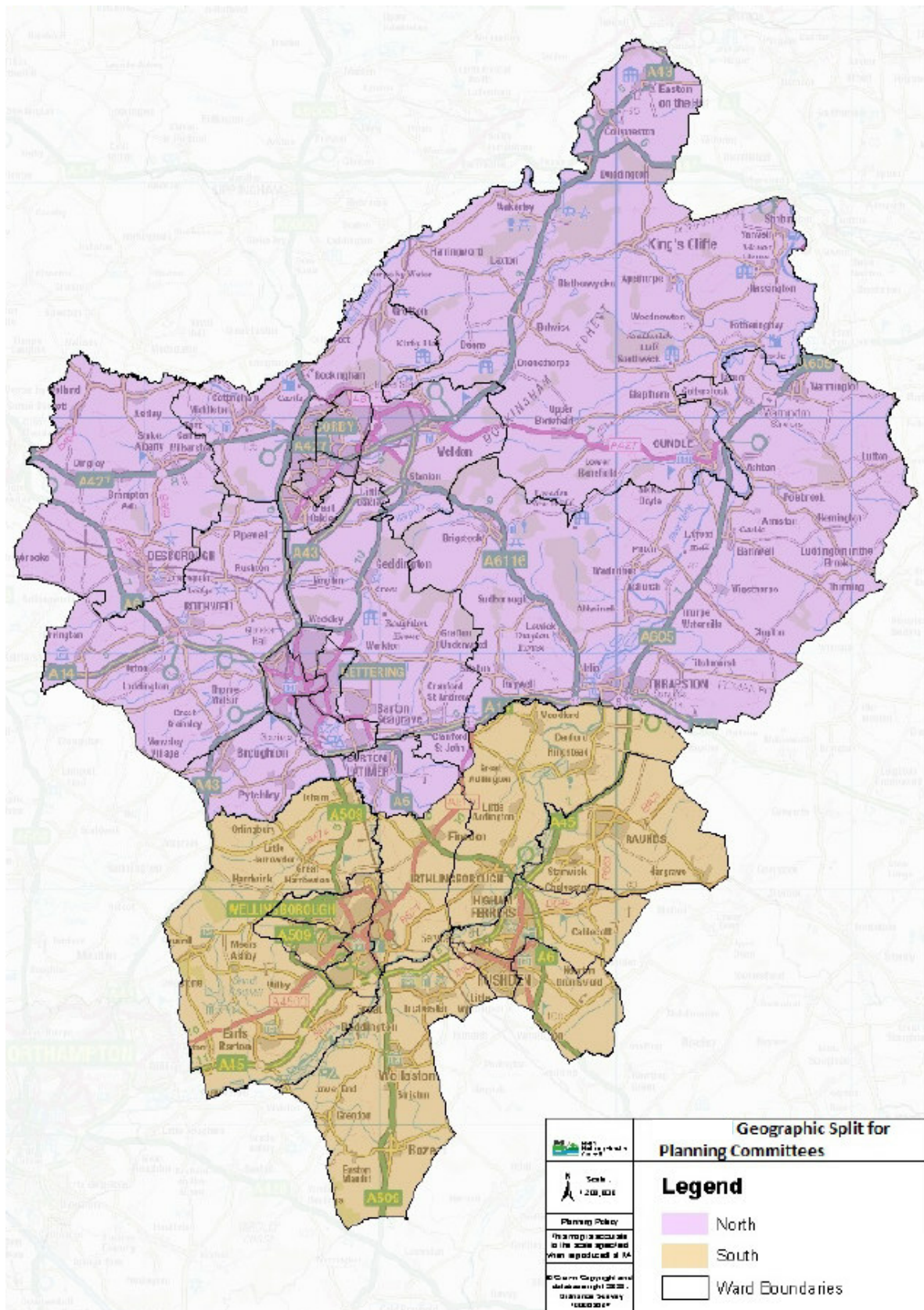
5.2. Any planning application (not dealt with by officers under delegated authority) where the red line of the site crosses the boundary between the two committee areas shall be considered by the committee within which the largest area of the site is located.

## **6. Meetings of Committee**

6.1. Each committee will be scheduled to meet on a monthly basis, with dates included within the Municipal Timetable approved by Full Council.

6.2. Extraordinary (Special) meetings of a committee may be called by the Proper Officer, in consultation with the Chair of a committee (or in their absence the Vice Chair), subject to the normal provisions under the Local Government Act 1972 (as amended) and the Council's Constitution.

6.3. The Council's agreed Planning Public Participation Policy will apply to each committee.



End of Area Planning Committees

May 2023



# **Part 4.3**

# **Democracy and Standards Committee**

# 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	13	Appointed annually	Council appointment	Full voting rights
Total	13			

- 1.1. Appointments shall be politically balanced. Members to have completed relevant training.
- 1.2. Independent Persons, appointed by the Council for the purposes of assisting with the Authority’s obligations to deal with allegations of breaches of the Code of Conduct, may be invited to meetings of the Committee by the Chair.
- 1.3. Town and Parish Representatives, appointed by the Council for the purposes of assisting with the Authority’s obligations to deal with allegations of breaches of the Code of Conduct, may be invited to meetings of the Committee by the Chair.

## 2. Substitutions

- 2.1. Named substitutes. Substitutes to have completed relevant training.
- 2.2. 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.

### **3. Chair/Vice Chair**

- 3.1. The Chair and Vice Chair of the Committee will be elected/appointed by Annual Council each year.
- 3.2. As per Part 3.2 Meeting Procedure Rules s.22, where a vacancy occurs in either office during the course of a year, an election will be held at the next ordinary meeting of the Committee, the successful nominee serving for the remainder of the Municipal Year.

### **4. Quorum**

- 4.1. The quorum shall be a quarter of voting members, but no less than 4 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.
- e) To oversee the arrangements for the review of the Scheme of Members Allowances, as required by Full Council.
- f) To oversee arrangements for the recruitment to vacancies on the Independent Remuneration Panel (IRP), and submission of nominations for appointment to said vacancies to Full Council for approval.

#### **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 any Planning Protocols under review and make recommendations to Council on any amendment or revisions to the Codes/Protocols 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 consideration of standards complaints, when there is a complaint lodged against a Parish Councillor or Town Councillor, one member of the Sub Committee must be a Town or Parish representative (from a different Parish or Town Council).
- 5.3.4. For unitary complaints, all members of the Sub Committees shall be unitary Councillors.
- 5.3.5. Serving North Northamptonshire Council councillors may not act as the Parish or Town Council representative on a Sub Committee.

### 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.

- 5.4.2 The Assessment Sub Committee shall have a maximum of 5 members. Where the matter relates to a town or parish councillor, the membership will include one town or parish representative previously appointed for that purpose.

#### **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.

- 5.5.2 The Hearing Sub Committee shall have a maximum of 5 members. Where the matter relates to a town or parish councillor, the membership will include one town or parish representative previously appointed for that purpose.

#### **5.6 Working Groups**

The Committee may establish working groups to assist in informing the decisions of the Committee. A working group may be established by a resolution of the Committee.

#### **6.0 Public Participation at a meeting of the Committee**

- 6.1 Members of the public or other non-Committee councillors may address the Committee on items detailed on the formal public agenda for that meeting.
- 6.2 These Public Participation rules do not apply to meetings of the Assessment Sub Committee or the Hearing Sub Committee.
- 6.3 A request to address the Committee must be submitted in writing/email at least by 5:00 pm prior to two clear working days before the meeting date. If the deadline for requests to speak falls at 5:00 pm on a Friday the deadline will be extended to 9:00 am the following Monday.
- 6.4 An individual speaker will be limited to a maximum of 3 minutes to address the Committee on an item.
- 6.5 A period of 15 minutes will be allocated for Public Participation (subject to Chair's discretion to extend this period subject to the demands to address the Committee).
- 6.6 If there is overdemand, the Chair will consider the following in determining whether to use their discretion –
- (i) Was the request to speak submitted within the deadline (as detailed in 6.3 above);

- (ii) Has the person requesting to speak already been allocated a slot to address the Committee albeit on a separate item;
  - (iii) Has the 15 minutes been allocated on other agenda items, but the request received is for an item which currently has no allocated public speakers;
  - (iv) Is the request to speak from a non-Committee councillor, who has the opportunity to have their views/opinions expressed by a colleague sitting on the Committee or they may have the opportunity to talk on the item at another meeting. The assumption would be public speakers take precedence over councillors for the purposes of Public Participation.
- 6.7 If the Committee invite external representatives or other individuals to attend its meeting, to provide information or act as “expert witnesses” on specific agenda items, their participation in discussions would be through the Chair.

**End of Democracy and Standards Committee**

**January 2022**

# **Part 4.5**

# **Audit and Governance Committee**

# 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.

2.2. 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.

## 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 from Internal Audit on agreed recommendations not implemented within reasonable timescales.
- f) To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports of those charged with governance.
- g) To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales.
- h) To comment on the scope and depth of the external audit work and to ensure it gives value for money.
- i) To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.
- j) To consider the reports of inspection agencies relevant to the Council.
- k) To suggest work for Internal and External Audit.
- l) To oversee Internal Audit's independence, objectivity, performance and conformance to professional standards.

- m) To promote the effective use of Internal Audit within the assurance framework.
- n) To consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- o) To contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
- p) To support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.
- q) To oversee the assessment of the governance and performance of significant partnerships.

## **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 and approve council policies on “raising concerns at work”, anti-fraud and anti-corruption policies including the Council’s complaints and Whistleblowing Policy.
- d) To oversee the production of the Council’s 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 and approve 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 external 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.
- d) To support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

#### **5.4. Risk Management**

- a) To consider the effectiveness of the authority's risk management arrangements - understanding the risk profile of the organisation and seeking assurances that active arrangements are in place on risk-related issues, for both the Council and its collaborative arrangements.
- b) To review regular reports from the Council's Strategic Risk Register to gain assurance that the Council is monitoring and managing its risks effectively.
- c) To be satisfied that the authority's accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
- d) To monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption.
- e) To review and approve the Council's Risk Management Strategy and Policy.

**End of Audit and Governance Committee**

**January 2024**

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# **Part 4.5**

# **Health and Wellbeing Board**

# 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**

**March 2021**

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# **Part 4.6**

# **Employment Committee**

# 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.
- 2.2. 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.

## 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
- Executive Director of Customer and Governance
- Executive Director of Children's Services
- 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**

**November 2022**

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# **Part 4.7**

# **Licensing and Appeals Committee**

# 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.

2.2. 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.

## 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 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 but not limited to 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.
- 6.3.6. To determine such all other licences including but not limited to animal welfare, sex establishments and scrap metal
- 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, vehicle 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 Place 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;

**End of Licensing and Appeals Committee**

**January 2022**

# **Part 5.1**

# **Executive Procedure Rules**

# 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 at the following link ([Executive membership](#)).
- 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 Meetings of the Executive**

- 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 Chairs of Scrutiny Committees 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 Chairs of the Scrutiny Committees 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 Scrutiny Committees or Council) for consideration by the Executive in accordance with the provisions contained in the Constitution)
- Consideration of reports from the Scrutiny Committees; 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 Scrutiny Committees 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.

**End of Executive Procedure Rules**

**August 2022**

# **Part 5.2**

# **Executive Advisory Panels**

# 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 six Executive Advisory Panels. The Leader of the Council shall have absolute discretion to create or change them.

1.2 The Panels are;

- Active Communities
- Connected Communities
- Future Communities
- Planning Communities
- Prosperous Communities
- Sustainable Communities

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.

**End of Executive Advisory Panels**

**May 2023**

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# **Part 5.3**

# **Access to Information Procedure Rules**

# 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 15 (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. The Monitoring Officer will not refuse to supply such documents without reasonable cause.

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 5.2 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 7.1 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 8.2 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 8.3 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 9 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.

## **11. The Executive – Application of these Rules**

11.1 Rules 12 to 22 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 14 (general exception) or 15 (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 14 or 15 below, 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 3 above.

## **13. The Forward Plan**

13.1 The Forward Plan will be prepared on a monthly basis to cover a four-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 14 or 15 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 or an Office Holder in the course of the discharge of an Executive 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.

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 15, 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 13;

- (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 14.1, 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 13 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 14 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 Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant 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 14 above; or
  - (c) the subject of an agreement with the relevant Scrutiny Committee Chair, or the Chair/Vice-Chair of the Council under Rule 15 above;

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

16.2 In response to any requirement under Rule 16.1 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 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 to 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 17.1 (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 Rules 9 and 10 above.

## **19. Meeting of the Executive 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:
- 19.1.1. the reasons as to why the meeting is to be held in private;
  - 19.1.2. details of any representations received by the Executive about why the meeting should be open to the public; and
  - 19.1.3. a statement of the Executive's response to any such representations.
- 19.3 All members of the Executive 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 19.1 and 19.3 shall be sent to the Chair of the relevant Scrutiny Committee.
- 19.5 Where the date by which a private meeting must be held makes compliance with Rules 19.1 and 19.2 impracticable, the meeting may only be held in private where the Executive has obtained agreement from:
- a) the Chair of the relevant Scrutiny Committee; or
  - b) if there is no such person, or if the Chair of the relevant Scrutiny committee is unable to act, the Chair of the Council; or
  - c) where there is no Chair of either the relevant 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 19.5 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**

- 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 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 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**

- 22.1. 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.
- 22.2. 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.
- 22.3. How decisions shall be recorded shall be dependent upon the classification of decision.

22.4. 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).

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

#### **22.6. Key Decision (Executive)**

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

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

#### **22.7. Significant Decision (Executive)**

22.7.1. 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).

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

#### **22.8. Officer Delegated Executive Decision**

22.8.1. 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.

### **22.9. Officer Delegated Non-Executive Decision**

- 22.9.1. 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.
- 22.9.2. 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 or refusing a permission or licence.
  - b) Affecting the rights of an individual.
  - c) Involves significant financial implications for the Council

### **22.10. Administrative and Operational Decision (Executive)**

- 22.10.1. 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.
- 22.10.2. 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.

#### **22.11. Administrative and operations decisions (Non- Executive)**

22.11.1. 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.

22.11.2. 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 in consultation with the relevant group leader; and
- d) decisions taken by Officers to check and authorise expense claims submitted by Members in accordance with the Members' Allowances Scheme.

22.12. Any record prepared in accordance with rule 22.4 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.

22.13. Rules 22.4 to 22.5 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**

- 23.1. Subject to Rule 23.4 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 or its Sub-Committees and which contains material relating to:
- (a) any business transacted at a public or private meeting of the Executive 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.
- 23.2. Where a member of the relevant Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 23.1 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.
- 23.3. Subject to Rule 23.4 the Chair of the relevant Scrutiny Committee is entitled to receive papers in relation to private decisions of the Executive before the decision is made.
- 23.4. 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 that the scrutiny member 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**

- 24.1. Subject to Rule 24.4 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 or its Sub-Committees, which contains material relating to:
- (a) business transacted at a public or private meeting of the Executive

and/or its Sub-Committees; or

- (b) a decision taken by an individual member of the Executive; or
- (c) an executive decision taken by an officer in accordance with Part 3 of this Constitution.

- 24.2. Where a Ward Councillor requests a document, which falls within Rule 24.1 above 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.
- 24.3. Subject to Rule 24.4 below the Ward Councillor/s is entitled to receive papers in relation to private decisions of the Executive or its Sub-Committees before the decision is made.
- 24.4. Where the Monitoring Officer so determines, a Ward Councillor will not be entitled to any document that is in draft form.
- 24.5. 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**

- 25.1. 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 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.
- 25.2. 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 or its Sub-Committees which relates to any Key Decision unless Rule 25.1 above applies.
- 25.3. In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 25.1 above 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.
- 25.4. 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 25.1 above 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.

- 25.5. 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**

**January 2022**

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# **Part 6**

# **Joint Arrangements**

# Joint Arrangements

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities by either Council or the Executive depending on the functions being exercised. Where the Executive establishes a joint committee, they may only appoint members of the Executive and those members need not reflect the political composition of the Council as a whole.

## 1. Joint Committees

### 1.1. Shared Services Joint Committee (Between West Northamptonshire and North Northamptonshire)

#### 1.1.1. Terms of Reference

**1.1.1.1.** The Joint Committee's role is to oversee the management of those services which are provided on a Northamptonshire wide basis on behalf of North Northamptonshire and West Northamptonshire Councils to ensure effective delivery of such services and to provide strategic direction.

**1.1.1.2.** The Joint Committee is specifically responsible for:

- a) Developing and agreeing the strategy for each of the services
- b) Approving the Service Plans for the Specified functions including targets for service quality, performance and efficiency.
- c) Agreeing the responsibilities of each Council to deliver the Service Plans and agreed strategy, including any specific responsibilities of the Provider Council and that the responsibilities are documented within the Service Plans.
- d) Ensuring that the services are provided within the policy and budget set by the councils.
- e) Ensuring that the arrangements ensure that each Council's statutory responsibilities are met
- f) Reviewing the performance of the services and initiating additional/remedial action where appropriate.
- g) Ensuring that clear operational policies are in place and that these are complied with

- h) Ensuring the provision of adequate funds and other resources to enable delivery
- i) Agreeing the basis for apportioning cost between the two Councils and the amount to be apportioned
- j) Ensuring that effective risk management arrangements are in place, that the services are subject to adequate and independent audit and that any audit recommendations are acted upon.
- k) Approving business cases for proposed changes and overseeing the progress of subsequent work
- l) Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition to new service delivery arrangements.
- m) Resolving issues that are referred to the Joint Committee by relevant Chief Officers of the Service
- n) Delegating functions of the Joint Committee to officers of either Council under s101 Local Government Act 1972.
- o) Agreeing arrangements to place staff employed by one of the authorities at the disposal of the other authority to carry out the functions of the Joint Committee as described above under s113 Local Government Act 1972.
- p) To take decisions in relation to the commissioning and procurement of services either hosted or under a lead authority arrangement from a third party.
- q) Providing an Annual Report to each of the two Councils on the performance, finances and proposed service improvements including any arrangements for disaggregation.

## **1.2. Children’s Trust Joint Committee (Between West Northamptonshire and North Northamptonshire).**

### **1.2.1. Terms of Reference**

#### **1.2.1.1. Purpose**

- 1.2.1.1.1. The West Northamptonshire and North Northamptonshire Councils will establish a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as “The Children’s Trust Joint Committee”.

- 1.2.1.1.2. The Joint Committee will discharge functions on behalf of the two councils as follows and will be convened as and when required, to:
- a. exercise the functions on behalf of both Councils insofar as they relate to the joint ownership of, and commissioning of services from, the jointly owned local authority company 'The Northamptonshire Children's Trust'.
  - b. exercise the functions of the Council's in respect of the discharge of the Functions and the delivery of the Support Services to NCT under the Support Services Agreement in accordance with the terms thereof;
  - c. consider all matters arising in relation to the discharge of the Functions, the delivery of the Services and their financial position;
  - d. ensure the effective, efficient discharge of the Functions and delivery of the Services;
  - e. agree the responsibilities of each Council required to support the discharge of the Functions and the delivery of the Services;
  - f. monitor and review the performance of discharge of the Functions and the delivery of the Services;
  - g. consider matters reported to the Joint Committee by the Joint Officer Boards and the Councils;
  - h. determine those disputes or differences arising between the Councils in respect of the discharge of the Functions and / or delivery of the Services referred to the Joint Committee by the Joint Officer Boards;
  - i. with the assistance, support and advice of the Joint Officer Boards and the Councils, develop the strategies and plans for the longer-term discharge of the Functions and the delivery of the Services beyond the arrangements provided for in the Support Services Agreement.
- 1.2.1.1.3. The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant to a decision of the Joint Committee must be made by either of the authorities which will be indemnified appropriately.
- 1.2.1.1.4. These Terms of Reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over the Constitution of each Council so far as they relate to the matters for which the Joint Committee is established. The Joint Committee may vary the Terms of Reference rules as it considers appropriate.

#### **1.2.1.2. Definitions**

- 1.2.1.2.1. Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).”

#### **1.2.1.3. Functions**

- 1.2.1.3.1. The Joint Committee will discharge functions on behalf of both Councils.

#### **1.2.1.4. Membership**

- 1.2.1.4.1. There will be 6 elected members of the Joint Committee, 3 appointed from each Council. Appointments will be made in line with each Authority’s governance arrangements. The appointments should include the Leader of each Council and a Member whose portfolio areas include responsibility for Children’s Services.
- 1.2.1.4.2. Appointments will be made for a maximum period not extending beyond each Member’s remaining term of office as a Councillor.
- 1.2.1.4.3. As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council’s Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.
- 1.2.1.4.4. Each authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders.

#### **1.2.1.5. Chair**

- 1.2.1.5.1. Each Council will appoint one Member as a Co-Chair each of whom, in rotation, preside over meetings of the Joint Committee.
- 1.2.1.5.2. Meeting venues shall rotate between the Council’s main offices with the Co-Chair from the authority which is hosting the meeting presiding over the meeting. Where the host Co-Chair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.
- 1.2.1.5.3. The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each of the constituent authorities.

#### **1.2.1.6. Delegation to Officers**

- 1.2.1.6.1. The Joint Committee may delegate specific functions to officers of either of the Councils. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other Council. It may also be subject to the requirement for the officer with delegated authority to consult with the CoChairs of the Joint Committee before exercising their delegated authority.

#### **1.2.1.7. Administration**

- 1.2.1.7.1. Organisational and clerking support for the Joint Committee will be provided for by the host authority.

#### **1.2.1.8. Budget**

- 1.2.1.8.1. Joint Committee will not have an allocated budget.

#### **1.2.1.9. Agenda Management**

- 1.2.1.9.1. All prospective items of business for the Joint Committee shall be agreed by the Joint Officer Board in accordance with the wider NCT agreements and governance and shall be confined to the matters set out in these Terms of Reference.
- 1.2.1.9.2. To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key decisions must be included in the Forward Plan for the Joint Committee.

#### **1.2.1.10. Meetings**

- 1.2.1.10.1. The Joint Committee will meet as and when required for the purposes of fulfilling its function with regards dispute resolution. The quorum for a meeting of the Joint Committee shall be at least two members from each Council.
- 1.2.1.10.2. Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part VA of the Local Government Act 1972 (as amended) and Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.



#### **1.2.1.11. Notice of Meetings**

- 1.2.1.11.1. The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.
- 1.2.1.11.2. At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all Members of the Committee. Five clear days does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

#### **1.2.1.12. Member Participation**

- 1.2.1.12.1. Any Member of each Council who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

#### **1.2.1.13. Business to be Transacted**

- 1.2.1.13.1. Standing items for each meeting of the Joint Committee will include the following:
  - a. Apologies for absence
  - b. Declarations of Interest
  - c. Minutes of the Last Meeting
  - d. Substantive items for consideration
- 1.2.1.13.2. The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. An item of business may not be considered at a meeting unless:
  - a. A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
  - b. Where the meeting is convened at shorter notice from the time the meeting is convened; or
  - c. By reason of special circumstances which shall be specified in the minutes the Co-Chair of the meeting (following consultation with the other Co-Chair) is of the opinion that the item should be considered at the meeting as a matter of urgency “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the

decision could not be made at a later meeting allowing the proper time for inspection of documents by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

**1.2.1.14. Cancellation of Meetings**

- 1.2.1.14.1. If in the event a dispute is resolved prior to the meeting of the Joint Committee called to resolve the issue, after consultation with all three Co-chairs the meeting will be cancelled

**1.2.1.15. Rules of Debate**

- 1.2.1.15.1. Meetings shall be conducted in accordance with the Rules of Debate set out within the Committee Procedure Rules of West Northamptonshire Council.

**1.2.1.16. Request for Determination of Business**

- 1.2.1.16.1. Any member of the Joint Committee may request at any time that the Joint Committee move to vote upon the current item of consideration.

**1.2.1.17. Urgency Procedure**

- 1.2.1.17.1. Where all Co-Chairs of the Joint Committee are of a view that an urgent decision is required in respect of any matter within the Joint Committee's Terms of Reference and it cannot wait until an Ordinary Meeting of the Joint Committee has been called and notice been given under Paragraph 12 of this Schedule (Notice of Meetings), then arrangements will be made to call an urgent meeting of the Joint Committee.

**1.2.1.18. Voting**

- 1.2.1.18.1. With regards the Joint Committee's function in the resolution of disputes under the conflict resolution mechanism, each elected member will be entitled to one vote. Where there is an equality of votes the Chairman will have a casting vote however if the matter cannot be resolved between the Councils then the Dispute Resolution may be engaged.

**1.2.1.19. Minutes**

- 1.2.1.19.1. At the next suitable meeting of the Joint Committee, the Co-Chair presiding will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting

may only consider the accuracy of the minutes. Once agreed, the Co-Chair presiding at the meeting will sign the minutes.

#### **1.2.1.20. Exclusion of Public and Press**

- 1.2.1.20.1. Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 1.2.1.20.2. A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.
- 1.2.1.20.3. If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as he/she thinks is necessary. To comply with the Executive Arrangements (Access to Information) Regulations 2012 all background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

#### **1.2.1.21. Overview and Scrutiny**

- 1.2.1.21.1. Decisions of the Joint Committee will be Executive and subject to scrutiny and call-in. For any Joint Committee meeting including decisions, the minutes will be published within two working days. On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.
- 1.2.1.21.2. Decisions of the Joint Committee which are defined as executive decisions will be subject to the “call in” arrangements operating in each Council as set out in its constitution. Where a decision is called in, arrangements will be made at the earliest opportunity for it to be heard.

### **1.3. PATROL Adjudication Joint Committee**

1.3.1. One Member from each Council shall be appointed to the Joint Committee.

#### **1.3.1.1. Terms of Reference**

- a) The PATROL Adjudication Joint Committee has been established to enable all Councils having Civil Enforcement Area Orders, enabling them to carry out civil enforcement of parking contraventions, to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- b) These functions are exercised through the Joint Committee in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

1.3.2. Joint Committee terms of reference can be found at the PATROL [website](#).

## **2. Statutory Bodies**

### **2.1. Northamptonshire Police, Fire and Crime Panel**

2.1.1. Representation: Five members from each Council shall be appointed to the Panel.

#### **2.1.1.1. Terms of Reference**

- a) The Police, Fire and Crime Panel is responsible for carrying out the powers and duties of the of the Police and Crime Panel as provided for within the Police Reform & Social Responsibility Act 2011 and the Police, Fire & Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018.

## **3. Joint Arrangements**

3.1. **Joint Arrangements Between the Children’s Trust and North Northamptonshire Council** (in accordance with the agreements made by Northamptonshire County Council prior to re-organisation).

3.2. These agreements are binding on the Council and cannot be altered other than as set out below

3.3. The role of the Executive will be to:

- a) provide strategic direction, shape outcomes and allocate resources within approved budgets; and
- b) hold the commissioning function of the Council to account, through the Director of Children's Services and the Intelligent Client Function, in respect of the effectiveness of the commissioning and performance management arrangements under the Agreement.

3.4. The role of the relevant Scrutiny Committee pursuant to the Local Government Act 2000 will be to;

- a) review or scrutinise decisions made or other actions taken by the Executive or the wider Council in connection with the discharge of its statutory functions and to make reports or recommendations to the Executive and/or the wider Council with respect to the discharge of any functions that are the responsibility of the Council (including the Executive) and for these purposes shall:
  - i. review and scrutinise delivery of strategic outcomes and the overall financial performance of the Council and accordingly holding the Executive to account;
  - ii. review the Council's progress in the delivery of its corporate priorities;
  - iii. scrutinise the performance and effectiveness of the Council's commissioning arrangements; and
  - iv. make reports and recommendations on the potential for improvement to policy and improvement of services and use of resources.

3.5. The role of the Council's Intelligent Client Function (which shall include the Director of Children's Services) will be to, in accordance with the terms of this Agreement and through the Contract Governance Meetings and Schedule 6 (Performance Framework), review, monitor, assess and take relevant action (where necessary) in respect of the Trust's performance of its obligations under this Agreement (including the Services) to enable the Council to effectively monitor the discharge of its statutory functions.

3.6. The Children's Trust's Articles of Association set out Reserved Matters requiring Member approval and neither the Company nor the Board shall pass any resolution or take any action in respect of these Matters unless the prior written approval of the Members has been obtained.

Reserved Matters	Council	Executive	Conditions
<p>In relation to the Northamptonshire Children’s Trust; to approve</p> <ul style="list-style-type: none"> <li>a) The appointment and removal of the Chair and Chief Executive, or alterations to their terms of appointment</li> <li>b) The appointment and removal of a Council Director to the Board of the Trust</li> <li>c) Any changes to the membership of the Trust</li> <li>d) Any changes to the Articles of Association</li> <li>e) The voluntary winding up of the company (of the Trust) or its dissolution</li> <li>f) Any changes to governance arrangements arising from the annual review thereof</li> </ul>	X		<p>In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement</p>
<p>In relation to the Northamptonshire Children’s Trust, to annually approve the Business Plan and Interim Business Plan and any in year variation to these plans.</p>		X	<p>In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement</p>
<p>In relation to the company of the Children’s Trust, to approve the entering into by the company (the Trust) for: any new third party contracts for the provision of services by the Company to third parties which are outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan</p>		X	<p>a) In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement</p>

Reserved Matters	Council	Executive	Conditions
			b) Where the value exceeds £500,000
<p>In relation to the company of the Children’s Trust to approve the entering into by the company (the Trust)</p> <ul style="list-style-type: none"> <li>a) any borrowing, credit facility, or investment arrangements with third parties</li> <li>b) any other contractual arrangement with the Council for the provision of other services to the Council</li> <li>c) any proposal to form any legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction or acquiring shares in any other company;</li> <li>d) participating by the Company in any partnership or joint venture, amalgamation with another company or business undertaking,</li> <li>e) the Company giving any guarantee, suretyship or indemnity outside the ordinary course of its business to secure the liabilities of any person or assume the obligations of any person (other than the Company or a wholly owned subsidiary of the Company);</li> <li>f) the selling or disposing of any part of the business (including assets) of the Company;</li> <li>g) dealing with any surpluses of the Company, other than those surpluses which are agreed, pursuant to the Business Plan or Service Delivery Contract, that may be retained by the Company;</li> </ul>		X	<p>In accordance with the limitations and consents required under the Articles of Association of the Trust and the Governance Side Agreement</p> <p>In relation to (a) other than trade credit in the ordinary course of business</p> <p>In relation to (b), and (d) only to the extent that any such arrangement falls outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan</p> <p>In relation to (h), except where the Council is the seller, lessor</p>

<b>Reserved Matters</b>	<b>Council</b>	<b>Executive</b>	<b>Conditions</b>
<p>h) the Company acquiring, or agreeing to acquire, any freehold or leasehold interest in or licence over land</p> <p>i) the Company creating any encumbrance over the whole or a significant part of its undertaking or assets;</p> <p>j) any changes to the company name, trading name or registered office of the Company or physically relocating the headquarters of the Company;</p> <p>k) the Company commencing, settling or defending any significant claim, proceedings or other litigation brought by or against it, except where they are a part of the Company's ordinary course of business and/or operations; and</p> <p>l) acquiring assets outside the scope of the Service Delivery Contract and/or the Business Plan or Interim Business Plan</p>			<p>or licensor of the land in question</p> <p>In relation to (l), where the amount is more than £100,000</p>

**End of Joint Arrangements**

**March 2021**



# **Part 7.1**

# **Scrutiny Procedure Rules**

# Scrutiny Procedure Rules

As the Council operates an executive model of governance, it is required under Section 9F of the Local Government Act 2000 to have at least one Scrutiny Committee.

The purpose of the Scrutiny Committees are to influence the policies and decisions made by the Council and other organisations involved in delivering public services. They do this through meeting regularly and having input into some policies and decisions before they are made, investigating important public issues through Task and Finish Groups and where appropriate challenging or reviewing decisions once they are made through the Call In Procedure Rules.

Scrutiny Committees are not decision-making bodies, but their influence and challenge are vital to effective decision making. The Scrutiny Committees can scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, and scrutinise external bodies as detailed by statute.

The Centre for Governance and 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.”

The Council has three Scrutiny Committees and a Scrutiny Management Board which collectively will perform the scrutiny functions on behalf of the Council.

## 1. Terms of Reference for Scrutiny Committees

Within their remits as set out below;

- 1.1. Review decisions made by the Council, Executive, Committees and Officers (except for regulatory decisions)
- 1.2. Review the performance of the Council in relation to policy objectives, performance targets and/or particular service areas.
- 1.3. Question Executive Members about decisions and performance within their portfolio whether in comparison with corporate objectives over a period of time, or in relation to decisions (except for regulatory decisions).
- 1.4. Review the performance of other public bodies in the area and invite reports from them by asking them to address the relevant Scrutiny Committee about their activities and performance.
- 1.5. Question and gather evidence from any person with their consent.

- 1.6. Make recommendations to Council or the Executive arising from work undertaken by a Scrutiny Committee.
- 1.7. Recommend that a decision made but not yet implemented, be reconsidered by the Executive through the Call In Procedure administered by the Scrutiny Management Board.
- 1.8. Provide responses to Councillors Call for Action.
- 1.9. Collaborate with other Scrutiny Committees and other bodies undertaking similar functions outside the Council.
- 1.10. Agree the terms of reference and details of Panels once they have been added to the Annual Workplan by the Scrutiny Management Board.

## **2. Scrutiny Management Board- Terms of Reference**

- 2.1. The Scrutiny Management Board has strategic responsibility for the Scrutiny function.
- 2.2. The Board has overall responsibility for the direction and management of Scrutiny to ensure that non-executive members make an effective contribution to the improvement and development of the Council, its services, and other external public services for the benefit of North Northamptonshire.
- 2.3. The Board is made up of six members. It is expected that these will be the Chairs and Vice Chairs of the three Scrutiny Committees. The quorum is four members and there shall be no substitutions.
- 2.4. The Chair and the Vice Chair of the Board shall be appointed at the annual meeting of Council.
- 2.5. The Board has the following specific responsibilities: -
  - (a) To work with the statutory Scrutiny Officer to oversee and manage the Council's scrutiny process;
  - (b) Develop and approve an Annual Scrutiny Workplan;
  - (c) Monitor progress of Panel work;
  - (d) Monitor the Council's Forward Plan of Key Decisions;
  - (e) Have overall responsibility for the commissioning of Panel work and consider resource implications. In adding items for review to the Work Plan, the Board shall consider: -
    - Which Corporate Priority the item links to?
    - If the item is of significant community concern?

- If the issue is significant to Partners and/or Stakeholders?
  - What the added value is of doing the work?
  - What evidence there is to support the work?
  - If the Scrutiny work can be completed within a proportionate time to the task identified?
  - If the work is being done somewhere else?
  - What will be achieved?
  - If the Council has the resources to carry out the work effectively?
- (f) To undertake regular dialogue with Executive Directors and Executive Members in line with the Executive/Scrutiny Protocol.
- (g) To consider scrutiny agenda requests and allocate to the relevant Committee if they are approved.
- (h) To undertake an annual assessment of Scrutiny (including undertaking quality control of scrutiny procedures including outputs and added value).
- (i) To oversee the co-ordination of scrutiny members learning and development
- (j) To develop and approve the Annual Scrutiny Report for consideration by Council.
- (k) To determine which Committee a matter should be considered at where it is not clear.
- (l) To determine call in requests.
- (m) To develop, approve and keep under review a Scrutiny/Executive Protocol.

### **3. Corporate Scrutiny- Terms of Reference**

- 3.1 To review and scrutinise the Revenue Budget, Capital Programme and Housing Revenue Account
- 3.2 To undertake the budget review process and ensure that budget proposals are subject to rigorous challenge.
- 3.3 To review and scrutinise the following areas;
- Corporate performance data
  - Council Owned Buildings and Resources
  - Enabling Services e.g., IT (Information Technology)
  - Outside Bodies
  - Customer Services
  - Complaints
  - Northamptonshire Children's Trust
  - Partnerships

#### **4. Health Scrutiny - Terms of Reference**

- 4.1. To exercise the Council's statutory role in scrutinising health services for North Northamptonshire in accordance with the National Health Service Act 2006 as amended and associated regulations and guidance.
- 4.2. To engage with and respond to formal and informal consultations from local health service commissioners and providers where the Committee wishes to do so. This shall be on behalf of Scrutiny and not on behalf of Council.
- 4.3. To scrutinise the commissioning and delivery of local health and social care services to ensure a reduction in recognised health inequalities, improved access to services and the best outcomes for citizens.
- 4.4. To hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of North Northamptonshire and to reduce health inequalities;
- 4.5. To respond to referrals from, and make referrals to, Healthwatch North Northamptonshire as appropriate;
- 4.6. To appoint a lead health scrutiny councillor for the purposes of liaising with stakeholders on behalf of the Health Scrutiny function, including the Health and Wellbeing Board, Healthwatch North Northamptonshire, and the Executive Member with responsibility for health and social care issues;
- 4.7. To have responsibility for scrutinising the Council's role as an Education Authority.

#### **5. Place and Environment Scrutiny- Terms of Reference**

- 5.1 To fulfil all scrutiny functions of the Council in relation to flood risk under the Flood and Water Management Act 2010
- 5.2 To fulfil all scrutiny functions of the Council's designated Crime and Disorder Committee under the Police and Justice Act 2006.
- 5.3 To review and scrutinise the following areas;
  - Transport
  - Regeneration
  - Neighbourhoods
  - Housing
  - Highways
  - Climate
  - Community Safety
  - Leisure
  - Tourism
  - Social Housing

- Enviro-crime
- Waste

## **6. Members**

- 6.1. There shall be 9 elected members of each Scrutiny Committee.
- 6.2. Relevant training shall be undertaken by members as determined by the Scrutiny Management Board.
- 6.3. The Health Scrutiny Committee may include two voting co-opted members as specified in 7. Co-optees below.

## **7. Co-optees**

- 7.1. The Scrutiny Committees shall be entitled to appoint non-councillors as voting or non-voting co-optees as required or permitted by relevant legislation.
- 7.2. The Health Scrutiny Committee may make provision for the appointment of voting co-optees to assist in fulfilling its responsibilities under the National Health Service Act 2006.
- 7.3. The Health Scrutiny Committee shall appoint voting representatives in accordance with the Education Act 1996. These representatives have the right to vote on any question which relates to any education functions which are the responsibility of the Executive.
- 7.4. Parent Governor Representatives can be appointed to the Health Scrutiny to assist in fulfilling its responsibilities under the Education Act 1996 in accordance with the guidance published by the relevant government department.

## **8. Substitutions**

- 8.1. Named substitutes are allowed and must undertake relevant training as determined by the Scrutiny Management Board.

## **9. Chairmanship**

- 9.1. The Chair and Vice Chair of each Committee shall be appointed at the annual meeting of Council. If a vacancy for Chair or Vice Chair of a committee occurs in year, the committee at its next ordinary meeting shall elect/appoint to the vacant post for the remainder of the Municipal Year.

## **10. Quorum**

- 10.1. The quorum for each committee shall be a quarter of voting members, but no less than 4 members unless otherwise specified.

## **11. Meetings**

- 11.1 Scrutiny Committee meetings will be held bi-monthly.
- 11.2 Extraordinary (Special) meetings of a Scrutiny Committee or the Scrutiny Management Board may be called by the Proper Officer, in consultation with the Chair of the relevant committee, subject to the normal provisions under the Local Government Act 1972 (as amended) and the Council's Constitution.
- 11.3 Scrutiny Management Board shall be held monthly and shall be open to the public to attend.

## **12. Agenda for meetings of the Scrutiny Committees**

- 12.1 Matters to be considered will be set out in an agenda, together with appropriate and relevant supporting papers.
- 12.2 Any member of the Committee shall be entitled to request, in writing, that an item be included on the agenda. Any such item shall be considered by the Scrutiny Management Board, and they will determine whether it can be included.
- 12.3 Similarly, the Leader or an individual member of the Executive may give notice in writing requesting an item to appear on an agenda of a Scrutiny Committee, relating to their area of responsibilities. The Scrutiny Management Board will decide how the item should be considered and whether it can be included.
- 12.4 Any other Councillor may write to the Statutory Scrutiny Officer to request an item to appear on an agenda of a Scrutiny Committee. The Scrutiny Management Board will decide whether it can be included.

## **13 Reports from the Relevant Scrutiny Committee**

- 13.1 Once recommendations have been formed, the relevant Scrutiny Committee may submit a formal report for consideration by the Executive (if the proposals relate to an executive function and are consistent with the existing budgetary and policy framework), or to the Council as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 13.2 The Council or the Executive shall consider the report of the Scrutiny Committee at the next available meeting. The Council or the Executive shall respond to the Scrutiny Committee within two months (or following the next available meeting in the case of the Council) of it being submitted.

## **14. Panels**

- 14.1 The Scrutiny Management Board may add Panels to the Annual Workplan and determine which Committee shall be responsible for the Panels work. Panels should be used to ensure that the relevant Committee is having an impact and meeting its statutory duties.
- 14.2 There shall be a maximum of 4 Panels established at any one time across all Committees unless the Scrutiny Management Board agrees that there are exceptional circumstances (taking into consideration resource implications and advice from the statutory Scrutiny Officer). This will exclude long standing Panels.
- 14.3 Whilst Panels will be on a task and finish basis and in most cases and time-limited, the Scrutiny Management Board is not precluded from agreeing long standing Panels subject to regular review and oversight by the appropriate Committee and progress being reported to the Scrutiny Management Board.
- 14.4 Panel membership may be opened up to other members of the Council, not just those sitting on the Scrutiny Committees. They may not be drawn from the Executive. The Board may also co-opt other persons on to the group from relevant partners, organisations, or community groups.
- 14.5 Where the Scrutiny Management Board agrees a Panel, it will direct the formal establishment of it to be undertaken by one of the three Committees, which will formally establish it and set out the name of the Panel, and the terms of reference including relevant dates for completion.
- 14.6 Panels are not required to be politically balanced, but they shall be cross party.
- 14.7 Panels can question and gather evidence from any person with their consent. Executive Members and Officers shall be required to attend if requested by the Panel.
- 14.8 Any report prepared by a Panel shall be agreed by the Scrutiny Committee which established it prior to being submitted for consideration by Council or the Executive.
- 14.9 Reports shall be made to the Council for Council functions and the Executive for Executive functions.
- 14.10 Panels are informal meetings without decision making powers and will not be open to the public or live streamed.

### Minority Reports

- 14.11 When a Committee agrees a report to include the Committee's conclusions and recommendations, the Scrutiny Committee may be unable to reach a consensus. Members in the minority may wish to express a view different from that of the majority. In these circumstances, a minimum of 2 Members



with a minority view may choose to submit a minority report.

- 14.12 The intention to submit a minority report must be declared within the Scrutiny Committee meeting at the time the majority report is agreed. Such an intention must be recorded in the minutes of the meeting and referred to in the final report as part of the Committee's resolutions.
- 14.13 Where a Committee has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted.
- 14.14 Where the intention to produce a minority report has been recorded in the minutes, Democratic Services will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Democratic Services within 5 clear working days after the Scrutiny Committee meeting.
- 14.15 In order that a minority report is given the opportunity to be considered in context by the Executive/Council, where it has been produced within the agreed timescale it will be attached as an appendix to the majority report.
- 14.16 The Monitoring Officer will determine if a minority report should be exempt from publication, in which case the usual procedures for the publication of exempt reports apply.
- 14.17 The drafting and submission of the minority report remains the responsibility of the Councillors who have proposed it and not Democratic Services or other officers. The report will include details of the Councillors who have submitted the minority report, as well as its issues and any alternative recommendations.
- 14.18 It is expected that a Scrutiny Committee will have considered all the relevant information available and as such a minority report will be based on the same evidence as a majority report.

## **15 Call-in**

- 15.1 Call-in is the exercise of the Scrutiny Committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented.
- 15.2 Where a decision is called in and the Board decides to refer it back to the Executive for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 15.3 Any Key Decision is subject to call-in, whether determined by the Leader, an Executive Member, the Executive or a delegated officer. A decision may be called in only once. A recommendation by the Council may not be called in.
- 15.4 Call-in of decisions which may be contrary to the budget and policy framework

shall be governed by the provisions of the Budget and Policy Framework Procedure Rules set out elsewhere within this Constitution.

## **16 The Call-In Procedure**

- 16.1 Once made, a Key Decision shall be published, in the form of a decision note, within two clear working days at the Council's main offices and on its public website. The decision record will be sent to all members of the Council within the same timescale.
- 16.2 The decision record will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decision record.
- 16.3 A call-in request must be in the form of a written notice submitted to the Monitoring Officer and received before 5pm on the published deadline shown on the Decision Notice.
- 16.4 A request shall only be valid if it is signed by at least 8 members of the Council who are not members of the Executive. Eight separate e-mails (as appropriate) will be acceptable if the form has not been signed.
- 16.5 One of the requestors must identify themselves as the lead signatory and the request must set out the reasons for call-in request.
- 16.6 The notice must set out -
- The resolution or resolutions that the member(s) wish to call in.
  - Clear reasoning as to how the principles of decision making as set out within this Constitution (extract below) have not been met.
  - The recommendations that they want to make to the Executive or Executive Member who has exercised delegated authority.

### The Principles of Decision Making

*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.*

- 16.7 The call-in request will be deemed valid unless either:
- (a) The procedures set out in Procedure Rules 16.1 – 16.6 above have not been properly followed; or
  - (b) A similar decision has been called in by a Scrutiny Committee in the past two years; or
  - (c) The Executive decision has been recorded as urgent in accordance with urgency provisions; or
  - (d) The Monitoring Officer, in consultation with the Scrutiny Management Board, considers the call-in to be frivolous, vexatious, or clearly outside the call-in provisions;
- in which case the Monitoring Officer may reject the call-in request.
- 16.8 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the member(s) concerned.
- 16.9 Upon deciding on its validity, the Monitoring Officer shall notify the member(s) concerned, the Leader of the Council and relevant Executive Member, the Chair and Vice-Chair of the relevant Scrutiny Committee and the Head of Paid Service.

## **17 Consideration by the Scrutiny Management Board**

- 17.1 The Scrutiny Management Board is responsible for considering matters which have been called in.
- 17.2 The Monitoring Officer will ensure that any valid call-in is reported to the next available meeting of the Scrutiny Management Board or will convene a special meeting if agreed by the Chair of the Scrutiny Management Board.
- 17.3 The lead requester will be expected to attend the meeting of the Scrutiny Management Board to explain their reasons for the call-in and the recommendations they would like to make.
- 17.4 The Scrutiny Management Board will consider the reasons set out in the call-in request and will conduct the meeting in accordance with the Call In Protocol.
- 17.5 Having considered the call-in and the reasons given, the Scrutiny Management Board may either: -
- a) Refer it back to the Executive or Executive Member who made the decision for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any recommendations; or

- b) If it considers that the decision is outside the Council's budget and policy framework, refer the matter to Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules; or
- c) Decide to take no further action, in which case the original Executive decision will be effective immediately.

### **Decisions Referred Back to the Decision-Maker**

17.6 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Scrutiny Management Board, and make a final decision, amending the decision or not, and give reasons for the decision.

17.7 If a decision relates to an Executive function only the Executive can decide the matter if it is in accordance with the Council's budget and policy framework.

### **18 Call-In and Urgency**

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

- a) A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
- b) Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision-making body or person before the decision is taken.

18.2 Once made, an Executive decision shall be published, in the form of a decision record, within two clear working days at the Council's main offices and on its public website. The decisions digest will be sent to all members of the Council within the same timescale.

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

18.4 The Chair of the Scrutiny Management Board must agree to the decision being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair of the Scrutiny Management Board's consent shall be required. In the absence of that person, the Chair of the Council's consent shall be required. In the absence of the Chair of the Council, the Vice-Chair of the Council's consent shall be required.

18.5 Where the Executive has recorded a decision as urgent, the Scrutiny Management Board may retrospectively review actions arising from that decision but cannot delay its implementation.

## **19 Councillor Call for Action**

- 19.1 Any member of the Council may submit a Councillor Call for Action using the appropriate form.
- 19.2 The Councillor Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Executive Member and the Head of Paid Service or his/her nominee.
- 19.3 Only if reasonable steps have been evidenced will the Councillor Call for Action be placed on the agenda of the relevant Scrutiny Committee by the Scrutiny Management Board. It is for the Scrutiny Committee to determine how it wishes to respond to the Councillor Call for Action and in the case of refusal to undertake a review then reasons must be provided.

## **20 The Party Whip**

- 20.1 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a member of the Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

**End of Scrutiny Procedure Rules**

**May 2023**

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# **Part 8.1**

# **Roles of Councillors and Office Holders**

# Roles of Councillors and Office Holders

This document sets out the roles and responsibilities of elected members generally and also in relation to any specific roles that they be appointed to. It is not intended as an exhaustive list but should be used to understand the basics of what key members roles entail

## 1. All Councillors

### 1.1 Responsibilities

- a) Be at the centre of community life:
  - Spend time out and about, learning about the communities that you represent, supporting your residents, working with local organisations (such as GPs, schools, police, local businesses, town and parish councils, and voluntary organisations) developing a shared understanding of local issues and ensuring that communities make the most of all the opportunities available to them.
  - Build good working relationships and earn the trust and respect of local partners, other members and council officers
  - Be an active member of local networks and partnerships, for example by acting as a school governor.
  - Communicate regularly with your community including communicating council policy and decisions.
- b) Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- c) Represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- d) Represent the Council on outside bodies as required.
- e) Participate constructively in the good governance of the Council.
- f) Fulfil the statutory and locally determined requirements of an elected Member of a local authority, including compliance with all relevant codes of conduct, regulations, protocols and procedures, and participation in those decisions and activities reserved for the full Council.



## **1.2 Key Tasks**

- a) Attend and participate effectively as a Member of any committee to which the Councillor is appointed.
- b) Participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
- c) Participate in the scrutiny or performance review of the services of the Authority including where the Council so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.
- d) Participate in any advisory group to which the Councillor is appointed, as convened by the Executive from time to time.
- e) Participate, as appropriate, in consultation with the community and with other organisations.
- f) Develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers/duties, and constraints.
- g) Contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the North Northamptonshire area.
- h) Maintain professional working relationships with all Members and Officers.
- i) Identify and participate in opportunities for further development and training as a Councillor and keep abreast of developments in national and local government.

## **2. Leader of the Council**

### **2.1. Responsibilities**

- a) Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of the North Northamptonshire Council, in the short, medium and long term.
- b) Provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.

- c) Lead the Executive in its work to develop the policy framework and budget and take overall political control of the Council within the agreed policy framework.
- d) Lead the development of local and regional strategic partnerships.
- e) Ensure the appropriate representation of the Council on key outside bodies.

## 2.2. Key Tasks

- a) Provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Executive and the Council.
- b) Represent the Council's political and strategic decision-making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Executive informed accordingly.
- c) Appoint Members of the Executive and allocate Executive portfolios.
- d) Develop and maintain good working relations and effective channels of communication with the Chair of the Scrutiny Committee
- e) Ensure that Executive Advisory Panels promote cross party involvement in policy development and decision making
- f) Direct, manage and chair meetings of the Executive and to take responsibility, individually and/or collectively for any specific portfolio, including providing a political lead in proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesperson for the Council.
- g) Consider the development and training needs of the Executive and members generally and arrange for training sessions or suitable briefings as appropriate.
- h) Receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.
- i) Perform annual appraisal of Head of Paid Service.

### **3. Additional Responsibilities and Tasks for Executive members**

3.1 These role profiles should be read in conjunction with the role profile for all councillors.

3.2 All Executive Councillors with Portfolio

3.2.1 Responsibilities

- a) Take responsibility within the Executive on the basis of collective decision making and such individual delegation that may apply, for a portfolio of services or functions of the Council.
- b) Input into the Executive any information, intelligence or factors considered relevant to the issues under consideration by the Executive.
- c) Contribute actively through the portfolio and membership of the Executive to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

3.2.2 Key Tasks

- a) Participate in the Executive and to implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
- b) Develop a clear understanding and in-depth knowledge of the respective portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
- c) Consult and communicate with all members, council officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
- d) Ensure that the Council is briefed at the appropriate time on significant issues within the respective portfolio – i.e. those which have financial or other major resource implications, or which will result in a change to established policy.
- e) Act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
- f) Work closely with the Chief Executive and senior officers responsible for the services within the portfolio and the relevant Scrutiny Committee Chair.

- g) Direct, manage and chair meetings of the Executive Advisory Panels and ensure that a cross party approach is employed to support the Councils hybrid governance arrangements.
- h) Work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Executive of progress and performance.
- i) Participate in scrutiny or performance reviews of services as requested by the relevant Scrutiny Committee.
- j) Represent the Council and the Executive in the community and elsewhere as required by the Leader.

#### **4. Additional Responsibilities and Tasks for Non-Executive Councillors**

##### 4.1 Chair of the Council

##### 4.1.1. Responsibilities

- a) Uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- b) Preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
- c) Ensure that the Council meeting is a forum for council members to debate matters of concern to the local community and the place at which members are able to hold the Executive to account.
- d) Promote public involvement in the Council's activities.
- e) Be the conscience of the Council, and act impartially.
- f) Attend such civic and ceremonial functions as the Council and/or he/she determines appropriate and take precedence at formal occasions.
- g) Ensure that the dignity of the office and Council is maintained at all times.

##### 4.1.2 Key Tasks

- a) Chair all meetings of the full Council.
- b) Chair major consultation meetings organised by the Council, as appropriate.
- c) Set the standard of conduct to be expected from all Councillors.

- d) Help represent the Council in the community and in discussions with regional, national and international organisations and others.
- e) Attend functions appropriate to the position of Chair of the Council.
- f) Act as host to visiting Royalty, civic dignitaries and other important visitors.
- g) Meet with relevant officers to ensure the receipt of appropriate advice to enable effective decisions.

## 4.2 Scrutiny Chairs

### 4.21 Responsibilities

- a) To promote the integral role and contribution of scrutiny within the authority's wider improvement planning and reporting arrangements
- b) To lead joint scrutiny activities with other authorities or organisations when required and ensure that scrutiny upholds its statutory duties
- c) To champion and promote the role of Scrutiny to the public, helping the public better understand and, crucially, contribute to and engage with the scrutiny process.
- d) To promote the role of Scrutiny to partner bodies, helping them to understand and engage with the Scrutiny function.
- e) To demonstrate an objective and evidence-based approach to overview and scrutiny ensuring that scrutiny inquiries are methodologically sound and incorporate a wide range of evidence and perspectives
- f) To follow-up scrutiny recommendations, evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement
- g) Work closely with scrutiny support staff to drive continual improvements in scrutiny
- h) Assist in publicising the work of the scrutiny committee

### 4.22 Key Tasks

- a) To provide confident and effective management of the committee
- b) Managing and develop a balanced work programme for the committee which includes investigative scrutiny, holding the Executive to account, and performance monitoring
- c) To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities

and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues

- d) To report on progress against the work programme to Council, and others as appropriate
- e) To ensure that task and finish/Panels have clear terms of reference and deliver the required outcomes.

**End of Roles of Councillors and Office Holders**

**January 2022**

# **Part 8.2**

# **Member Code of Conduct**

# Member Code of Conduct

The purpose of the Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide a personal check and balance and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow Councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of members and local government. Where you believe that a member has not met the obligations of the Code of Conduct then you can make a complaint by using the procedure contained in Part 8.3 of the Constitution - Arrangements for dealing with allegations of breaches of North Northamptonshire Council's Code of Conduct.

## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and



- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication;
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Town and Parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **1. Respect as a councillor:**

#### **As a Councillor**

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Councils Member/Officer Protocol.

### **2. Bullying, harassment and discrimination**

#### **As a councillor:**

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3 Impartiality of officers of the council**

**As a councillor:**

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4 Confidentiality and access to information**

**As a councillor:**

- 4.1 I do not disclose information:**
- a. given to me in confidence by anyone**
  - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless;**
    - i. I have received the consent of a person authorised to give it;**
    - ii. I am required by law to do so;**
    - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third**

**party agrees not to disclose the information to any other person; or**

**iv. the disclosure is:**

- 1. reasonable and in the public interest; and**
- 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
- 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5 Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6 Use of position**

### **As a councillor:**

- 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7 Use of local authority resources and facilities**

### **As a councillor:**

- 7.1 I do not misuse council resources.**
- 7.2 I will, when using the resources of the local or authorising their use by others:**
- a. act in accordance with the local authority's requirements; and**
  - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8 Complying with the Code of Conduct**

### **As a Councillor:**

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9 Interests**

### **As a councillor:**

- 9.3 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority . You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10 Gifts and Hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor.

The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family.

It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.

You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable pecuniary interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest/

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Interest</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	<p>Any tenancy where (to your knowledge)</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>

<p><b>Securities</b></p>	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> <li>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</li> <li>(b) either             <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) where the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>
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*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

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

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

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

**Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a. any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b. any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

**End of Member Code of Conduct**

**March 2021**

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# **Part 8.3**

# **Member Complaints Procedure**

# Arrangements for dealing with allegations of breaches of North Northamptonshire Council’s Code of Conduct

The Council has adopted a Code of Conduct for Members, which is at Part 8.2 of the Constitution.

These “Arrangements” set out how you may make a complaint that a Member of this Council has failed to comply with the Council’s Members’ Code of Conduct, or in the case of a Parish or Town Councillor, that Parish or Town Council’s Code of Conduct, and sets out how the Council will deal with it.

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

## 1. Making a complaint

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

The Monitoring Officer  
North Northamptonshire Council  
Sheerness House  
Kettering  
NN16 8TL

or e-mail the Monitoring Officer at:

[monitoringofficer@northnorthants.gov.uk](mailto:monitoringofficer@northnorthants.gov.uk)

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

1.3 In order to ensure that we have all the information which we need to be able to process your complaint, we would recommend that you use the complaint form, which is available on request or can be downloaded at the following link:- ([Code of Conduct and Complaints](#)).



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

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

## **2. Initial Assessment of Complaints Received**

2.1 The Monitoring Officer will review all complaints received by the Council and must consult with at least one of the Independent Persons (see section 13 below) at this stage. In assessing the complaint, the Monitoring Officer will apply the following 'public interest' test:

- a) 'CAN' we investigate your complaint?
  - (i) Is the person you are complaining about a Councillor?
  - (ii) Is the conduct complained about within the jurisdiction of the Code of Conduct?
  - (iii) Did the conduct occur within the last six months?
  - (iv) Is the conduct something that is covered by the code?

2.2 If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter.

2.3 If the Monitoring Officer determines the complaint can be investigated, the following test will be applied:

- b) 'SHOULD' we investigate your complaint?
  - (i) Is there evidence which supports the complaint?
  - (ii) Is the conduct something which it is possible to investigate?
  - (iii) Would an investigation be proportionate and in the public interest?

2.4 If the Monitoring Officer determines the complaint should be investigated, they will then decide whether the complaint:

- a) warrants investigation or,
- b) may be suitable for alternative resolution without investigation

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

- 2.6 In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Persons will have regard to a range of factors including the following: -
- a) Whether there is sufficient information upon which to base a decision;
  - b) How serious is the alleged complaint;
  - c) Is the complaint politically motivated, vexatious or tit for tat;
  - d) Did the action complained about occur recently or not;
  - e) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
  - f) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned, or the complainant is not prepared to accept this as a solution.
- 2.7 The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer. You will be informed on progress throughout the process.
- 2.8 Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.
- 2.9 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 2.10 If, during the assessment of the initial complaint, it becomes clear that either the Monitoring Officer or the Independent Persons have a conflict of interest in relation to the complaint, they will not play any further role in the assessment of the complaint. In order that the complaint can be assessed, steps will be taken to appoint a Monitoring Officer (or suitably qualified person) or an Independent Person from another authority to assess the complaint and take any further steps required under this procedure.

### **3. Alternative Resolution**

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

resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Persons) will take account of this in deciding whether the complaint warrants a formal investigation.

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

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

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

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

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

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

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

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

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

6.1 The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Sub Committee made up of Councillors from the Council's Democracy and Standards Committee or seek an alternative resolution.

6.2 Local Resolution

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

6.3 Local Hearing

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

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

6.3.3 It is intended that hearings should be conducted in a formal manner but the attendance of legally qualified representative advisors of the complainant and complained against councillor(s) is not encouraged. Accordingly, no assistance will be given towards the cost of any such legally qualified representatives. The Sub Committee will act in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the councillor(s) on the balance of the information available to it, and will be able to commission further investigation or information where it needs to do so in order to come to a decision.

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

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

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

## **7. What action can the Sub Committee take where a Member has failed to comply with the Code of Conduct?**

7.1 The Sub Committee must publish its findings in respect of the Member's conduct;

7.2 The Sub Committee may:

- a) Report its findings to the Council for information;
- b) Recommend that the Leader/Group Leader or Town/Parish Council, as applicable, remove the Member from Special Responsibilities – i.e. Executive/Committees/Outside Bodies;
- c) Instruct the Monitoring Officer to arrange training for the Member;
- d) Instruct the Monitoring Officer to mediate between the complainant and the Member;
- e) Recommend to Full Council or a Town or Parish Council as applicable, that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the Council where the complaint relates to that appointment and for a specified period of time;
- f) Recommend to Full Council or a Town or Parish Council as applicable, the withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or

- g) Recommend to Full Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- h) Recommend that the member concerned makes a formal written or verbal or written and verbal apology to the Full Council and/or the complainant.

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

## **8. What happens at the end of the hearing?**

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

8.2 As soon as reasonably practicable thereafter and subject to any adjournment as set out in 6.3.6 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub Committee and send a copy to you and to the Member. The decision notice will be made available for public inspection after 20 working days have elapsed from the date the decision notice was issued (provided there has not been a request for a review under paragraph 9 of these Arrangements) and the decision reported to the next convenient meetings of the Democracy and Standards Committee and of the Council.

## **9. Appeals and Reviews**

9.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer of Sub Committee. A complaint can be lodged with the Ombudsman about process.

## **10. Sub Committees**

10.1 The Sub Committees are panels of the Council's Democracy and Standards Committee. They will comprise three Members of the Democracy and Standards Committee; and for Town and Parish Council complaints a Town/Parish representative who is a member of the Democracy and Standards Committee.

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

## **11. Who are the Independent Persons?**

11.1 The Council has three Independent Persons.

11.2 A person cannot be “independent” if they:

- a) are, or have been within the past five years, a Member, co-opted Member or officer of the Council or of a parish council within the Council’s area; or
- b) are a relative or close friend of a person within paragraph 13.1. For this purpose, “relative” means:
  - (i) the other person’s spouse or civil partner;
  - (ii) living with the other person as husband and wife or as if they were civil partners;
  - (iii) a grandparent of the other person;
  - (iv) a lineal descendant of a grandparent of the other person;
  - (v) a parent, sibling or child of a person within paragraphs (i) or (ii);
  - (vi) the spouse or civil partner of a person within paragraph (iii), (iv) or (v); or
  - (vii) living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they were civil partners.

## **12. Being accompanied at a Sub Committee**

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

## **13. Principles of Natural Justice**

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

## **14. Service**

14.1 Where it is necessary for any documentation to be sent to a member against whom an allegation of breach of the Code has been made, those documents may be sent by recorded delivery post to that members usual address and/or by e-mail to the e-mail address notified to the Council. Any documents sent by such a method are deemed to be served for the purpose of these

arrangements.

**15. Revision of these arrangements**

- 15.1 The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Sub Committee (and the Chair of the Review Panel in cases where there is a review), the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

**End of Arrangements for dealing with allegations of breaches of North  
Northamptonshire Council's Code of Conduct**

**August 2022**



# **Part 8.4**

# **Member Officer Protocol**

# Members and Officers- Protocol for Working Effectively

This document is designed to provide a guide to good working relations between members and officers, to define their respective roles and provide some principles for governing conduct.

## 1. Expectations

1.1 Members and Officers should expect each other to;

- Comply with ethical standards and probity requirements
- Be part of an effective working partnership
- Contribute to safeguarding the reputation of the council
- Respond in a timely way to enquiries and complaints
- Be reliable
- Understand and advise on the needs of local communities
- Ensure the council acts lawfully and its reputation is safeguarded
- Fully consider professional advice as part of decision making
- Ensure the allocation of physical, financial and human resources
- Avoid personal criticism
- Be respectful
- Be professional
- Trust and respect each other's expertise, knowledge and skills
- Listen and understand each other
- Understand the strategic and long-term direction of the council
- Inform and manage citizens expectations
- Understand and explain difficult decisions
- Provide advice, information and guidance

1.2 Members should expect officers to

- Be impartial and apolitical
- Implement policy and ensure operational delivery
- Provide advice
- Be responsible for day to day management
- Have respect for the role of councillor and the political process
- Be aware Members wear different hats and fulfil different roles at different times
- Appreciate the pressures that Members face in carrying out their duties
- Be sensitive to the politics

- Recognise that Members bring skills and knowledge

### 1.3 Officers should expect Members to

- Add a political dimension
- Make policy and determine the core values of the council
- Be accountable to the electorate and act in the public interest
- Be a community leader for the ward they represent
- Understand and represent the interests of the wider community and the whole council as well as those of their ward
- Avoid becoming involved in day to day management issues
- Make difficult/unpopular decisions for the common good of North Northamptonshire
- Lobby on national/local policy issues on behalf of the area
- Bring skills and knowledge
- Represent their constituents to the Council

## 2 Relationship

2.1 It is accepted that Members and officers will work together to deliver outcomes. The relationship between the two will develop and change over time and it is therefore important to regularly revisit and review how such a relationship should work. Only then can we ensure it remains fresh, vibrant and healthy.

2.2 Our member/officer relationships shall be defined and shaped by our culture and evolve in a way that ensures we are best placed to collectively meet challenges and deliver positive change. This protocol seeks to set out the parameters of the relationship in order to ensure we can do just that.

2.3 It is not intended to be just a set of rules nor is it a complete guide to the complex landscape in which Members and officers operate and interact. It is not a substitute for developing effective working relationships built on trust but should be a source of advice and context in developing such relationships.

2.4 This protocol should be read alongside other key documents such as the Members Code of Conduct, the Officer Code of Conduct and other relevant protocols.

2.5 The nature of both officer and councillor roles and the consequent relationships are increasingly complex and changing in a dynamic local government environment. The Widdicombe Committee description of those roles and relationships remains relevant:

*“Local Government has derived strength over the years from a complementary relationship between part-time Members drawn from and representative of the*

*general public, and full-time officers with professional expertise. We accept that this cannot be a rigid or static model. Some Members will need to devote considerable time to council business, and there has sometimes been too great a stress on officer professionalism. Members moreover have the right to ensure that some of their decisions for which they are statutorily responsible and accountable are implemented by officers. Nevertheless, a merging of roles is not desirable. Members should leave the day to day implementation of council policies, including staff management, as far as possible to officers and officers should demonstrate that they are sensitive to the political aspirations underlying those policies”.*

Whilst on a number of levels there is a distinct separation between the two roles, the relationship is most effective when it operates in partnership. In order for such a relationship to work well it is important for each to have an awareness of the distinct boundaries and expectations that each can legitimately have of the other.

### **3 Roles**

3.1 Officers and Members carry out a wide variety of roles. In undertaking their roles all Members are expected to do so in accordance with the Principles of Public Life:

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

3.2 The conduct of officers is governed by the Officer Code of Conduct and any relevant protocols.

#### **4 Executive Members and Officers – Decision Making**

4.1 North Northamptonshire Council operates an Executive hybrid model of governance.

4.2 Implicit within these arrangements is a need for a close working relationship between the members of Executive and senior officers. Such relationships should never become, or appear to become, so close as to bring into question the officer's ability to deal impartially with other Members and political groups. Executive must respect the political neutrality of the officers. Officers must ensure that their political neutrality is not compromised.

4.3 Where officers are taking decisions under their delegated executive powers they should consider informing the relevant Portfolio Holder of their intentions in advance. This is particularly important where such a decision falls within the requirements of the Access to information Regulations 2012, where there is a requirement for the decision to be recorded, and in all instances where the Officer decision constitutes a Key Decision. Such decisions will be publicly accessible.

#### **5 Scrutiny Members and Officers**

5.1 The Council currently has a single Scrutiny Committee, supported by relevant Task and Finish Panels.

5.2 In a council with Executive arrangements, Scrutiny plays an important role in scrutinising Council business and the decisions that it takes. It also plays an important role in overseeing policy implementation and service performance.

5.3 As part of conducting its business the Committee and/or its Panels will require officers to attend scrutiny meetings. All requests should be made to the relevant Executive Director or Director in the first instance.

5.4 In giving evidence to the Committee or its Panels officers must not be asked to express political views.

5.5 Officers should respect scrutiny members in the way they respond to their questions.

5.6 Scrutiny members should not question officers in a way which could be interpreted as harassment or bullying. Neither should they ask about matters of a disciplinary nature.

5.7 Scrutiny proceedings must not be used to question the capability or competence of officers. Scrutiny members need to make a distinction between scrutinising the policies and performance of the council and its services and appraising the personal performance of staff. The latter is not a scrutiny function.

## **6 Party Groups and Officers**

6.1 Political groups have, and will continue to be, an important part of the political and informal governance landscape. In light of this it is possible that officers may be asked to attend a party group meeting whether of the controlling group or an opposition group. Any such request should be made in writing to the Chief Executive and the Monitoring Officer. If agreed it will be on the basis that similar arrangements will be made for other groups should they request it.

6.2 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must provide consistent information to each group.

6.3 Officer involvement should be limited to the provision of factual information or professional advice in relation to matters of council business. Officers should not advise on matters of party business and should leave the meeting before the group discuss and/or decide their political course of action.

6.4 Officers should not be put in a position where they feel their political impartiality or integrity are put at risk and may leave the meeting if they believe this is the case.

6.5 Special care should be taken where officers are involved in providing information and advice to a party group meeting where that includes persons who are not members of the council. Due to issues of confidentiality officers may not be able to provide the same level of information and advice.

6.6 Officers must respect the confidentiality of any group discussions at which they are present and will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need to know basis.

## **7 Ward Members and Officers**

7.1 All of the electoral wards in North Northamptonshire are represented by three Members. It is they who provide the bedrock of representative democracy and as such it is important that they are supported effectively to carry out their community leadership role. With this in mind, communication is a very important factor for officers to bear in mind. Members need to be fully informed about matters affecting their ward.

7.2 Senior officers must ensure that all relevant staff are aware of the requirement to keep local Members informed. This will allow Members to perform their local leadership role.

7.3 This requirement is particularly important:

- During the formative stages of policy development, where practicable and through Executive Advisory Panels where appropriate.
- In relation to significant or sensitive operational matters
- Whenever any form of public consultation exercise is undertaken, and
- During a scrutiny exercise

7.4 In your capacity as an Officer you must not attend ward or constituency political party meetings.

7.5 In seeking to deal with constituents' queries or concerns Members should be mindful of the pressures on officer time. They may not be able to carry out the work required by Members in the requested timescale. On some occasions it may not be possible to do what the councillor wants. It is important that Members are realistic when managing the expectations of their constituents in terms of what officers and the council are able to do.

7.6 Officers have a responsibility to ensure Members are clear as to what is possible, and more importantly, what is not and communicate that.

7.7 Officers should be aware that a timely response is required but timescales will vary from service to service depending on what the enquiry is and how complex it is to answer.

## **8 Members' Access to Documents and Information (To be read in conjunction with the Access to Information Procedure Rules)**

8.1 It is important that officers keep Members routinely informed about the major issues concerning the council. Similarly, Members should be informed about proposals that affect their ward before they are announced publicly.

8.2 Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain, and
- It is not barred by legislation from being given
- It does not compromise personal confidentiality

8.3 A member can access information published by any decision making body if they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the "need to know" principle), and the documents do not contain "confidential" or "exempt" information as defined by law.

8.4 Should disputes occur with regards to the validity of a councillor's request to see a document on a need to know basis, these will be determined by the Monitoring Officer.

8.5 A councillor should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:

- Where to do so is likely to be in breach of the Data Protection Act, or
- Where the subject matter is one in which they have a personal or "other" interest as defined in the Members' Code of Conduct.

8.6 Information given to a councillor must only be used for the purpose for which it was requested.

## **9 Communication and Social Contact Between Officers and Members**

9.1 Officers must recognise that it is their duty to keep members of all political groups (not just members of the majority party) fully informed about developments of significance in relation to the Council's activities.

9.2 Regular contact between Members and senior officers is necessary to ensure the efficient working of the Council.

9.3 Social contact between senior officers and Members is only beneficial in a public setting and a work-related context.

## **10 Resolving Disputes**

10.1 Contact between Members and officers should always be courteous both in public and in private. Early resolution is important to resolve issues and formal action will generally be a last resort. In the first instance, parties should raise issues with the relevant senior officer.

10.2 If there are concerns raised about a breach of the Protocol and satisfactory resolution cannot be reached the matter will be referred to the Monitoring Officer.

**End of Members and Officers- Protocol for Working Effectively**

**March 2021**



# **Part 8.5a)**

# **Planning Protocol**

# Planning Protocol

This document aims to ensure that the integrity of the planning system is open and fair to all parties and that planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons. It also aims to ensure that throughout the planning process there are no grounds for suggesting that a decision is the subject of bias, not impartial or not well founded in any way.

## 1 Background and Scope

- 1.1 This Planning Protocol substantially follows the Code previously produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government & Social Care Ombudsman, and the former Standards Board for England. It should be read in conjunction with the Terms of Reference provided for the Strategic Planning Committee and the Area Planning Committees.
- 1.2 The Planning Protocol takes into account the ethical framework introduced by the Localism Act 2011, the National Planning Policy Framework and relevant planning practice guidance, and the Code of Conduct for Members adopted by North Northamptonshire Council (“the Council”).
- 1.3 The aim of this Protocol is to ensure that:
  - a) The integrity of the planning system as open and fair to all parties.
  - b) Planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons; and
  - c) Throughout the planning process there are no grounds for suggesting that a decision is the subject of bias, not impartial or not well founded in any way.
- 1.4 The Planning Protocol applies to Members of the Planning Committees and officers.

## 2 Introduction

- 2.1 The Council’s Planning Committees operate in a quasi-judicial manner. There is recourse through the courts and the Planning Inspectorate if a decision on a regulatory planning matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Planning Committees.

- 2.2 The role of Members of the Local Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. This involves balancing representing the needs and interests of the area as a whole with the need to maintain the ethic of impartial decision-making on what can be highly controversial proposals.
- 2.3 This Protocol has therefore been established to provide guidance for Members and officers in dealing with planning matters to avoid grounds for allegations of malpractice.
- 2.4 This Planning Protocol applies at all times when Councillors are involved in the planning process, and it is therefore incumbent upon Members to abide by the content of this Protocol. (This includes, where applicable, when part of decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.5 A Member shall not accept a nomination to serve on a Planning Committee unless he/she agrees to abide by the terms of the Planning Protocol.
- 2.6 If a Member has any doubts about the application of this Planning Protocol to their own circumstances, they should seek advice early, from the Monitoring Officer, preferably well before any meeting takes place.
- 2.7 In this Planning Protocol “Planning Meeting” covers all meetings of the Strategic Planning Committee and the Area Planning Committees.

### **3 Relationship to Members’ Code of Conduct**

- 3.1 The rules in the Council’s Members’ Code of Conduct should be applied first and must always be complied with throughout the decision-making process.
- 3.2 The rules of this Planning Protocol seek to interpret and supplement the Members’ Code of Conduct for the purposes of planning control. The Protocol is designed to help safeguard the Council and its Members. Please be aware that if the Planning Protocol is not followed, you may put:
  - i. the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - ii. yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a

breach of the Code of Conduct, a complaint being made to the Standards Committee.

#### **4 General Roles and Conduct**

- 4.1 The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group, or locality; nor put themselves in a position where they appear to do so. Decisions should clearly be based upon the development plan and material planning considerations.
- 4.2 The role of Members at a Planning Committee is not to represent the views of their electorate, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their electorate.
- 4.3 Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.
- 4.4 Members whose business or other interests bring them into frequent contact with the planning system should consider whether it is appropriate or practical to accept appointment to a Planning Committee: nor should other Members seek to appoint such a Member to a Planning Committee.
- 4.5 The role of officers at Planning Committee is to advise the Members on professional matters, and to assist in the smooth running of the meeting.
- 4.6 If Members have questions about a development proposal, they are encouraged to contact the planning case officer in advance. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

#### **5 Training**

- 5.1 No Member shall attend any meeting of a Planning Committee as a Committee Member or a substitute for a Committee Member unless he or she has undergone such mandatory training in planning procedures as the Council requires.
- 5.2 Members should endeavour to attend any other specialised training or informal briefing sessions provided, to improve and keep up-to-date

knowledge of planning law, regulations, procedures, Codes of Practice, and the Development Plans beyond the minimum referred to in 5.1 above.

## **6 General Principles for Dealing with Planning Matters**

- 6.1 A Member should consider the interests of local residents and businesses as a whole and should not favour any individuals or groups. He or she should also act in the interests of the whole Council area.
- 6.2 Members (and officers) should not act as either paid or unpaid agents or consultants on planning matters within the jurisdiction of the Council as the local planning authority.
- 6.3 Planning applications will be determined in a transparent, fair, and open manner and Members should have regard only to the development plan and material planning considerations and should disregard all other factors.
- 6.4 Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Member misses part of an item being discussed then they must not vote. (This does not apply to any site visit that might be arranged, where although Members should make best endeavours to attend, it is not mandatory.)
- 6.5 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
- 6.6 Members should pay full regard to officers' professional recommendations, relevant national/regional planning statements and guidance, and relevant Development Plan Policies.
- 6.7 Members are recommended to be cautious of social contact with applicants and agents.
- 6.8 Members should not disclose to a third-party information submitted to them or a committee on a confidential basis.

## **7 Disclosable Pecuniary and Personal Interests**

- 7.1 The Council's Code of Conduct sets out requirements for Members on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously, and Members should review their situation regularly.

- 7.2 Members should avoid membership of the Planning Committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
- 7.3 A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The Member may in their personal capacity and if registered to speak, make representations in line with the Council's Public Speaking procedure prior to any debate on the matter, but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the Monitoring Officer or legal advisor to the committee at the earliest opportunity if in any doubt.
- 7.4 Ward Members who are also members of the Planning Committee may participate in the Committee debate on an application in their ward and subject to any disclosable pecuniary interest will normally be allowed to vote on the application.
- 7.5 A Member who has a disclosable interest in a planning matter is still able to represent the interests of his or her Ward at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise their electorate to address their representations to another ward member.

## **8 Pre-determination and Predisposition**

- 8.1 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting, but they should make it clear that they will not form a final opinion until they have considered all the information.
- 8.2 Members must not prejudice their ability to participate in planning decisions at a Planning Committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning Committee and hearing the officer's presentation and evidence and arguments on both sides.

- 8.3 Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 8.4 If a Member has made up their mind prior to the meeting or have made public comments which indicate that they might have done and is not able to reconsider their previously held view, then they will not be able to participate on the matter.
- 8.5 Members who are members of a Planning Committee and who in that capacity attend any ancillary meeting or committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Member in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Member was biased.
- 8.6 Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting.
- 8.7 Members must be aware that they are likely to have pre-determined a matter where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal.
- 8.8 For advice on predetermination and predisposition, Members should seek the advice of the Monitoring Officer.

## **9 Lobbying of Councillors**

- 9.1 Lobbying is a normal part of the planning process. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of a Planning Committee. However, such

lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.

- 9.2 Members of a Planning Committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view Members of a Planning Committee should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Members should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the Committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- 9.3 Members can raise issues which have been raised by their electorate with officers. It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning Committee. Remember if Members of a Planning Committee, your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, you should not improperly favour, or appear to improperly favour, any person, company, group, or locality.
- 9.4 If a Member of the Planning Committee responds to lobbying by deciding to make public their support of a particular outcome; or actively campaigns for it, they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a Member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias, the Member of Planning Committee may in the interests of maintaining public confidence decide not to participate in a decision.
- 9.5 If any Member, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they must withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.



- 9.6 Neither members or officers should accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value requires this.
- 9.7 Members should copy or pass on any lobbying correspondence you receive to the relevant Head of Service at the earliest opportunity.
- 9.8 Members should promptly refer to the relevant Head of Service any offers made to you of planning gain or constraint of development, through a proposed s.106 planning obligation or otherwise.
- 9.9 If you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), you should report this to the Monitoring Officer who will in turn advise the appropriate officers to follow the matter up.
- 9.10 If a Member requires advice about being lobbied, they should seek advice from the Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

## **10 Political Influence**

- 10.1 Given that the point at which a decision on a planning application is made cannot occur before a Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how Members should vote and political whips must not be used.
- 10.2 Members of the planning committees should avoid organising support for or against a planning application and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Where a member of a Planning Committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they will need to absent themselves from the vote on that particular application when it was being considered

## **11 Contact with Developers, Applicants and Objectors**

- 11.1 It is recognised that pre-application discussions can be of great benefit to the planning process, provided that they take place within clear parameters and governance arrangements.

- 11.2 Members should refer those who approach you for planning, procedural or technical advice to officers.
- 11.3 A dialogue between a potential applicant and the Council prior to the submission of an application can be a significant benefit to both parties. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should therefore be arranged through officers and take place within clear guidelines.
- 11.4 Where Members are involved in pre-application discussions, at least one officer should be present at any meetings and a follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all meetings.
- 11.5 Any advice that is given should not be partial, nor seen to be partial, by any party involved. It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. Advice and observations should be based on the adopted plan and material considerations.
- 11.6 The following terms of engagement shall apply:
- i. Presentations by applicants should be limited to the development proposal and a question-and-answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate, such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
  - ii. Members should maintain an impartial listening and questioning role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate, as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.
  - iii. If the applicant requests the views of the authority, these will be communicated subsequently and in writing by officers. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.
  - iv. A written note of the proceedings should be kept - to include a record of officer attendance and follow up.

- v. Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- vi. A note should also be taken of any potentially contentious telephone discussions in respect of an application.

## **12 Call-Ins to Committee**

- 12.1 Planning applications can be ‘called-in’ by Members to the appropriate Planning Committee for determination.
- 12.2 The Council has a separate procedure set out in the Council’s Constitution that deals with the Call-In of planning applications by Councillors in more detail.

## **13 Membership of Other Councils and Outside Bodies**

- 13.1 Be aware that, whilst the Members’ Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case.
- 13.2 Where you have been significantly involved in the preparation, submission, or advocacy of a planning proposal on behalf of:
  - i. another local or public authority of which you are a member; or
  - ii. a body to which you have been appointed or nominated by the Council as its representative; or
  - iii. you are a trustee or company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

- 13.3 A Member is able to take part in the debate on a proposal by a consultee body (for example as a member of a parish council) provided:
  - i. The proposal does not substantially affect the wellbeing or financial standing of the consultee body;
  - ii. The Member makes it clear to the consultee body that:

- a. Their views are expressed on the limited information before them only;
  - b. They must reserve judgement and the independence to make up their own mind based on their overriding duty to the whole community and not just to the people in that area, ward, or parish.
- 13.4 Members will disclose the interest regarding their membership or role when the relevant Planning Committee comes to consider the proposal.
- 13.5 Members may take the opportunity to exercise their separate speaking rights as a local Member.
- 13.6 When exercising this right, they should:
  - i. Advise the committee that they wish to speak in this capacity in accordance with the Public Speaking arrangements;
  - ii. Remove themselves from the Member seating area for the duration of that item; and
  - iii. Ensure that their actions are recorded.

## **14 Site Visits**

- 14.1 The primary aim of a site visit is to enable Members to judge for themselves the likely impacts of the proposed development and appreciate the issues involved. All members of the Planning Committee should make best endeavours to attend the site visits although there is not an absolute requirement to attend.
- 14.2 Site visits should only be conducted where it is felt the complexities of the site require clarification prior to committee members considering the officer's report, or where the committee, having considered the report, feel more clarification is required. When deciding whether a site visit is necessary, all circumstances should be considered including whether:
  - i. Matters of judgement are involved on the context of the site such as the effect on landscape, impact on character, residential amenity, or highway considerations rather than purely on principle;
  - ii. It is a finely balanced case; or
  - iii. It is a contentious application where there are strong local views.

- 14.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning Committee.
- 14.4 Where visits are arranged, they must be undertaken in a consistent manner. The Council has a separate Protocol for Site Visits that provides the detailed procedure that should be followed by Members and officers.
- 14.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.

## **15 Conduct of Ward Members (non-members of the Planning Committee)**

- 15.1 Ward Members have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Members may therefore become involved in discussions with officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with officers should be seen to be open and above board. Officers should make a note on the file of any such discussions.
- 15.2 Ward Members who are not members of a Planning Committee can make representations on planning applications in their Ward and may attend meetings of the Planning Committee and, with the Chairperson of Planning Committee's agreement, can address the Planning Committee on such applications in accordance with the Council's procedure on Public Speaking.
- 15.3 Any representations or address should relate to the planning merits of a planning application. If the Member is also a Parish/Town Councillor, and the Parish/Town Council is the applicant they should register to speak and make clear at the start of their representation in which capacity they are addressing the Committee.
- 15.4 When making representations on behalf of their electorate, Members should make it clear that it is their electorates' views and not their own that are being expressed. Furthermore, any representations on behalf of their electorate must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 15.5 If a Ward Member speaks on behalf of a lobby group at the decision-making committee, they should withdraw from the meeting once any public or Ward Member speaking opportunities have been completed.

15.6 A Member who has declared a prejudicial interest in a planning application and is therefore unable to represent the interests of their Ward in respect of that application, should advise their electorate to address their representations to another Ward Member who is not so affected.

15.7 Being a Member of another Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the Planning Committee. However, the Member should approach the decision-making process afresh and not express a final view in advance of the committee meeting, or act as an advocate for another Council. To do so would give an appearance of bias.

## **16 Development Proposals submitted by Councillors and Officers**

16.1 A Member who acts as an agent to people pursuing a planning matter or who has submitted, or intends to submit, or is closely connected with someone (e.g., a spouse, close relative, or close social acquaintance) who has submitted, or intends to submit, a planning application should play no part in the decision-making process for that proposal. This includes refraining from any form of lobbying of other Members.

16.2 Nor should such a Member:

- i. Use his or her position to gain access to officers to pursue his or her interest; or
- ii. Bring improper pressure to bear on officers.

16.3 They should preferably appoint an agent to act on their behalf in negotiations or discussions, particularly in respect of major or controversial developments.

16.4 Members should notify the relevant head of Service and/or the Monitoring Officer of any application with which they are connected directly or indirectly before it is submitted to the Council.

16.5 Where a Member or officer, or their agent, submits an application in a personal capacity (either as an individual or through a company, firm or body with which they are connected) it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified of the application and confirm in the report to Committee that the application has been dealt with in accordance with this Protocol.

- 16.6 A Member of a Planning Committee contemplating making a planning application for development which is clearly contrary to approved planning policies may wish to consider whether they want to remain a member of the committee before submitting it.
- 16.7 A Member who has received (or is closely connected with someone who has received) a planning permission should ensure that the terms of that planning permission are scrupulously observed, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

## **17 Planning Applications by the Council**

- 17.1 The Council itself requires planning permission to carry out or authorise certain types of development on land it owns. Where these are major applications, they will be determined by the relevant Planning Committee. Proposals for the Council's own development will be treated with the same transparency and impartiality as those by private developers.

## **18 The Role of Officers**

- 18.1 Councillors and officers have different but complementary roles. Both serve the public, but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding, and this must never be abused or compromised. Instructions to officers can only be given through a decision of the Council, the Executive or Committee, or under delegated powers and not by individual Councillors acting outside those powers.
- 18.2 Members should contact the planning case officer in advance of the planning committee if they have any questions about a development proposal that is on the Committee agenda. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.
- 18.3 Members must not put pressure on officers to put forward a particular recommendation. (This does not prevent them from asking questions or submitting views to the relevant Head of Service, which may be incorporated into any committee report.).
- 18.4 It should be recognised that officers are part of a management structure. Where Members wish to discuss proposals that are not on the Committee agenda, outside of any arranged meeting, they should first do so with the

relevant Head of Service or those officers who are authorised by the Head of Service to deal with the proposal at a Member level.

- 18.5 Members should also recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Officer Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the planning committee or its Councillors.
- 18.6 Members and officers should be aware and mindful of the Council's Member and Officer Protocol for Working Effectively.

## **19 Officer Reports to Committee**

- 19.1 Reports should be accurate and cover, among other things, the relevant planning matters of objections and the relevant planning matters raised by people who have been consulted in respect of an application.
- 19.2 Relevant points will include a clear exposition of the site or related history, the relevant Development Plan Policies, and all other relevant material planning considerations.
- 19.3 Reports should include a clear written recommendation of action.
- 19.4 Reports should list the topics that will be addressed by conditions and if possible, also include draft Heads of Terms (where applicable) to a legal agreement, if the recommendation is to grant planning permission.
- 19.5 Reports should contain a technical appraisal which clearly justifies the recommendation made by the officer.
- 19.6 If the recommendation in the report is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 19.7 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.



## **20 Determination of Planning Applications**

- 20.1 Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.
- 20.2 In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
- 20.3 Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Development Plan Policies.
- 20.4 Members can always ask for clarification from officers. However, if there are issues which require factual clarification, preferably these should be directed to the case officer before the committee meeting, not at the meeting itself.
- 20.5 Members will then debate the application and should they wish to do so, may give an indication of how they intend to vote.
- 20.6 After Members have debated the application, a vote will be taken.
- 20.7 Whilst officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Members, acting in the interests of the whole Council, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Members may decide to apply different weight to certain issues and can of course, reach a decision contrary to officer advice.
- 20.8 If in moving contrary to the advice and/or recommendation in an officer's report Members require further advice about the details of the motion, the meeting can be adjourned for a short time to allow Members and officers to draft the motion. This can include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged.
- 20.9 Where Members propose to determine a planning matter contrary to officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 20.10 Members may move that any vote should be recorded at any meeting of the Planning Committee. This means that a formal record is taken of how each individual Member voted (For, Against, or Abstain).

## **21 Review of Decisions**

- 21.1 Members of the Planning Committees should from time to time visit a sample of implemented planning permissions to assess the quality of the decisions made. It is recommended that such a review should be undertaken annually.

**End of Planning Protocol**

**January 2022**

# **Part 8.5b)**

# **Planning Committees' Site Visit Protocol**

# Planning Committees' Site Visit Protocol

This document sets out the arrangements and procedural rules for the conduct of site visits that are agreed to take place prior to consideration of planning applications at meetings of the Council's Strategic and Area Planning Committees.

## Introduction

1. Site visits may be used to assist Members of Planning Committees in understanding the issues concerning the site and/or the area around the site. Visits should only be conducted where it is felt the complexities of the site require clarification prior to committee members considering the officer's report, or where the committee, having considered the report, feel more clarification is required.
2. Any site visit should be conducted to garner facts and seek clarification. Debate on the merits of an application or on the views of relevant parties should not be conducted. Discussion and debate should be restricted to the formal meeting where the application is to be determined and conducted subject to the Council's normal rules in the interests of openness and transparency of decision making.
3. A site visit can be agreed to be conducted:
  - i) Prior to a Committee, by agreement of the Chair, Vice Chair, and senior planning officer; or
  - ii) By formal resolution of the Committee.
4. In considering whether a site visit is required **prior** to the Committee considering the application, the Chair, Vice Chair, and senior planning officer should consider the complexities of the site, the responses from statutory consultees and the material planning considerations involved.
5. A Committee on receiving the officer's report, the representations from the applicant, objectors, and other interested parties, may determine to conduct a site visit. A simple resolution of Committee duly **moved** and **seconded**, with the majority of those voting in favour would be sufficient. Site visits can cause delay and additional cost for both the developer and the Council and should only be used where the expected benefit is substantial.
6. If a site visit is conducted, all members of the Committee will be notified of the time and date and invited to attend.

7. Members of planning committee should make best endeavours to attend site visits, but attendance is not an absolute requirement in order to take part in the debate at planning committee.

### **Procedure On Site**

8. The following procedural rules will be observed in the holding of all Planning Committee site visits:
  - (a) Officers will arrange the site visit in advance with relevant parties. There is no right to enter on private land without permission of the landowner. Where appropriate, officers will obtain permission from the landowner or his/her agent for those invited to attend the site visit to enter the land. If permission is not given for Members and Officers and other interested parties to enter, the site will have to be viewed from the public highway/areas.
  - (b) The Democratic Services officer will agree with the relevant senior development management representative a timetable and a plan for any site viewings that are required including the notification arrangements. The site viewings will usually be held on a working day shortly before the relevant planning committee. This information will be circulated to relevant parties.
  - (c) A senior development management representative and the case officer will be in attendance.
  - (d) Attendees at the site viewings will normally be required to make their own arrangements for attending the site visit.
  - (e) The Chair (or Vice Chair) will control proceedings throughout.
  - (f) The Chair will explain that the purpose of the site visit is to obtain information relevant to the determination of the application. They will summarise the proceedings and the constraints as set out below.
  - (g) The Chair will introduce the Planning Officer who will describe the proposals to Members with reference to features on the ground and the submitted plans and summarise the relevant issues and material considerations.
  - (h) Other officers may be present to provide other specialist/expert advice/information where relevant/required (e.g., Highways Engineers, Environmental Health/Protection Officers etc).
  - (i) The applicant and/or their agent or representative will be invited to attend the site viewing. Ward Member(s) may attend the site visit to observe and, only at the request of the Chair, may clarify factual matters. At no time will the Ward Member, applicant, agent, or any local resident be permitted to address or question Members of the Committee. Presentations from these attendees should on no account be made. Occasionally it may be appropriate for such attendees to be asked, through the Chair, to point out

important or relevant site features. At no point during the site visit will debate or comment on the planning merits or otherwise of the proposal be permitted, as the proper time for such debate/comment is at the relevant meeting of the Planning Committee.

- (j) During the site visit, no separate discussions regarding the application must take place with officers or Members and either applicants, objectors, or supporters.
- (k) No hospitality will be accepted by Officers and Members from the applicant or any other interested party present at the site visit.
- (l) The Planning Officer(s) present at the site visit will make a note of those attending. Planning Committee Members who did not attend the site visit should pay particular attention to the site visit feedback provided those members who did attend.
- (m) The Chair (or Vice Chair) will conclude the site visit. No indication of the views of Members or the likely outcome of the Planning Committee's deliberations on the application will be given. To do so might imply that a Member's mind is already made up.
- (n) If Members require further information or clarification of any aspect of the development, the officer(s) attending the site visit will be asked to ensure that such information is available by the time the application is considered by Members at the relevant meeting of the Planning Committee.

NB. A copy of this Protocol will be issued to all those invited to attend the site visit.

**End of Planning Committees' Site Visit Protocol**

**January 2022**

# **Part 8.6**

# **Scheme of Members' Allowances**

# Scheme of Members Allowances

The Council operates a scheme of members' allowances based upon recommendations of an Independent Remuneration Panel. All councillors receive a basic allowance and certain councillors and other co-opted members also receive special responsibility allowances as office holders. The scheme is regulated by the Local Government Act 2000, and the Local Authorities (Members' Allowances) Regulations 2003.

## 1. The Scheme

1.1. This scheme is made in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003. It has effect from 1<sup>st</sup> April 2021 until further notice.

## 2. Basic Allowance

2.1. A Basic Allowance shall be paid each financial year to each member in twelve instalments. The amount of the allowance to be as shown in the Schedule.

## 3. Special Responsibility Allowance

3.1. A Special Responsibility Allowance shall be paid each financial year in twelve instalments to the postholders identified in the Schedule to this scheme, provided that no individual receives more than one allowance. The amount of each allowance to be as shown in the Schedule.

3.2. If a chair, because of illness or other reasons, is unable to carry out his or her responsibilities for three months or more, then the proportionate part of their Special Responsibility Allowance should be transferred to the vice chair who is taking over their responsibilities.

## 4. Executive

4.1. The overall allowances allocation to the executive is £153,000 and represents the level of responsibility attributable to the Executive. If that level remains unchanged, but the size of the Executive is reduced, then this allocation should be redistributed amongst the remaining members of the Executive, depending on the way in which responsibilities have been reallocated. It is only if the reduction in Executive size is premised on a significant reduction in the overall level of responsibility (for instance by the devolution of the responsibility for a range of decisions to officers) that existing Special Responsibility Allowances should be maintained for the remaining Executive members.



## **5. Childcare and Dependant's Carers' Allowance**

5.1. Members may claim for the reimbursement of costs of care for their children or dependants as are necessarily incurred in the performance of their duties as a councillor, up to a maximum of £6,500 per annum. Claims must be supported by receipts for costs incurred.

## **6. Travel and Subsistence Allowances**

### 6.1. Travel

**6.1.1.** Members may claim travel allowances as set out in the Schedule for the following approved duties:-

- A meeting of the Council or its committees, sub-committees, working groups, boards, panels or forums (whether a member, an observer or a speaker)
- A meeting of a joint committee, working group, board, panel or forum of two or more local authorities
- A meeting of an outside body to which the member has been appointed by the Council
- An approved duty as a member appointed to an outside body
- Official and courtesy visits on behalf of the authority
- Meetings of other local authorities or bodies as the Council's representative
- Travel expenses incurred by members in their representational role (e.g. site meetings)
- Members' training events
- Approved conferences and seminars

**6.1.2.** Members cannot claim travel and subsistence allowances in respect of the following:-

- Meetings that have been convened wholly or partly for political purposes, for example, group meetings
- Any journey that is undertaken on behalf of another local authority

**6.1.3.** Members must record start and end odometer readings when claiming travel allowances for approved duties and these must be inserted on the travel claim form.

### 6.2. Mode of Transport

**6.2.1.** Consideration must be given to the most environmentally friendly method of undertaking the journey. Wherever practicable, journeys should be undertaken with other members and/or officers of the Council using the same vehicle. Where journeys involve travel outside Northamptonshire, the use of public transport should be considered

as a first choice. In considering the mode of transport councillors must take into the account the following:

- Accessibility of public transport
- Closeness of the destination to a convenient public transport interchange
- Whether two or more members or officers are travelling to the same destination
- Time of both the outward travel and the return journey
- Safety of using public transport (e.g. if travelling back alone late at night)

### 6.3. Public Transport Fares

6.3.1. Public transport fares will be reimbursed on the basis of standard class fares unless otherwise authorised by the Council's Director of Legal and Democratic Services/Monitoring Officer. Claims must be supported by receipts. The cost of parking at a railway station will not be reimbursed (unless disabled) if a suitable free car park is available within half a mile from the railway station.

## 7. Subsistence Expenses

7.1. Maximum subsistence allowances are as set out in the Schedule. Receipts for expenditure in relation to subsistence expenses must be produced in support of claims.

## 8. Membership of Other Local Authorities

8.1. Where a member of the Council is also a member of another local authority, that member may not receive travel and/or subsistence allowances from more than one authority in respect of the same meeting, event or duties.

## 9. Renunciation of Allowances

9.1. Members may, by notice in writing to the Director of Legal and Democratic /Monitoring Officer, elect to forego any part of their entitlement to an allowance under this scheme. A Member who has elected to forego any part of their entitlement to an allowance under this scheme may at any time revoke that election by giving notice in writing to the Director of Customer and Governance & Monitoring Officer. The revocation shall take effect and the allowances foregone shall become payable from the date of its receipt.

## 10. Pro-rata Payments

10.1. Where a Member becomes a Councillor, or ceases to be a Councillor, part-way through the financial year, or the scheme is amended, the level of basic and special responsibility allowance shall be payable

pro-rata for the period of the year served. Where a Member assumes or relinquishes an office attracting a Special Responsibility Allowance part-way through a year, that payment shall also be pro-rata to the period of service.

## **11. Withholding of Allowances**

11.1. If a Member is suspended from duty during an investigation in accordance with the Arrangements for Dealing with Standards Investigations (see the approved Constitution of North Northamptonshire Council), allowances will not be paid to the councillor concerned during the period of investigation. In accordance with Part III of the Local Government Act 2000, where payment of any allowance has already been made in respect of any period during which a councillor is:-

- suspended or partially suspended
- ceases to be a member of the authority
- is in any other way not entitled to receive the allowance in respect of that period

the Council may require that such part of the allowance as relates to that period be repaid to the authority.

## **12. Claims and Payments**

12.1. Claim forms will be available to all Councillors on becoming a member of the authority. Claims for travel and subsistence allowances should be claimed monthly and supported by receipts.

## **13. Annual Increase**

13.1. The amounts paid under the scheme shall be increased on 1st April each year. The criterion used for the annual updating of members allowances should be the NJC pay award to officers.

## **14. Publicity**

14.1. The Council is required to publish recommendations of the Independent Remuneration Panel, its Scheme of Allowances and actual allowances paid to members each year.

**Appendix 1**

**Members' Allowances Scheme Schedule**  
(with effect from 1<sup>st</sup> July 2022)

**Amounts of Allowances (2022-2023) – Table**

Type of Allowance	Amount
<b>Basic Allowance (per annum)</b>	£14,000
<b>Special Responsibility Allowances (per annum)</b>	
<b>Leaders' allowances:</b>	
Leader of the Council	£28,890
Deputy Leader of the Council	£21,570
Leader of the largest opposition party	£10,175
Deputy Leader of the largest opposition party	£4,070
Leader of the second largest opposition party	£4,070
Executive (Cabinet) Members excluding the Leader and Deputy Leader of the Council (see note (i) below)	£15,590
Chair of Scrutiny Committee (see note (ii) below)	£13,736
Chair of Strategic Planning Committee	£7,631
Chair of an Area Planning Committee	£5,090
Chair of Licensing and Appeals Committee (see note (iii) below)	£10,175
Chair of Audit and Governance Committee (see note (iv) below)	£7,631
Chair of Democracy and Standards Committee	£7,631
Chairs of Employment Committee, the Police and Crime Panel and the Health and Well-being Board	£4,070
Co-opted Members and Independent Persons	£400 per meeting to a maximum of £2,000 over a municipal year
Childcare and Dependant's Carers' Allowance	Reimbursement of cost up to a maximum of £6,500 per municipal year
Mileage allowance and subsistence payments	HMRC specified mileage allowances LGA recommended travel and subsistence payments

**Civic Allowances**

Chair of the Council	£10,175
Deputy Chair	£5,088

*Note (i) - A fund of £13,230 is available to members chairing scrutiny panels (other than the two chairs cited above) which are dealing with major projects, such as 'levelling up' and budget-setting scrutiny, with SRAs of £3,250 for this purpose.*

*Note (ii) - A total allowance of £10,000 should be set aside and allocated amongst members chairing Licensing Panels of major significance during the course of a municipal year.*

*Note (iii) – the personal Civic Allowances will be supplemented by a hospitality and events budget held by the Council (see Shadow Executive Committee resolution 26<sup>th</sup> November 2020).*

*Note (iv) – SRAs should not be paid to the Chair of any Committee which meets on less than three occasions in a municipal year.*

*Note (v) – if a vice-chair is required to deputise for a Chair (due to illness or other legitimate reasons) for one or more committee cycles, then the proportionate part of the Chair's SRA should be transferred to them (e.g., 50% if deputising for two out of four committee cycles).*

*Note (vi) – If a member qualifies for more than one SRA, it is the higher SRA only which should be payable.*

**End of Scheme of Members' Allowances**

**June 2022**

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# **Part 8.7**

# **Outside Bodies Procedure Rules**

## Outside Bodies Procedure Rules

These Procedure Rules relate to those external organisations and partnerships (referred to as Outside Bodies) which have requested the Council to appoint an Elected Member (or suitable nominee) to them.

Elected Members are appointed by North Northamptonshire Council to serve on a range of Outside Bodies. An “Outside Body” covers organisations such as;

- Trusts
- Voluntary Bodies
- Charities
- Community Associations
- Companies

For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council. Any appointments of Members in their personal capacity is also excluded from these Rules.

Service on Outside Bodies is an established part of a Councillor’s role. A Member appointed to an external body will be able to use their knowledge and skills both as a Council Member, and as a representative of their communities, to assist the organisation to which they are appointed, as well as the Council which they represent.

### **1. Determination of Outside Bodies Supported**

1.1 The Monitoring Officer will maintain a list of all Outside Bodies to which the Council appoints an Elected Member.

1.2 Each year a Panel established by the Scrutiny Commission will review the list of notified Outside Bodies and will determine whether the Council should make/continue to make an appointment to those bodies. They shall ensure that there is no duplication between Outside Bodies.

1.3 Determination will be based on one or more of the following criteria being met:

- 1.3.1 the proposed appointment is a statutory requirement;
- 1.3.2 the proposed appointment would be consistent with the Council’s policy or strategic objectives; and/or
- 1.3.3 the proposed appointment would add value to the Council’s activities.

1.4 The Scrutiny Panel shall categorise the Outside Bodies into the following categories of;



#### 1.4.1 Key Strategic Partnerships

Participation contributes to the Council's strategic functions, priorities and community leadership role.

#### 1.4.2 Community Partnerships

Participation is not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from North Northamptonshire perspective

#### 1.4.3 Area/Ward Partnerships

Beneficial in terms of leading, engaging and supporting the community from a ward perspective

1.5 The Scrutiny Panel shall advise the Monitoring Officer of the Outside Bodies that it recommends the Council should appoint to. Nominations shall be sought by the Monitoring Officer for those Outside Bodies.

## **2. How an Appointment Shall be Made**

2.1 Where an organisation is deemed to have met one or more of the criteria the Monitoring Officer will advise whether it is appropriate for the appointment to be a specific office holder either by reference to the Constitution of the Outside Body concerned or in light of any other circumstances.

2.2 Due regard shall be made to a Member's current interests prior to making any appointment.

2.3 All appointments are subject to annual change unless otherwise stated in the Constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.

2.4 If the appointment is not made to a specific office holder then the following nominations will be allowed;

#### 2.4.1 Key Strategic Partnerships

Nominations may be received and approved by the Leader of the Council.

#### 2.4.2 Community Partnerships

Nominations may be received from any member. They will be recommended to the Council for approval.

### 2.4.3 Area/Ward Partnerships

Nominations will be received from members who are able to adequately represent the relevant ward. They will be recommended to the Council for approval.

2.5 The Monitoring Officer shall seek nominations from elected members to all relevant Outside Bodies and these shall be presented to Council for approval for the following municipal year.

2.6 A vacancy occurring during the municipal year will normally be made by the Monitoring Officer upon the instruction of the Leader of the Council.

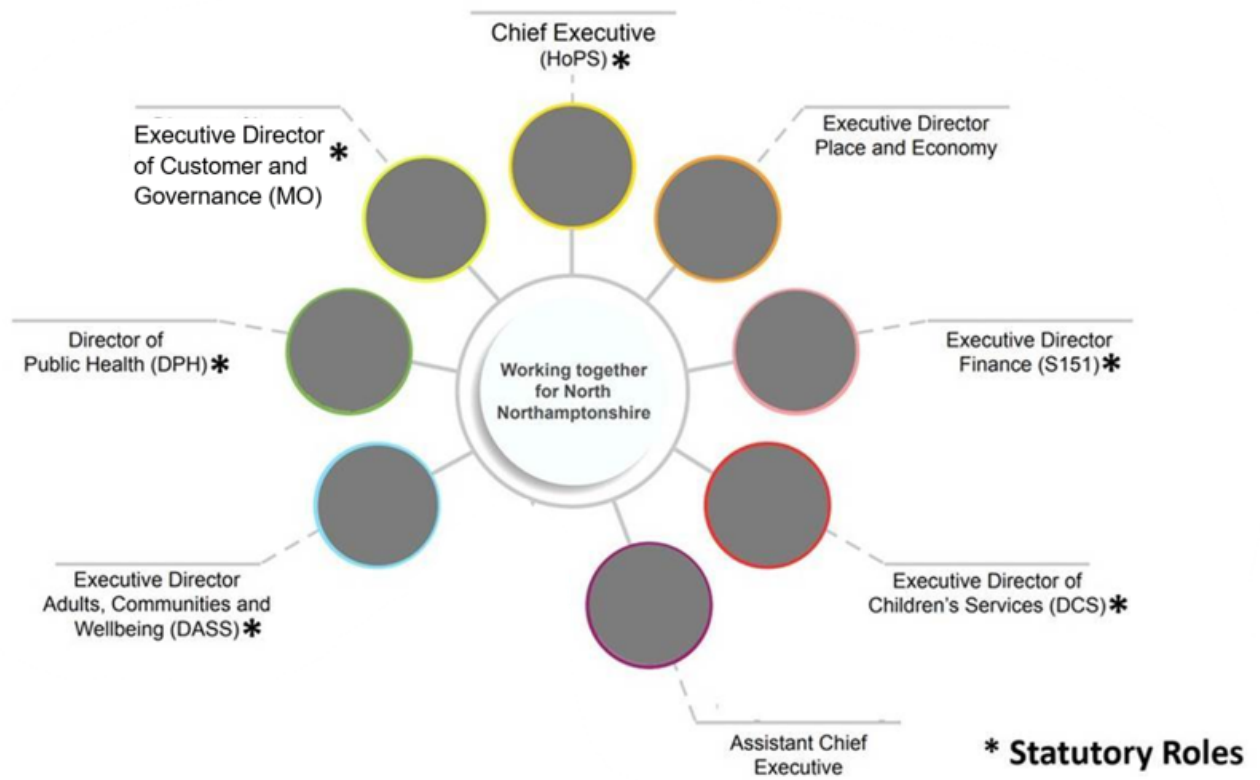
**End of Outside Bodies Procedure Rules**

**January 2022**

# **Part 9.1**

# **Management Structure**

# Management Structure



End of Management Structure

November 2022

# **Part 9.2**

# **Officer Scheme of Delegation**

# Officer Scheme of Delegation

This document shows what decisions elected Members have authorised Officers to take on behalf of the Council and is intended to provide a streamlined, clear and simple decision-making process and should be interpreted widely.

To support delivery of the Council's strategic vision, managerial and operational decisions are taken at the most appropriate level, which is usually the closest point of contact to the resident.

This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Executive and the Corporate Leadership Team.

Decisions taken by Officers carry the same weight as any decision taken by the decision-making body.

## 1. Councillor Consultation

1.1 When exercising delegated authority, Officers shall;

- keep Members properly informed of actions arising within the scope of these delegations.
- maintain a close liaison with the appropriate Portfolio Holder and/or the relevant Chair of the Committee when the matter falls within the remit of that Committee;
- consult relevant Portfolio Holders when exercising temporary or specific delegations resolved at Council, or a Committee or Sub-Committee meeting where appropriate;
- ensure the Ward Councillors are consulted or advised of the exercise of delegated powers relevant to their Ward where appropriate;
- take account of the views of the relevant Ward Member(s) before exercising their delegated power

1.2 Portfolio Holders for the relevant area should be consulted on the exercise of a delegated power in all cases where:

- there is likely to be opposition from members of the public save that this does not relate to objections to planning applications, building control applications, decisions on planning enforcement, or licensing decisions

- where there are political sensitivities;
- there is likely to be media (including social media) interest; or
- expenditure is unusual for the budget area.

## **2. Using Delegated Authority**

- 2.1 Where an Officer has delegated powers, the Council, the Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.
- 2.2 Officers should ensure that they have an understanding of the relevant Portfolio Holder and Committee Chairs' interpretation of the Scheme before they make decisions.
- 2.3 Before exercising any delegated power, officers must consider whether to consult with the relevant Portfolio Holder on the exercise of delegated powers or not to exercise delegated powers, but to refer the matter to the relevant councillor or Council Body to decide.
- 2.4 The Leader or any Executive Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Council Body for a decision.

## **3. Matters Not Delegated**

- 3.1 Officers shall not exercise delegated authority for any matter;
- which by law may not be delegated to an Officer;
  - which is specifically excluded from delegation by this Scheme, by a decision of the Council, the Executive, or other Committee or Sub-Committee;
  - where the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer has given a direction;
  - any Key Decision;

#### **4. Conditions of Using Delegated Authority**

4.1 When exercising delegated authority, Officers shall comply with;

- The Budget and Policy Framework
- Statutory Requirements
- any provision contained in this Constitution, including the Executive Procedure Rules, Scrutiny Procedure Rules, and Access to information Procedure Rules;
- any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
- any Policy set by the Council or its committees, the Executive or the Chief Executive;
- The Employee Code of Conduct
- Legal, finance and/or human resources advice that has been sought

#### **5. Authorisations to Other Officers**

5.1 Officers with delegated powers may, in writing, authorise another officer or officers to exercise those powers. Such authorisations shall be in writing, must be held within the service, and must be subject to limitations and conditions.

#### **6. Records of Decisions**

6.1 Records of decisions must be kept in accordance with relevant legislation and the Access to Information Procedure Rules.

#### **7. Reserve Delegations**

7.1 The delegated powers held by a post may be exercised by the line manager of that post if the post is vacant or the post holder is not at work for any reason.

7.2 Statutory Officers' powers which are reserved to that designated officer through legislation may only be exercised by the nominated officer or their deputy, in accordance with Part 9.2 – Officer Scheme of Delegation, Section 5.1 (Authorisations to Other Officers) of the Constitution.



## 8. Transfer of Delegations

8.1 The Deputy Chief Executive may exercise the delegated power possessed by the Chief Executive if that post is vacant or the postholder is absent.

8.2 The Chief Executive can exercise any delegated power possessed by an Executive Director or Director (with the exception of statutory powers which shall be exercised by nominated deputies) if that post is vacant or the postholder is absent.

8.3 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the remained post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Executive or Committee.

8.4 Where a service has been restructured, the Chief Executive shall have authority to reallocate the delegated powers to other posts and shall give notice to the Monitoring Officer. This shall be considered to be a minor change to the constitution and within the Monitoring Officer’s delegated authority. Any changes should be updated in the Constitution and published as soon as is practicable, with notification provided to the relevant Executive Member/s or Chair of a Committee.’

## 9. Proper Officers

9.1 In addition to the delegated authority within this Scheme, local government legislation specifies that certain officers must have responsibility for a number of specific functions. Each officer with such responsibility is known as the Proper Officer in relation to that task. The list of Proper Officers is contained within this Scheme.

## 10. Area of Responsibility

Post	Mains Functions and Areas of Responsibility
Assistant Chief Executive	Communications and Engagement Policy and Performance Business Intelligence Executive Support Information Technology and Data Management
Executive Director of Adults and Housing	Commissioning and Performance Adults Services Safeguarding and Wellbeing

<b>Post</b>	<b>Mains Functions and Areas of Responsibility</b>
	Housing
Director of Public Health and Wellbeing	Public Health Intelligence and Local Sustainability and Transformation Partnerships Management and Commissioning Wellbeing Advisors Adults Learning Communities and Leisure
Director of Children’s Services (DCS)	Children’s Social Care Education Commissioning and Partnerships
Executive Director Finance and Performance	Finance and Accountancy Finance and Strategy Audit and Risk Revenues and Benefits Procurement Pensions Partnerships and Performance Capital and Transformation
Director of Customer and Governance	Customer Services Human Resources Registration of Births, Marriages and Deaths Elections Administration Legal and Democratic Services Information Governance
Executive Director Place and Economy	Regulatory Services Highways and Waste Assets and Environment Growth, Climate & Regeneration Deputy Chief Executive

## 11. Delegation Table

### General Provisions

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Urgent decisions, including those taken by a member of the Corporate Leadership Team, after consultation with the Leader of the Council and the Chair and Vice Chair	All	

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
of the relevant Scrutiny Committee, which cannot wait until a meeting of the Executive or the appropriate committee.		
All executive and non-executive powers and duties relevant to Corporate Leadership Teams areas of responsibility detailed within the areas of responsibility within the Scheme, or as assigned from time to time that rest with the Council, or which have been delegated or granted to the Council. This includes all powers and duties under all legislation present and future relating to their area of responsibility and all powers and duties incidental to that legislation.	All	Delegated authority shall be exercised in accordance with the limitations, restrictions, reservations and requirements for consultation set out within the Scheme.
To assume all the powers of the Council necessary to respond to a declared civil emergency for the duration of the immediate response phase, subject to notification to the Leader of the Council and members of the Executive of the assumption of those powers.	Head of Paid Service	
All Local Choice Functions under Schedule 2 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000	All Corporate Leadership Team	All functions shall be designated as Executive functions and may be undertaken by the relevant officer.

### **Budgets, Accounts and Assets**

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.	Chief Finance Officer	Cannot be exercised where capital expenditure is outside of Capital Programme; Cannot negotiate and approve borrowing; Up to £100k for unbudgeted revenue expenditure; Up to £100k for virements; Up to £100k for ex gratia payments.
Submit bids for funding to relevant bodies	Chief Finance Officer	

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To agree conditions and approve agreements in relation to grant funding to be received by the Council	Chief Finance Officer	Subject to the conditions set out in Part 9.7 - Financial Procedure Rules, Section 34.3.
Write off any surplus or deficiencies in respect of items of stock	Chief Finance Officer	Up to £500k
To set all fees and charges within the respective areas of responsibility as set out within the Scheme.	All Corporate Leadership Team	Apart from those specifically reserved to Council or Executive.
Effect necessary insurances	Chief Finance Officer and Monitoring Officer	
To approve tenders for the provision of goods and services, in accordance with the thresholds set out in financial regulations and the Approval of Tenders – thresholds.	All Corporate Leadership Team	Up to £100,000 in value in all cases, where budgetary provision exists.  Between £100,000 in value and the total value threshold set out in public procurement directive PCR2015, where budgetary provision exists.
To dispose of land and property designated as surplus to requirements in accordance with S123 of the Local Government Act 1972.	All Corporate Leadership Team	In accordance with statutory right to buy provisions for council owned homes.  In all other instances, where the total value of the asset being disposed of does not exceed £250,000.
To acquire land and property.	All Corporate Leadership Team	In pursuance of a Council policy or decision by the Executive or Council, or where the value of the asset to be acquired does not exceed £250,000.
To Enter into leases, licences, wayleaves and easements.	All Corporate Leadership Team	Where these are necessary as a consequence of property management arrangements or service delivery requirements or are below £10,000.
To approve the award of contracts and terminations of contracts.	All Corporate Leadership Team	Where the contract is £100,000 or less in value.

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To approve virements between budget headings during the course of a financial year.	All Corporate Leadership Team	Where the amount of a virement is £100,000 or less, following notification to the chief finance officer.
To write off debts.	Chief Finance Officer	Cross reference to the spending thresholds contained within financial regulations.
To agree grants to voluntary and other organisations where a service level agreement is required as a consequence of the Council's policy.	All Corporate Leadership Team	Provided that the organisation concerned has complied with the terms or outcomes set out in the Service Level Agreement.

### **Policy Making and Implementation**

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To make incidental changes to shared service agreements, in accordance with the Council's policy and budget framework.	All Corporate Leadership Team	
To respond to consultations.	All Corporate Leadership Team	In consultation with and on behalf of the relevant Portfolio Holder.
To determine applications to register common land, town and village greens and assets of community value.	Director of Place and Economy	In consultation with the Director of Customer and Governance.
Approving payments in cases of maladministration.	Director of Customer and Governance	In consultation with the Head of Paid Service and the S151 Officer.

### **Constitutional Affairs**

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To make in year changes to the membership of committees, and joint boards and committees and to make in year nominations or appointments to outside bodies.	Director of Customer and Governance	In consultation with the Leaders of the political groups represented on the Council.

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To make minor administrative changes to the constitution to reflect, for example, changes in the law, changes to the Council's management structure or other changes with no significant impact.	Director of Customer and Governance	
Granting dispensations to councillors, co-opted members and church and parent school governor representatives from requirements relating to interests set out in the Member Code of Conduct.	Director of Customer and Governance	Shall be determined by the Democracy and Standards Committee unless considered urgent. An annual summary of the Monitoring Officers use of delegation shall be provided to the Democracy and Standards Committee.
Conducting investigations into allegations of breaches of the Code of Conduct by members and co-opted members.	Director of Customer and Governance	Following the Standards Sub Committee assessing the complaint and determining that an investigation should be conducted.
Granting dispensations to members of decision-making bodies charged with making executive decisions in respect of any conflict of interest which the member declares.	Director of Customer and Governance	Shall be determined by the Democracy and Standards Committee unless considered urgent. An annual summary of the Monitoring Officers use of delegation shall be provided to the Democracy and Standards Committee.

### Planning, Regulation, Licensing and Registration

Nature of Decision	Officers	Conditions
<p>All matters relating to Town &amp; Country Planning functions as set out in the planning and related Acts, are delegated to the relevant senior planning officer to determine, other than the exceptions listed</p>	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised for applications, which in the opinion of the relevant senior planning officer should be referred to the relevant Planning Committee. This may be for reasons such as (but not exclusively):</p> <ul style="list-style-type: none"> <li>(i) Applications where a national or local planning policy is being tested for the first time within the Council's area</li> <li>(ii) Applications which have a finely balanced officer recommendation</li> <li>(iii) Applications by or on behalf of a Planning Officer who has recently left the organisation (or one of the preceding councils) for any property or land in which they have a financial interest</li> <li>(iv) Applications that the Chair or Vice Chair of the relevant committee or the senior planning officer considers are potentially contentious* and raise material planning issues, or would affect the wider public interest;</li> <li>(v) Applications which the senior responsible planning officer considers would need to be advertised as a departure from policy, which the officer is minded to recommend for approval.</li> </ul>

\* With reference to the term “contentious” in (iv) above, for the purpose of this Scheme “contentious” is defined as a minimum to –

- A matter that involves many people (at least 10 registered objectors) who strongly disagree with the content of an application for planning consent.

	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised where a town or parish council has submitted a written objection to an application for major development (as set out in The Town and Country</p>
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		<p>Planning (Development Management Procedure) (England) Order 2015 and any amendment thereto) ** that is contrary to the officer’s proposed decision subject to the criteria below: -</p> <ul style="list-style-type: none"> <li>(i) The written objection was received by the Planning Authority within the statutory period specified for consultation; and</li> <li>(ii) The written objection is from a relevant town or parish council in which the development proposal is located or partly located; and</li> <li>(iii) The written objection contains a matter(s) relating to substantive material planning consideration(s); and</li> <li>(iv) That an attempt has been made by the Planning Authority to liaise with the town or parish council to seek withdrawal of said objection(s) by means of explanation, amendment to the proposal or by means of condition; and</li> <li>(v) That the Chair &amp; Vice Chair of the relevant planning committee, with the advice of a senior planning officer, agree that the objection received from a town or parish council contains a substantive material planning consideration determination of which cannot be resolved outside of a committee resolution.</li> </ul>
	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised for applications submitted by, or on behalf of, a Councillor or direct family (spouse or civil partner) of a Councillor for any property or land in which they have a financial interest.</p>
	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised for applications submitted by, or on behalf of, a current Officer working within the Planning &amp; Development Service or at Tier 4 level and above or direct family (spouse or civil partner) of Officers identified above for any</p>



		property or land in which they have a financial interest.
	Director of Place and Economy	Delegated authority should not be exercised for applications where the Council is the applicant or landowner (in whole or part), except where the proposal is for minor development which accords with relevant planning policy and to which no objection has been made.
	Director of Place and Economy	Delegated authority should not be exercised for Planning applications for major development (as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any amendment thereto) ** where there is a written holding objection from a statutory consultee that is contrary to the officer’s proposed recommendation, and that the officer has been unable to satisfactorily resolve with the consultee.

\*\* In reference to the delegation above, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines “major development” as “development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more”

	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised where a minimum of 5 objectors (non-major planning applications) or 10 objectors (major planning applications) have submitted a written objection that is contrary to the officer’s proposed decision subject to the criteria below: -</p> <ul style="list-style-type: none"> <li>(i) The written objection(s) were received by the Planning Authority within the statutory period specified for consultation; and</li> <li>(ii) The written objection was from a resident or business which could be affected by and</li> <li>(iii) The written objection contains a matter(s) relating to substantive material planning consideration(s); and</li> <li>(iv) That an attempt has been made by the Planning Authority to liaise with the objector(s) to seek withdrawal of said objection(s) by means of explanation, amendment to the proposal or by means of condition; and</li> <li>(v) That the Chair &amp; Vice Chair of the relevant planning committee, with the advice of a senior planning officer, agree that the objection received from an objector contains a substantive material planning consideration determination of which cannot be resolved outside of a committee resolution.</li> </ul>
	<p>Director of Place and Economy</p>	<p>Delegated authority should not be exercised where an application has been “called in.” To be called in, the following criteria shall be met:</p> <p>The NNC Ward Councillor shall submit the request in writing, setting out the material planning issue/s.</p> <p>The request shall be received by the relevant senior planning officer within 25 calendar days from the date the application was first published on the</p>

		<p>Council’s website and notified to Councillors, or during any further notification period required following receipt of amendments to the scheme.</p> <p>The request shall be considered by the Chair or Vice Chair of the relevant planning committee, with the advice of the senior planning officer, that the referral contains material planning issues and shall be called in.</p>
To enter into new or amended legal agreements in respect of proposed developments.	Director of Place and Economy	In consultation with the Director of Customer and Governance.
To authorise enforcement action in respect of all planning and development management functions	Director of Place and Economy	Delegated authority should not be exercised where the Director considers the matter should be referred to the relevant Planning Committee where the action is significant.
To determine applications for certificates of lawfulness of existing use, development certificates of lawfulness or proposed use of development and change of use certificates.	Director of Place and Economy	
To exercise the Council’s powers for the improvement and regulation of housing standards, including the issuing of statutory notices, the application of penalties, the closure of premises, and taking emergency action.	Director of Place and Economy	
To exercise powers relating to the regulation of the use of highways (including footpaths and bridleways).	Director of Place and Economy	
To exercise functions relating to the preservation of trees and protection of important hedgerow, including making any orders and determining complaints about high hedges.	Director of Place and Economy	

<p>To exercise the Council’s powers under the Housing Act 1996, Anti-Social Behaviour Act 2003 and the Anti-Social Behaviour, Crime and Policing Act 2014 including seeking and issuing criminal behaviour orders, community protection notices, seeking a civil injunction because of anti-social behaviour, and issuing a premises closure notice.</p>	<p>Director of Place and Economy</p>	<p>Excluding the making of a Public Spaces Protection Order which shall be determined by the Assistant Director Regulatory Services, unless they are likely to be considered to be sensitive or significant in which case they shall be determined by Executive.</p>
<p>To determine all licensing functions including but not limited to;</p> <ul style="list-style-type: none"> <li>• Street trading licences and markets</li> <li>• Animal establishments licensing and enforcement</li> <li>• Motor salvage operators</li> <li>• Houses in multiple occupation licensing and enforcement</li> </ul>	<p>Director of Place and Economy</p>	
<p>To determine all functions relating to the Licensing Act 2003, related secondary legislation and subsequent legislation.</p>	<p>Director of Place and Economy</p>	<p>Delegated authority shall not be exercised in relation to approval of the Statement of Licensing Policy which shall be recommended to Council from the Licensing and Appeals Committee.</p>
		<p>Delegated authority shall not be exercised to determine reviews of premises licences or club premises certificate.</p>
		<p>Delegated authority shall not be exercised to determine applications for the grant, renewal or transfer of licences, designations or certificates where objections have been received and not withdrawn.</p>
<p>To determine all functions relating to the Gambling Act 2005</p>	<p>Director of Place and Economy</p>	<p>Delegated authority shall not be exercised in relation to approval of the Statement of Principles which shall be recommended to Council from the Licensing and Appeals Committee.</p>
		<p>Delegated authority shall not be exercised for a club gaming/club machine permit where relevant objections from consultees have been received and have not been withdrawn.</p>

		Delegated authority shall not be exercised for a transfer of a licence where relevant objections from consultees have been received from the Gambling Commission and have not been withdrawn.
To 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.	Director of Place and Economy	Delegated authority shall not be exercised when revoking licences (unless in the interests of urgent public safety) for Hackney Carriages and private hire vehicle drivers and operators.
		Delegated authority shall not be exercised to determine the provision, siting, designation and establishment of Hackney Carriage Stands which shall be recommended to Council by the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine Hackney Carriage bylaws which shall be recommended to Council by the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine policies for the licensing of Hackney Carriage vehicles and drivers and private hire drivers and operators including standard conditions which shall be recommended for approval to the Executive by the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine policies for the fixing of Hackney Carriage vehicle fare scales which shall be recommended to the Executive by the Licensing and Appeals Committee.
To determine any matter relating to the licensing of sex establishments	Director of Place and Economy	Delegated authority shall not be exercised where relevant representations/objections as determined by the Monitoring Officer have been received.

## Employment Matters

Nature of Decision	Officers	Conditions
<p>Take any action in accordance with the Council’s agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment.</p>	<p>All Corporate Leadership Team</p>	<p>Appointment of those officers listed in the Employment Procedure Rules shall be the decision of the Employment Committee or a Sub Committee established by them.</p>
	<p>All Corporate Leadership Team</p>	<p>The appointment of Deputy Chief Officers shall be the decision of the Head of Paid Service and in accordance with the Employment Procedure Rules. Full Council must have considered the remuneration of any post which will be remunerated over £100k prior to an appointment being made.</p>
	<p>All Corporate Leadership Team</p>	<p>Dismissal of Deputy Chief Officers shall be the decision of the Head of Paid Service and in accordance with the Employment Procedure Rules.</p>
	<p>Head of Paid Service</p>	<p>Agreement to make special severance payments under the Localism Act 2011 shall be exercised by the Head of Paid Service in consultation with the Monitoring Officer and Section 151 Officer, subject to the following:-</p> <ol style="list-style-type: none"> <li>a. Full Council must approve the severance payment of any post over £100k prior to payment being agreed.</li> <li>b. For payments of £20,000 and above, but below £100,000, a clear record of the Leader’s approval and that of any others who have signed off the payment should be made.</li> </ol>

Issue of certificates of opinion as to whether or not the duties of a post fall within the criteria of political sensitivity	Director of Customer and Governance	
The issue of HR1 notices in respect of potential redundancies	Director of Customer and Governance	
To approve strategic employment policies; i.e. those employment policies immediately and directly affecting all or most employees.	Head of Paid Service	
Functions in respect of the exercise of discretions under the local government pension scheme including the award of discretionary payments.	All Corporate Leadership Team	
To carry out powers and duties under the Health and Safety at Work Act	Head of Paid Service	

### Legal Matters

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Executive Director for Adults, Health and Wellbeing	
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Executive Director for Adults, Health and Wellbeing	
Carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999.	Executive Director for Adults, Health and Wellbeing	
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non Domestic Rates.	Assistant Director Revenue and Benefits	

Defend and/or settle all claims made against the Council up to £100,000.	Director of Customer and Governance	
Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council.	Director of Customer and Governance	
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and offences of common assault on behalf of an employee, if so required.	Director of Customer and Governance	
Authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972.	Director of Customer and Governance	
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility.	Director of Customer and Governance	
Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate.	Director of Customer and Governance	
Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation).	Director of Customer and Governance	In the case of contested matters, or Matters which require oral representation or an inquiry, an Independent Inspector shall be appointed to determine the application.



<p>To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.</p>	<p>Assistant Director Assets</p>	<p>Powers to determine whether an asset should be placed on the list</p> <p>Powers to determine reviews – Director of Customer and Governance</p>
<p>To approve Public Spaces Protection Orders (PSPO's),</p>	<p>Assistant Director Regulatory Services</p>	<p>Unless they are likely to be considered to be sensitive or significant in which case they shall be determined by Executive.</p>

**End of Officer Scheme of Delegation**

**May 2023**

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# **Part 9.3**

# **List of Proper Officers**

# List of Proper Officers

Under certain statutory provisions the Council has to appoint named persons who are responsible for statutory responsibilities.

## Schedule of Appointments

### Agriculture Act 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Assistant Director: Regulatory Services

### Local Authority Social Services Act 1970

Section	Brief Details of Responsibility	Proper Officer
6 (A1)	Director of Adult Social Services	Executive Director: Adults and Housing

### Local Government Act 1972

Section	Brief Details of Responsibility	Proper Officer
13 (3)	Parish Trustee where no Parish Council	Executive Director of Customer and Governance
All appointments under sections 83, 84, 86, 88(2), 89((1)(b), 99 and sch 12, 100 A to F	To witness and receive declarations of acceptance of office of Chair, Vice-Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Executive Director of Customer and Governance
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance and Performance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance and Performance

146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance and Performance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance and Performance
All appointments 191, 210(6) and (7), 223, 225 (1), 229 (5), 233, 234,238, 248, Sch 12 para 4 (2) (b) and 4 (3) and Schedule 14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Executive Director of Customer and Governance
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths	Executive Director of Customer and Governance

#### Local Government Act 1974

Section	Brief Details of Responsibility	Proper Officer
30	Provides that the Proper Officer must give public notice of the ombudsman's reports	Executive Director of Customer and Governance

#### Local Elections (Principal Area) Rules

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer (Chief Executive)

#### Local Land Charges Act 1975

Section	Brief Details of Responsibility	Proper Officer
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the "Proper Officer"	Executive Director of Place, Economy and Environment
19	The officer to act as Local Registrar as defined in Section 3	Executive Director of Place, Economy and Environment

**Local Government (Miscellaneous Provisions) Act 1976**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
16	Notices requiring details of interest in land	Any Chief Officer of the Council
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Executive Director of Customer and Governance

**Local Authorities Cemeteries Order 1977**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
10	To sign exclusive rights of burial	Executive Director of Place, Economy and Environment

**Highways Act 1980**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Assistant Director: Highways and Waste
193 (1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Assistant Director: Highways and Waste
205 (3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Assistant Director: Highways and Waste
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Assistant Director: Highways and Waste
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Assistant Director: Highways and Waste
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Assistant Director: Highways and Waste
321	Authenticate notices and other documents	Assistant Director: Highways and Waste

Sch 9 para 4	Sign plans showing proposed prescribed improvement or building lines	Assistant Director: Highways and Waste
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### Housing Act 2004

Section	Brief Details of Responsibility	Proper Officer
4(2)	Provides for the inspection of premises or area following official complaint about the condition of residential premises.	Assistant Director of Housing
249	Provision, regarding proof of designations made by an LHA under Part 2 or 3, to state that a certified copy of the scheme is prima facie evidence that the scheme has been made.	Assistant Director of Housing

### Representation of the People Act 1983

Section	Brief Details of Responsibility	Proper Officer
67 (7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Returning Officer

### Building Act 1984

Section	Brief Details of Responsibility	Proper Officer
61	Provides that the proper officer or any other authorised officer to be given free access to works or repairs to an underground drain	Executive Director of Place, Economy and Environment
78	To take action in relation to dangerous buildings and structures	Executive Director of Place, Economy and Environment
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by him in writing	Executive Director of Place, Economy and Environment

**Public Health (Control of Diseases) Act 1984 as amended by the Health and Social Care Act 2008 and the Milk and Dairies (General) Regulations 1959**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health and Wellbeing
61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health and Wellbeing
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health and Wellbeing
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health and Wellbeing

**Weights and Measures Act 1985**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
72(1)(a)	Chief Inspector of Weights and Measures	Assistant Director: Regulatory Services

**Local Elections (Parishes and Communities) Rules 2006**

	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Retention and public inspection of documents after an election	Returning Officer

**Local Government Finance Act 1988**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
114, 115 and 115A	Responsibility for Chief Financial Officer Reports	Executive Director of Finance and Performance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance and Performance



139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Executive Director of Finance and Performance
Schedule 4 (10)(1) Paragraphs 6 - 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: <ul style="list-style-type: none"> <li>The acquisition of way leaves over Council - owned land</li> <li>The felling and lopping of trees etc.</li> </ul>	Executive Director of Place, Economy and Environment
Schedule 8 36 (8) Paragraph 1  36(8) Paragraph 2	Where applications have to be made for consent to construct generating stations on Council - owned land  Where applications for consent have to be served on the local planning authority	Executive Director of Place, Economy and Environment

### Local Government and Housing Act 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 -17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (Committees and Political Groups) Regulations 1990	Executive Director of Customer and Governance

### Food Safety Act 1990

Section	Brief Details of Responsibility	Proper Officer
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director: Regulatory Services

**Civil Evidence Act 1995**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Executive Director of Customer and Governance

**Education Act 1996**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
532	Appointment as Chief Education Officer	Director of Children’s Services

**Party Wall etc Act 1996**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place, Economy and Environment

**Local Government (Contracts) Act 1997**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Certification of relevant powers to enter into contracts	Executive Director of Finance and Performance

**Crime and Disorder Act 1998**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
12	To apply for the discharge or variation of a Child Safety Order	Director of Children’s Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children’s Services

**Local Government Act 2000**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
3	Producing a written statement of Executive decisions made at meetings	Executive Director of Customer and Governance
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Executive Director of Customer and Governance

6	Making available for inspection a list of background papers	Executive Director of Customer and Governance
11(2)	Exclusion of whole or part of any report to the Executive where meeting is likely not to be open to the public	Executive Director of Customer and Governance
11(7)(c)	Provision to the press of other documents supplied to members of the Executive in connection with the item discussed	Executive Director of Customer and Governance
81	Establish and maintain a Register of Interests	Executive Director of Customer and Governance

**Local Authorities (Referendums) (Petitions and Directions) Regulations 2000**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Executive Director of Customer and Governance

**Regulation of Investigatory Powers Act 2000 Section 30  
The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Position) Order 2000**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
2	Authorise the carrying out of directed surveillance of the conduct of a covert human intelligence source	Executive Directors, Chief Executive in accordance with Council's RIPA policy

**Regulation of Investigatory Powers Act 2000, Sections 22(2)(B) and 25(2)  
The regulation of Investigatory Powers (Communications Data) Order 2010  
The Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010  
The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2010**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
Sch 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Executive Director of Customer and Governance

### Freedom of Information Act 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Executive Director of Customer and Governance

### Local Authorities (Standing Orders) (England) Regulations 2001

Section	Brief Details of Responsibility	Proper Officer
Sch 1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Executive Director of Customer and Governance

### Children Act 2004

Section	Brief Details of Responsibility	Proper Officer
18	Director of Children’s Services	Director of Children’s Services

### Health Act 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence	Authorised Officer

### Smoke-Free (Premises and Enforcement) Regulations 2006

Regulation	Brief Details of Responsibility	Proper Officer
3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services

### Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007/1830

Regulation	Brief Details of Responsibility	Proper Officer
4 (3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director: Housing

### Local Democracy, Economic Development and Construction Act 2009

Section	Brief Details of Responsibility	Proper Officer
31	Statutory Scrutiny Officer	Head of Democratic Services

### Health and Social Care Act 2012

Section	Brief Details of Responsibility	Proper Officer
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Public Health and Wellbeing
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health and Wellbeing
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health and Wellbeing
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local	Director of Public Health and Wellbeing

	authority under arrangements with the Secretary of State	
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health and Wellbeing
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority's role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health and Wellbeing
73A(1)(f) -	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health and Wellbeing

### Counter-terrorism and Security Act 2015

Section	Brief Details of Responsibility	Proper Officer
	The Officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Executive Director: Adults and Housing

### Landlords and Tenants Acts

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954	Executive Director of Place, Economy and Environment

### Other Miscellaneous Proper Officer Functions

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee

**Working Together to Safeguard Children: A Guide to Inter-Agency working to Safeguard and Promote the Welfare of Children (DFE Guidance, March 2010)**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Local Authority Designated Officer (LADO)	Director of Children’s Services
	Designated Caldicott Guardian	Executive Director: Adults and Housing

**General Data Protection Regulations**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Designated Senior Information Risk Owner (SIRO)	Executive Director of Customer and Governance
	Data Protection Officer	Information Governance Manager
	Information Asset Owners	Executive Director of Customer and Governance

**In the absence of the Designated Officer:**

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

**End of List of Proper Officers**

**May 2023**

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# **Part 9.4**

# **Officer Code of Conduct**

# Officer Code of Conduct

This is the Code of Conduct for officers of the Council and those who work for and behalf of the Council. It determines the standards and conduct that shall be met by them.

The Council Code of Conduct sets out the general standards expected of all employees; these are in addition to any rules which apply in Service areas. The Code is not exhaustive and should be read in conjunction with other Council policies.

It is your responsibility to read this Code and to make sure your conduct meets its provisions at all times.

Some service areas will have their own service specific rules about behaviour, usually in relation to their service users. Employees must ensure that they understand the service specific rules, and discuss them with their line manager if they do not understand how they apply.

## 1. What are the Principles?

1.1 The public have the right to expect the highest standards of integrity from our employees.

1.2 Employees should:

- always conduct themselves in a proper manner
- not allow personal or private interests to influence their conduct
- not do anything as an employee which they could not justify to the Council
- tell management of any breach of standards or procedure without fear of recrimination. If appropriate employees should use the Whistleblowing policy
- engage in any investigations about actual or potential breaches of this code

1.3 If employees fail to follow this code, they may be liable to disciplinary action which could lead to termination of employment.

## 2. What are the rules about Gifts and Hospitality?

2.1 There are no hard and fast rules about accepting hospitality or gifts offered on a personal basis. However, employees should treat any offers with extreme caution. The person or organisation making the offer may be:

- doing, or hoping to do, business with the Council; or
- applying to the Council for some kind of decision

2.2 In some cases, accepting the offer may constitute a criminal offence.

2.3 Employees should seek permission before any offers of gifts or hospitality above the value of £25 are accepted.

2.4 It is important that such offers of a gift or hospitality are recorded, even where the employee or their line manager, has decided to decline the offer. As a public service there is a need to demonstrate impartiality and merit in remaining totally open about anything received and understand the perception of the general public regarding offers of gifts or hospitality. Please note that if there have been separate or previous offers from the same organisation or individual within the past three months which combined would total over £25.00 it is appropriate to declare the cumulative total.

2.5 If employees have any doubts about whether to accept a gift below £25, they should talk to their line manager. Guidance is provided in the Gifts and Hospitality Form. Managers should maintain a record of gifts and hospitalities received by their staff.

2.6 Hospitality or Gifts over the value of £25 should be declared through the **Gifts and Hospitality form**.

### **3. What are the rules about use of Council Facilities?**

3.1 Employees should only use Council premises, facilities or other resources for Council business, unless you have been given prior approval through your line manager. This includes:

- transport
- stationery
- secretarial services

### **4. What are the Rules About the Use of Information Technology?**

4.1 Employees should use information technology in compliance with the Council's **Use of IT Policy**. In addition to this policy, employees should make sure they understand and comply with the Council's guidance on:

- **Using of IT Policy - Using mobile devices**
- **Using of IT Policy – Personal e-mail accounts for Council business**
- **Using of IT Policy – Facebook and Social Media Applications**
- **Guidance on Social Networking Sites and Personal Internet presence**

### **5. What are the Rules About the Rules About Confidential and Private Information?**

5.1 Employees may come into contact with confidential information during the course of their work and have a responsibility to maintain confidentiality and ensure their actions comply with the Data Protection Act and General Data Protection Regulation (GDPR).

5.2 Confidential information includes, but is not limited to; any information regarding other employees, service users, financial information, information regarding

business plans or other commercially sensitive information and any information or matter which relates to the affairs and/or services of the Council that should not be in the public domain.

5.3 Employees must never:

- i) disclose or share such information (oral, written or electronic) given in confidence or, information acquired during the course of their work to other people without a clear, legal basis for doing so e.g. safeguarding or crime prevention, and only when the identity of the individual requesting has been verified.
- ii) access or use any information obtained in the course of their employment for personal gain or, to disadvantage or discredit the Council or anyone else.

5.4 The Council has specific rules on data security, outlined in the **Information Security Policy** which you need to read and familiarise yourself with. You are required to comply with these rules when handling information. There are set procedures for releasing personal information and guidance for **Information Sharing**. It is essential that employees follow these procedures and must seek advice from their line manager if unsure before releasing information or personal data.

## 6. What are the Rules About Financial Conduct?

- 6.1 Employees must ensure that they use funds and resources entrusted to them for the purpose intended, and in a responsible and lawful manner. They should seek to safeguard such funds and resources from abuse, theft or waste and should strive to ensure value for money for the Council, service users and any public or charitable funds.
- 6.2 Employees should be aware that it is a serious criminal and disciplinary offence to corruptly receive or give any gift, loan, fee, reward or other advantage in return for doing (or not doing) anything, or showing favour (or disfavour) to any person or organisation. If an allegation of corrupt behaviour is made, this will be fully investigated.
- 6.3 Any form of bribery, either direct or indirect, is prohibited. Allegations of bribery or wrongdoing can be reported confidentially through the Whistleblowing policy. See also the Anti-Fraud policy.
- 6.4 Employees should manage the organisation's finances in compliance with the Council's financial procedure rules, and contract procedure rules. This sets out individual financial responsibilities, and provides more information on the Whistleblowing and Anti-Fraud policy.

## **7. What are the Rules About Declaring Financial/Personal Interests in Other Organisations Which Deal With the Council?**

7.1 Employees must declare any financial/personal interest that they or their partner have or may have in any contract or proposed contract with the Council or its partners, including any interest they may have in tendering for a contract from the Service Area/Group – this interest may be direct or indirect.

7.2 Employees should also consider declaring non-financial interests. For example, they may do voluntary work for an organisation in receipt of grant aid from the Council.

7.3 An employee wishing to make a declaration should complete the **Declaration of Conflict of Interest form** providing as much detail as possible and submit this to their line manager. See section 21 – Making a Declaration.

## **8. What are the Rules About Buying Goods for Personal Use?**

8.1 Employee should not use an official order, or the Council's name to buy goods for their personal use. To do so could lead to prosecution under the Theft Act and disciplinary action being taken which could result in termination of employment.

## **9. What are the Rules About Discount Schemes Offered to Employees?**

9.1 Employees should take care before accepting discounts or special terms from someone:

- who normally supplies the Council and,
- who is not offering this discount to members of the public

9.2 This does not apply if the supplier has an agreement with the Unions or the Council to supply goods or services on special terms. If an employee has doubts as to how to proceed, they should refer to their line manager in the first instance who will then discuss with their Corporate Director who may refer to Legal Services where necessary.

## **10. What are the Rules About Equality Issues?**

10.1 Employees must ensure that they follow the Council's Equality, Inclusion and Diversity policies and conduct themselves in accordance with expected practice.

10.2 Managers must ensure that employees are aware of these policies, expected practice and how this applies to the work that the employee undertakes.

## 11. What are the Rules About Employees Having Other Jobs?

11.1 Some contracts specify that an employee cannot undertake other jobs without written permission or, there are service specific or other circumstances that would prevent undertaking other jobs.

11.2 Where this does not apply, employees should make sure that any additional work they undertake does not:

- relate to their duties as an employee
- impact or affect the hours of work in their role with the Council and does not contravene any provisions under the Working Time Regulations or, their health and safety
- impact on their duties and effectiveness
- conflict with the interests of the Council (Are they a competitor organisation, engaged in similar business or a customer of the Council? Do they provide or receive goods or services from the Council and is there any contractual arrangement with the Council?)
- weaken public confidence in the Council.

11.3 If you have any doubt as to whether a conflict exists you should complete a **Declaration of conflict of interest form** and submit this to your line manager.

11.4 In order to sustain service delivery and core functions, employees may be asked to curtail any other private work they have been carrying out when the Critical Incident Policy is invoked.

11.5 See section 21 – Making a Declaration

## 12. What are the Rules About Employee Conduct Outside Work?

12.1 Generally, what employees do outside work is their own concern. However, they should avoid doing anything which might adversely affect the reputation of the Council, this includes comments on social media.

12.2 Further information and guidance is provided in the Council's Use of IT Policy which covers Facebook, Social Media and use of mobile devices.

## 13. What are the Rules About Political Impartiality?

13.1 Employees must be politically neutral when carrying out their work. This does not affect their right to be a member of a political party, unless they work within a specified politically restricted post.

13.2 Politically restricted posts fall into two categories - 'specified posts', and 'sensitive posts'. Specified posts include Tier 2 and above, and Political Assistants. Sensitive posts apply in Democratic Services and the Communications and Marketing team, based on their link to journalists and broadcasters. Further

information and guidance is provided in the Council's document **Politically restricted posts**.

13.3 Employees can stand for election to local authorities, other than North Northamptonshire Council. They should complete a **Declaration of conflict of interest form** and submit this to their line manager to resolve any potential conflicts of interest and consideration of any requirements for time off.

13.4 See section 21 – Making a Declaration.

13.5 If an employee holds a politically restricted post, they can only be a member of a parish council.

#### **14. What are the Rules About Employment of People who are Relatives, Partners or Have a Close Relationship?**

14.1 Employees should not be involved in taking significant decisions where it involves a relative, partner or close friend.

14.2 This includes:

- recruitment or appointment
- disciplinary situations
- promotional opportunities
- pay related adjustments

14.3 Employees are expected to maintain professional relationships with colleagues. The general principle is that an outsider should not be able to detect any difference in the professional working relationship of people who have a close relationship to those who are not.

#### **15. What are the Rules About How Employees Interact With Customers?**

15.1 Employees should never allow any personal relationship with a customer to conflict with the duties of their employment, or the best interests of any customer or service user. They must never allow themselves to be compromised by, or take advantage of, their relationship with a customer.

15.2 Some service areas will have their own service specific rules about behaviour in relation to their service users. This may be underpinned by professional Codes of Conduct or Guidance in relation to client group needs. Employees must ensure that they understand such service specific rules, and discuss them with their line manager if they do not understand how they apply.

## **16. What are the Rules About Employees' Relationships With Colleagues or Elected Members?**

16.1 Mutual respect and trust between employees and councillors is essential to the effective operation of the Council. Any close personal familiarity can damage the relationship. It can also prove embarrassing to other employees and therefore, such familiarity should be avoided.

16.2 Any personal relationships that develop, which may conflict with the impartial performance of your duties, should be declared by completing a **Declaration of conflict of interest form** and submitting this to your line manager for consideration.

16.3 See section 21 – Making a Declaration.

## **17. What are the Rules About Media Activities?**

17.1 If an employee is contacted by the media, they should not respond individually, as media inquiries need to be directed immediately to the communications team.

17.2 Media includes any kind of published or broadcast material, including items published on the internet. Employees should contact the Communications Team for clarification if they are unsure about the rules regarding speaking to the media or sharing information externally.

17.3 In addition, employees should be aware of **Guidance on Social Networking Sites and Personal Internet Presence**. The aim of this Guidance is:

- to protect the reputation of the Council and its employees from intended or unintended abuse via personal employee usage of social networking and personal internet sites, and:
- ensure that employees are aware of the potential legal implications of material which could be considered abusive or defamatory.

## **18. What are the Rules About Smoking?**

18.1 In order to help support the health of our staff, deliver our services and maintain legal compliance the Council has a Smoke-free policy. For reputational and health reasons, smoking is prohibited within, or on Council controlled sites, including areas outside and around buildings where smokers should not be visible to the public and customers visiting council buildings, or be identifiable by their lanyards or ID badges. More information is provided in the Smoke-free policy.

## **19. What are the Rules About Clothing and Appearance?**

19.1 Employees are expected to dress in a manner that is appropriate to the job role they undertake, and the environment in which they work. All employees are



ambassadors for the organisation and therefore need to maintain a professional appearance, appropriate to their role. There are a variety of settings and roles within the organisation; for some areas health and safety issues will determine what constitutes appropriate dress, therefore employees should refer to any service specific rules, including those on personal protective clothing where relevant.

19.2 Managers are responsible for applying this in their specific setting; should an employee wear clothing that is inappropriate for the role they are undertaking, they can reasonably expect their manager to point this out to them. Managers can get support from the HR Advisory Team on what constitutes inappropriate clothing.

## **20. What are my Responsibilities as a Line Manager?**

20.1 As a line manager it is your responsibility to read this Code and to make sure you and your employees conduct meets its provision at all times. You are responsible for:

- making sure that your staff are aware of the Code of Conduct
- abide by the Code and thereby set your staff an example
- taking appropriate action if any member of staff fails to follow this Code
- seeking the advice of your HR Advisor if you have any doubt about how to proceed
- keeping a record of gifts or hospitality received by your staff
- reviewing any Declaration of conflict of interest form (whether at recruitment stage or following employment), escalating to your Corporate Director
- advising the employee of the outcome and retaining the information

20.2 It is also the line manager's responsibility to review the information and ensure:

- where circumstances have changed and no longer relevant for the role the employee is undertaking or their involvement has ceased - the form should no longer be retained
- If the employee moves to another role or service area, the information should be reviewed to ensure no conflict exists and where this remains relevant it is transferred and retained within that new role/service area
- If the line manager leaves or moves to another role or service area, the information must be provided to the new manager where this remains relevant

20.3 For employees working in a social care setting – please also refer to the Adult Social Care and Healthcare Support Workers Code of Conduct – Skills for Care.

## **21. Making a Declaration**

21.1 There are two instances in which a Declaration can be made;

- (i) New recruits – as part of the recruitment process and,

(ii) Where a conflict or potential conflict has been identified by an existing employee

21.2 Declarations will normally be made in circumstances of;

- Financial/personal interests in other organisations which deal with the Council
- Undertaking other jobs or engaging in other jobs or business
- Political impartiality
- Personal relationships

### **Conflict Identified By Existing Employee**

21.3 Where a conflict or potential conflict has been identified by an existing employee, they should complete a **Declaration of conflict of interest form** and submit this to their line manager.

21.4 The employee’s line manager will assess the contents of the form to ensure that sufficient information has been provided in order to determine whether the request is likely to be in conflict with or have a detrimental impact on the employee’s or the Council’s work.

21.5 The line manager may seek to consult their HR Advisor as required and then refer to the Corporate Director for consideration. In circumstances that relate to financial/personal interests in other organisations the Corporate Director will refer this to the Council’s Monitoring Officer.

### **Declaration and levels of approval**

<u>Employee Level</u>	<u>Submission to</u>	<u>Referral to</u>
Employees	Line Manager	Corporate Director (and Monitoring Officer if involves Financial/Personal interests)
Assistant Director or Head of Service	Line Manager	Corporate Director (and Monitoring Officer if involves Financial/Personal interests)
Director/Executive appointment	HR Assistant Director	Monitoring Officer

### **Failure to disclose a Conflict of Interest**

21.6 If you fail to inform the Council of a possible conflict of interest could result in disciplinary action being taken and your employment being terminated.

## 22. Potential Outcome of a Declaration

22.1 Any outcome as a result of a declaration being made must be advised and discussed with the employee to ensure they understand any implications and agreed actions where necessary.

22.2 Where it is found that the employee’s involvement or actions are deemed unacceptable to continue, the employee may be asked to withdraw from that interest, or the responsibilities may need to be changed.

### Declaration of Conflict of Interest Form

Subject	Make a Declaration	Responsibility
Gifts & Hospitality	Record on Gifts & Hospitality form	Line Manager
Council facilities	No	Line Manager
Confidential & private information	No	Line Manager
Financial/Personal interests	Yes	Line Manager, Corporate Director and Monitoring Officer
Buying Goods	No	Line Manager
Discount Schemes	No	Line Manager
Equality	No	Line Manager
Other jobs	Yes	Line Manager, Corporate Director
Conduct outside work	No	Line Manager
Political Impartiality	Yes	Line Manager, Corporate Director
Employment of relatives	No	Line Manager
Personal relationships	Yes	Line Manager, Corporate Director

**End of Officer Code of Conduct**

**March 2021**

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# **Part 9.5**

# **Officer Employment Procedure Rules**

# Officer Employment Procedure Rules

These Rules define how the Council will appoint Officers and take any necessary action in relation to their employment with the Authority. The Council has designated certain Officers as Statutory Officers and/or Chief Officers. There are different rules on how the Authority recruits, appoints, takes disciplinary action and dismisses different levels of Officers.

## 1. Definitions

- 1.1 “Statutory Chief Officer” means the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Director of Adult Social Services and the Director for Children’s Services. These officers shall be taken to be within section 2(6) of the Local Government and Housing Act 1989 “the 1989 Act” as statutory Chief Officers
- 1.2 "Chief Officer" has the same meaning as defined in section 2 of the 1989 Act means:
  - 1.2.1 a person for whom the Head of Paid Service is directly responsible;
  - 1.2.2 a person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the Head of Paid Service; and
  - 1.2.3 any person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the Local Authority themselves, the Executive or any Committee or Sub-Committee of the Authority, whose duties are not solely secretarial or clerical, or otherwise in the nature of support services;
  - 1.2.4 “Deputy Chief Officer” has the same meaning as in section 2(8) of the 1989 Act
- 1.3 “Proper Officer” means the Chief Executive unless the appointment is for the Head of Paid Service when the Proper Officer shall be the Monitoring Officer

## 2. Recruitment and Appointment

- 2.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have **any** relationship with any councillor or officer of the Council;

- 2.2 No candidate so related to a Councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by the Chief Officer.
- 2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.4 No Councillor will seek support for any person for any appointment with the Council.

### **3. Recruitment of Head of Paid Service and Chief Officers**

3.1 Where the Council proposes to appoint the Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers or by delegated authority the Council's Employment Committee shall establish a Sub-Committee to act as the appointment panel. At least one member of the Executive must be a member of the Committee.

3.2 The Panel will;

- (a) draw up a statement including the following:
  - (i) the duties of the Officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the procedures mentioned in paragraph (a) to be sent to any person on request.

### **4. Appointment of Chief Officers and Deputy Chief Officers – “Relevant Officers”**

4.1 This procedure has been included as required by the Local Authorities (Standing Orders)(England) Regulations 2001

4.2 The “appointer” means in relation to the appointment of a relevant officer, the Committee, Sub-Committee or officer making the appointment, or in the case of the appointment of the Head of Paid Service, Monitoring Officer or Section 151 Officer, making a recommendation to the Council

4.3 The appointer shall not make an offer of appointment in relation to any of the relevant officers until;

- (a) The appointer has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
- (b) The proper officer has notified every member of the Executive of the authority of:
  - (i) The name of the person to whom the appointer wishes to make the offer;
  - (ii) Any other particulars relevant to the appointment which the Committee has notified to the proper officer; and
  - (iii) The period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the proper officer; and
- (c) Either:
  - (i) The Leader has, within the period specified, notified the Proper Officer that neither they nor any other member of the Executive has any objection to the making of the offer;
  - (ii) The Proper Officer has notified the Committee that no objection was received by them within that period from the Leader; or
  - (iii) The Proper Officer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

## **5. Other Appointments**

5.1 Appointment of Officers below Chief Officer is the responsibility of the Head of Paid Service, an officer nominated by him/her, or an officer acting in accordance with the Officer Delegation Scheme. The Head of Paid Service has the delegated authority to appoint the Assistant Chief Executive.

## **6. Disciplinary Action**

6.1 No disciplinary action may be taken in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer while alleged misconduct is investigated and considered, provided that this does not preclude the suspension of the officer on full pay for the purpose of investigating the alleged misconduct, and such suspension does not constitute disciplinary action; any such suspension must be reviewed no later than the expiry of 2 months beginning on the day on which the suspension takes effect.



6.2 Councillors shall not be involved in disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

## **7. Dismissals**

7.1 Councillors shall not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7.2 Where the Committee or Sub-Committee is discharging its function in relation to the dismissal of the Head of Paid Service or a Chief Officer, that Committee or Sub-Committee shall include at least one member of the Executive

## **8. Dismissal of Head of Paid Service, Monitoring Officer or Chief Finance Officer – “Relevant Officers”**

8.1 This procedure has been incorporated in accordance with the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.

8.2 The Council must invite independent persons appointed under Section 28(7) of the Localism Act 2011 “the 2011 Act” to be considered for appointment to the Panel with a view to appointing two Independent Persons to the Panel.

8.3 In paragraph 9.2, “independent person” means any independent person who has been appointed by the Council or, where there are fewer than two independent persons, such independent persons as have been appointed by another authority to authorities as the Council considers appropriate.

8.4 The Council may appoint more than two independent persons.

8.5 The Council must appoint the Panel at least 20 working days before the full Council meets to consider whether or not to approve a proposal to dismiss a relevant officer.

8.6 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that person in respect of that person’s role as an independent person under the 2011 Act.

8.7 Where the Committee or Sub-Committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the full Council must approve any recommendation of dismissal before notice of dismissal is given.

8.8 The Council may not approve any recommendation of dismissal of the Head of Paid Service, the Monitoring Officer of the Chief Finance Officer without first having taken into account, in particular:

- Any advice, views or recommendations of the Panel
- The conclusions of any investigation into the proposed dismissal; and
- Any representations from the relevant officer

**9. Dismissal of Head of Paid Service, Chief Officer and Deputy Chief Officer – “Relevant Officers”**

9.1 This procedure has been included as required by the Local Authorities (Standing Orders)(England) Regulations 2001

9.2 The “dismissor” means in relation to the appointment of a relevant officer, the Committee, Sub-Committee or officer making the dismissal, or in the case of the dismissal of the Statutory Chief Officers, making a recommendation to the Council

9.3 Notice of dismissal of a relevant officer shall not be given by the dismissor until;

- (a) The dismissor has notified the proper officer of the name of the person to whom the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal;
- (b) The proper officer has notified every member of the Executive of the authority of:
  - (i) The name of the person to whom the Committee wishes to dismiss;
  - (ii) Any other particulars relevant to the dismissal which the Committee has notified to the proper officer; and
  - (iii) The period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and
- (c) Either:
  - (i) The Leader has, within the period specified, notified the Proper Officer that neither they nor any other member of the Executive has any objection to the dismissal;
  - (ii) The Proper Officer has notified the Committee that no objection was received by them within that period from the Leader; or

- (iii) The Proper Officer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

## **10. Director of Public Health**

- 10.1 The appointment of the Director of Public Health who is appointed in pursuance of Section 73A (7) of the National Health Service Act 2006 (inserted by section 30 of the Health and Social Care Act 2012) is the responsibility of the Employment Committee, subject to the approval of the appointment by the Secretary of State for Health.
- 10.2 The Employment Committee may terminate the appointment of the Director of Public Health having followed the relevant procedures and following prior consultation with the Secretary of State for Health.

## **11. Temporary and Interim Appointments**

- 11.1 When a post of Chief Officer (other than the Head of Paid Service) becomes vacant and, for whatever reason, it is desired to fill the vacancy for a limited period, the Head of Paid Service will consult the Leader, the relevant Portfolio Holder(s) and the Leader of the Opposition on the options for making an appointment.
- 11.2 If the Chief Executive decides to seek to make a temporary appointment otherwise than through an agency, and the term of the proposed appointment is longer than six months, then the process will be in accordance with these Rules. If the proposed term is six months or shorter, then the Chief Executive will make the appointment, subject to Rule 5 (Executive involvement).
- 11.3 If the Chief Executive decides to seek to make an interim appointment through an agency, and the term of the proposed appointment is longer than six months, then the Chief Executive will consult the Leader, the relevant Portfolio Holder(s) and the Leader of the Opposition, and then comply with Rule 5, before making an appointment. If the proposed term is six months or shorter, then the Chief Executive will make the appointment, subject to Rule 5 (Executive involvement).
- 11.4 If the vacant post is that of the Head of Paid Service, then Council will decide how it wishes to proceed.

**End of Officer Employment Rules**

**March 2021**

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# **Part 9.6**

# **Contract Procedure Rules**

# Contract Procedure Rules

The Contract Procedure Rules set out the principles, roles and processes involved in procurement at the Council. Whenever the Council is seeking works, goods or services they must comply with these Rules. They should be read in conjunction with the rest of the constitution, Financial Procedure Rules and any other relevant legislation.

All procurements must realise value for money through the combination of costs and quality.

These rules seek to protect the Council’s reputation by minimising the risk of allegations or corruption, dishonesty and failure to meet legal obligations.

Following these rules will ensure that how the Council procures works, goods and services is as transparent and fair as possible.

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## **Part 1 – Introduction, Scope and Responsibilities**

### **1. Introduction**

- 1.1 These Rules are part of the Council's Constitution and apply to all procurement activities (the purchase of goods, services and works) undertaken by the Council. They must be read in conjunction with any other relevant laws, regulations, policies and/or procedures.
- 1.2 Anyone making procurement decisions on behalf of the Council must be familiar with these Rules.
- 1.3 These Rules are required by law and failure to comply with them could lead to disciplinary action. Officers have a duty to report breaches of these Rules to their line manager and/or the Monitoring Officer.
- 1.4 If there is any conflict between these Rules and relevant law, the legislation shall take precedence. The Council also reserves the right to consider the application of intervening government guidance when making decisions about the application of these Rules.

### **2. Basic Principles**

- 2.1 Whether or not a procurement is subject to the UK Procurement Regulations, it must be conducted in accordance with the Agreement on Government Procurement (GPA). This means all procurements must be carried out in a fair, open and transparent way.
- 2.2 These Rules are designed to ensure that procurements:
  - 2.2.1 Achieve Value for Money for public money spent;
  - 2.2.2 Are consistent with the highest standards of integrity;
  - 2.2.3 Ensure fairness and transparency;
  - 2.2.4 Ensure that the Council complies with all legal requirements and established government and commercial codes of conduct;
  - 2.2.5 Comply with the Council's associated policies;
  - 2.2.6 Manage the Council's risk effectively;
  - 2.2.7 Are proportionate in regard to value and risk; and
  - 2.2.8 Ensure that non-commercial considerations e.g. prior knowledge of contractors do not influence any contracting decision.

### **3. Advice and Guidance**

- 3.1 It is a mandatory requirement that advice and guidance on all procurement activities equal to and above £100,000 must be sought, in the first instance, from the Purchasing Gateway Group (PGG).
- 3.2 Advice on compliance with legislative requirements may be obtained from Legal Services who will liaise with the Head of Procurement as necessary.



## **4. Responsibilities**

### **4.1 Chief Officers**

- 4.1.1. Chief Officers are responsible for all procurement activity in their Directorates. They must ensure sufficient oversight and governance is in place to satisfy themselves of compliance with these Rules;
- 4.1.2. Chief Officers must ensure that procurement activities are undertaken by authorised Officers who can demonstrate knowledge and understanding of these Rules and have the skills appropriate to the task.
- 4.1.3. Chief Officers must ensure that:
  - a. staff within their Directorates are adequately trained and that their procurements are in compliance with these Rules;
  - b. they have in place a scheme of delegation that records in writing what action Officers in their Directorates are authorised to take under these Rules;
  - c. there is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the procurement process;
  - d. Value for Money is achieved in all procurements within their Directorates;
  - e. They keep a register of contracts completed by signature (rather than by the Council's Seal) within their Directorate and arrange for their safe keeping, ensuring that all contracts from £5,000 are added to the Council's Contract Register; and
  - f. They maintain records of all waivers or exemptions of these Rules.

### **4.2 Officers**

- 4.2.1 The Officer responsible for the procurement must comply with these Rules, the Financial Regulations and UK or English (including any treaties incorporated into UK Law) Legislation;
- 4.2.2 The Officer is responsible for ensuring that agents acting on behalf of the Council agree in writing that they will also comply with these Rules;
- 4.2.3 Officers must keep records of all Quotations, Tender documentation and contracts, including those documents relating to unsuccessful bids and quotes in accordance with the relevant legislation and the Council's policy on the retention of documents;

- 4.2.4 Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure that they deliver the requirement as intended;
- 4.2.5 When any employee of the Council or of an external service provider may be affected by the transfer arrangement, the Officer must ensure that TUPE issues are considered and obtain advice from Legal Services before proceeding with any procurement;
- 4.2.6 Where an Officer has a potential conflict of interest with a Supplier from whom a Quotation/ Tender is being sought, the Officer must declare this immediately to the Monitoring Officer. The Officer may be required to withdraw from the procurement process;
- 4.2.7 Any Officer who fails to declare a conflict of interest may be subject to disciplinary proceedings and sanctions and risks being prosecuted under the Bribery Act 2010; and
- 4.2.8 Officers must ensure that no contract commences without a purchase order being raised for the goods, services and/or works in accordance with the provisions detailed in the Financial Procedure Rules.
- 4.2.9 The Officer must consider whether the procurement constitutes a Key Decision. If it does then the Officer must seek approval from the Executive prior to the procurement commencing.

## **5. Amendments to these Rules**

- 5.1. The Monitoring Officer in consultation with the Head of Procurement shall have the power to make incidental amendments from time to time to these Rules, to ensure that they remain consistent with legislation, the Council's organisational structure and generally with best practice.

## **6. Exemptions to the Rules**

- 6.1. These Rules do not apply to the following transactions:

- 6.1.1. Any contracts entered through collaboration with another contracting authority and/or public body, where the person awarding the contract (the lead authority) can demonstrate the arrangements comply with the requirements for Value for Money and other applicable legislation, including where relevant UK Procurement Regulations;
- 6.1.2. Employment contracts;
- 6.1.3. Land transactions to acquire or dispose of some interest in land;
- 6.1.4. Lending or borrowing of money; and

- 6.1.5. For existing goods, services or works where there is no genuine satisfactory alternative available such as public utility infrastructure providers, e.g. Gas mains, sewage and water supply.

## **7. Exceptions for Care Placements**

- 7.1. Exceptions are granted for Adult Social Care and Children Care Placements when underpinned by the following tiered placing of contractual arrangements. This must be approved by the Chief Officer of the relevant Directorate:

- 7.1.1. Tier 1: Placements from Block Contracts – when a Supplier is procured with guaranteed service levels and pre-agreed prices;
- 7.1.2. Tier 2: Placements made from a Dynamic Purchasing System (DPS) or Framework Agreement – must contain fixed or average rates. Tier 2 is utilised only when Tier 1 is unable to meet the required needs; or
- 7.1.3. Tier 3: Spot Placements – may be awarded when the required needs cannot be met by Tier 1 or Tier 2 and if the placement is urgent, complex and unique to the receiver of the care. Tier 3 Placements must be reviewed by the Chief Officer and will form part of a quarterly report to the relevant Member detailing the following:
- a. The nature, extent and value of spot contracts entered into in the previous quarter;
  - b. The specific rationale for utilising Rule 7.1; and
  - c. Append a summary of the previous instances where this Rule is used in the current financial year.

## **8. Requesting a Waiver /Exception from these Rules**

- 8.1 Subject to the UK Procurement Regulations and any other relevant legislation, an Officer may seek a waiver where they are unable to comply with these Rules.
- 8.2 Officers must follow the procedure for obtaining a waiver detailed in Appendix 3 by utilising the online form found on the intranet.
- 8.3 Waiver requests cannot be sought for requests equal to or above the Council's Key Decision threshold.
- 8.4 Any Officer who is to submit a waiver which has a total value of £25k or more will be required to firstly complete the Procurement Waiver Review Template, submitting this to the Procurement team for review. The Procurement Waiver Review Template is available on the intranet.
- 8.5 A waiver will only be granted in exceptional or unavoidable circumstances. Lack of appropriate planning will not be considered as sufficient justification to be granted a waiver.

- 8.6 In cases of emergency and where there is a significant risk of danger to life, or damage to property or a major impact on the Council or its service users, the Monitoring Officer, or their nominated deputy may choose to waive these Rules.
- 8.7 Where a waiver is to be used, the waiver must be formally requested and approved prior to entering into any contract for goods, services and/or works.
- 8.8 In instances where a repeat waiver is requested, then the Total Value of the requested waiver must be added to any previous waivers and the appropriate rule/ regulation relating to the Total Value will apply.
- 8.9 Retrospective waivers will not be supported or approved but exceptions to this principle will be allowed where it has been necessary to act urgently because of an unforeseen emergency which involves immediate risk or injury or to prevent disruption to services.
- 8.10 The Officer must ensure that the actual spend incurred as a result of the waiver does not exceed the Total Value stipulated in the approved waiver.
- 8.11 Where less than the minimum number of bids have been received following a procurement process (which includes where a direct award has been undertaken from an external framework) or where the Officer is unable to obtain at least one (1) quote from a local provider (up to £100k), an exception will need to be applied for utilising the online form found on the intranet.
- 8.12 An exception can be requested at all values.
- 8.13 Any Officer who is to submit an exception which has a total value of £25k or more will be required to firstly complete the Procurement Exception Review Template, submitting this to the Procurement team for review. The Exception Review Template is available on the intranet.
- 8.14 The Officer must not notify bidders of an intention to award or carry out an award of contract unless they have a fully approved exception.

## **9. Prevention of Corruption and Conflict of Interest**

- 9.1 The Officer responsible for the procurement must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 9.2 Officers must have regard to and comply with the Council's Anti-Fraud and Corruption Policy when undertaking a procurement exercise.
- 9.3 Officers are advised that any inappropriate behaviour that is deemed contrary to the Bribery Act 2010 could result in dismissal and the matter may be reported to the police.

## **10. Recommended Reading**

10.1 It is strongly recommended that Officers and Chief Officers read the following documents in conjunction with these Rules:

- 10.1.1. Financial Procedure Rules;
- 10.1.2. Procurement Best Practice Guide;
- 10.1.3. The Council's policies and processes relevant to the procurement;  
and
- 10.1.4. Contract Register guidance, system instructions and protocol.

## **Part 2 – Pre-Procurement**

### **1. Competition Requirements**

- 1.1 Officers must establish the Total Value of the procurement for the life of the contract, including any potential extension periods which may be awarded.
- 1.2 Officers shall not sub-divide goods, services and/or works that could reasonably be treated as a single contract to avoid these Rules, thresholds, or any legal requirements.
- 1.3 Based on the Total Value, Quotations or Tenders must then be invited in line with the financial thresholds detailed in Appendix 2.

### **2. Steps Prior to Procurement**

- 2.1. Where a procurement is required, the Officer must establish:
  - 2.1.1. The contract term, this must not exceed four (4) years in total (including any optional extension period(s)) for contracts, Frameworks or Dynamic Purchasing Systems (DPSs) equal to or above £100k unless otherwise agreed by the PGG in advance of the procurement commencing.
  - 2.1.2. The size, scope, term and specification of the goods, services and/or works required;
  - 2.1.3. The duration of the contract that will provide the most economically advantageous outcome for the Council. This decision must be made in advance of the procurement process and done in accordance with these Rules;
  - 2.1.4. That they have the appropriate authority to start the procurement activity under the scheme of delegation;
  - 2.1.5. That they have the relevant budget approval to cover the Total Value of the contract; and
  - 2.1.6. A project plan to allow sufficient time for Bidders to prepare and submit Tenders or Quotations to maximise the opportunity for Value for Money to be achieved.
- 2.2. The Officer must consult Finance, where the procurement is of a specialist nature or poses a new potential risk to the Council to discuss the potential risks to ensure they are adequately mitigated.

### **3. Pre-Tender Market Research and Consultation**

- 3.1 The Officer responsible for the procurement may consult potential Suppliers in general terms about the nature, level and standard of the contract packaging

and other relevant matters, provided this does not prejudice any potential Bidder.

- 3.2 The Officer must not adopt any technical advice in the preparation of an Invitation to Tender or Quotations from anyone where this may prejudice the equal treatment of all potential Bidders or distort competition.
- 3.3 Pre-tender consultation with service users on what is being procured is encouraged and is considered good practice to ensure the Specification correctly addresses what is required.
- 3.4 When considering undertaking any of these activities, the Officer must seek advice from the Procurement Team.

#### **4. Public Services (Social Value) Act 2012**

- 4.1 The Public Services (Social Value) Act 2012 requires the Council to consider at the pre-procurement stage:
  - 4.1.1. How the proposed procurement might improve the economic, social, and environmental well-being of the area;
  - 4.1.2. How the Council may act with a view to securing that improvement in conducting the process of the procurement; and
  - 4.1.3. Whether it should undertake any community consultation on the above.
- 4.2. Officers must consult the Procurement Team for advice on specifying requirements under Social Value and how to evaluate this as a part of any bids received.

#### **5. Corporate Contracts and Corporate Frameworks**

- 5.1 The Council has a selection of Corporate Contracts, Frameworks and Dynamic Purchasing Systems (DPSs) created by the Procurement Team for goods, services and works where the prices and terms have been negotiated to achieve Value for Money for the Council as a whole.
- 5.2 Before undertaking a procurement exercise, Officers must check if a Corporate Contract, Framework or DPS exists, and where they do, the Officer must use the relevant contract.
- 5.3 Where the Officer is conducting a collaborative procurement, the Council's sole financial value alone will be the amount the Officer must use to determine the Key Decision threshold.

#### **6. Framework Agreements**

- 6.1 Any Officer intending on using an externally let Framework Agreement must

ensure that they have approval from the Procurement Team and Legal Services before they call-off any goods, services and/or works from the framework.

## **7. Contracts Reserved for Social Enterprises and Mutuals**

7.1 Officers must contact the Procurement Team and Legal Services for advice where they are considering using this procedure.

## **8. Consultants and/or External Subject Matter Experts**

8.1 Officers must follow the Council's HR Consultancy policy published on the Council's intranet when considering the appointment of consultants or external subject matter experts to assist in the preparation of procurement documents and/or providing advice throughout the procurement process. The procurement of consultants and/or external subject matter experts must be conducted in accordance with the appropriate procurement rules, as determined by cost threshold.

## **9. Setting up a Dynamic Purchasing System (DPS)**

9.1 Officers must contact the Procurement Team and Legal Services for support and advice if they intend to create a DPS

## **10. Electronic Auctions**

10.1 Officers must contact the Procurement Team and Legal Services for support and advice if they intend to enter into an Electronic Auction.

## **11. Concessionary Contracts**

11.1 The Council may wish to enter into contracts where the Supplier receives payment from a third party, or where the Supplier receives non-monetary benefits. Such contracts must be let in accordance with these Rules and where relevant the Concession Contracts Regulations 2016.

11.2 Officers must contact Legal Services for advice if they intend to enter into such contracts.



## **Part 3 – Procurement Thresholds**

### **1. General Requirements**

- 1.1 Please see Appendix 2 for the procurement thresholds and the process to be followed.

### **2. Purchases over the Regulation Threshold**

- 2.1 All goods, services and/or works over the Regulation Threshold are covered by the Public Contracts Regulations 2015. These Regulations govern the processes for advertising, timetabling and Supplier selection.
- 2.2 The latest thresholds and regulations can be found at the following site <https://www.ojec.com/Thresholds.aspx>.
- 2.3 Officers must consult with the Procurement Team and Legal Services before commencing the procurement or any soft market testing over the Regulation Threshold.
- 2.4 The Officer, in collaboration with the Procurement Team, shall decide the procurement process which is most appropriate (e.g. quotation or another compliant competitive model) where the procurement is identified as falling in the scope of the Light Touch Regime in the Public Contracts Regulations 2015 and is under the Light Touch Regime threshold.

## **Part 4 – Procurement Documents**

### **1. Invitations to Tender and Quotations**

#### 1.1 All Invitations to Tender or Quote must:

- 1.1.1. Clearly specify the goods, services or works that are required. The specification must describe the requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared;
- 1.1.2. Include evaluation methodology, such as the selection and award criteria which details the cost and quality split;
- 1.1.3. Clearly and unambiguously specify the award procedure on which Tenders or Quotations will be evaluated, such as on the most economically advantageous tender;
- 1.1.4. Attach a copy of the contract terms and conditions that will apply;
- 1.1.5. Ensure that the same information is issued to Bidders at the same time and on the same terms; and
- 1.1.6. Any additional information or amendments must be provided to the Bidders on the same basis.

### **2. Local Providers**

- 2.1 For requirements up to £100,000, the Officer must obtain at least one (1) quote from a Local provider.

### **3. Advertising Requirements**

- 3.1 Under these Rules it is not mandatory for procurements valued below £100,000 to be advertised unless the Officer decides that the procurement would benefit from this e.g. to increase awareness, potential competition and to achieve best value. If the opportunity is advertised anywhere, it must also be advertised on Contracts Finder.
- 3.2 Procurements equal to and above £100,000 must be advertised on Contracts Finder and any other relevant media portal.
- 3.3 Procurements above the Regulation Threshold must be advertised in accordance with the UK Procurement Regulations on Find a Tender and also Contracts Finder.

### **4. Submission of Tenders or Quotations**

- 4.1 Bidders must be given sufficient time to prepare and submit a proper Tender

or Quotation, consistent with the urgency and complexity of the contract requirements.

## **5. Late Tenders**

5.1 Late Tenders or Tenders that are not submitted in accordance with these Rules will be disqualified unless approved by the Monitoring Officer and Legal Services.

## **6. Evaluation**

6.1 Tenders and Quotations must be evaluated in accordance with the pre-determined evaluation criteria set out in the procurement documents.

6.2 The evaluation must be carried out by a panel consisting of the Officer and at least one (1) other officer of appropriate seniority, supported and moderated by the Procurement Team.

6.3 If, despite all reasonable efforts having been made to obtain the required minimum number of responses, fewer respond to the Council's requirement, then the procurement may progress with the Bidders who have provided a valid response.

6.4 The Officer must keep a record of the efforts made to obtain the minimum number of responses.

6.5 The Officer must retain the results of the Tender evaluation.

6.6 Officers shall ensure the successful Bidder has any required insurance cover in place before performance of the contract begins, and shall further ensure, at appropriate intervals, that such cover is maintained by the Supplier throughout the contract period.

## **7. Clarification Procedures**

7.1 Officers may ask Bidders for clarifications to any of the details submitted as part of their bid. However, such clarifications must not result in a significant change to the bid or related documentation.

7.2 Prior to making any request for clarifications from a Bidder, the Officer must discuss this with the Procurement Team, where the requirement is over £100,000.

7.3 Full written records of all clarification decisions must be made and retained by the Officer. These records must also be provided to the Procurement Team, where the Procurement Team have led the procurement.

## **8. Notification of Award**

8.1 Following contract award the Officer must inform successful and

unsuccessful Bidders simultaneously in writing whether or not their bid was successful.

- 8.2 Where the value of the contract is £25,000 or more (regardless of whether or not the contract was advertised) the Officer must also publish an award notice on Contracts Finder within 90 calendar dates of the award date. The requirement applies to contracts for all procurements processes including quotations, tenders, DPS or Framework call-offs (internal and external) and waivers. For further information, please visit the Advertising Contract Opportunities intranet page.
- 8.3 Where a Tender is subject to the UK Procurement Regulations, the Procurement Team will adhere to the relevant Standstill Period.
- 8.4 If a Bidder requests in writing, a further debrief in relation to the award, the lead Officer is responsible for providing the appropriate response.
- 8.5 Any complaints from unsuccessful Bidders must be provided in writing and Officers must submit these to the Procurement Team for review. The Procurement Team must be notified immediately of any challenge to a procurement process, in order that appropriate action may be taken.

## **9. Legal Challenge**

- 9.1 If there is a formal legal challenge to the award of a contract, then the Officer must notify immediately his or her Chief Officer, Legal Services and the Head of Procurement.

## **Part 5 – Contract Formalities**

### **1. Principals Relevant to Contracts at all Values**

1.1 Every contract must be in writing and must clearly state:

- 1.1.1 The goods, services and/or works to be provided;
- 1.1.2 The start and end date;
- 1.1.3 The agreed programme of delivery;
- 1.1.4 The price and terms of payment;
- 1.1.5 All other terms that are agreed, e.g. insurance;
- 1.1.6 Exit procedures, for when the contract comes to its natural end; and
- 1.1.7 Termination procedures for early termination of the contract including when the Supplier has not fulfilled its contractual obligations.

### **2. Execution of Contracts**

2.1 Contracts let under the UK Procurement Regulations may only be signed/sealed after the mandatory standstill period has elapsed without any challenge being received.

2.2 Contracts may only be executed by Officers with delegated powers as detailed below:

- 2.2.1 Up to £250,000 shall be in writing and signed by the Chief Officer or Officer with appropriate authority to enter into a contract.
- 2.2.2 Over £250,000 but less than £1,000,000 shall be in writing and signed by the Chief Officer or Officer with appropriate authority to enter into a contract and the Chief Finance Officer.
- 2.2.3 £1,000,000 or over shall be in writing and signed by the Chief Officer or Officer with appropriate authority to enter into a contract, the Chief Finance Officer and Member portfolio holder or an authorised representative.
- 2.2.4 £1,000,000 or over shall be in writing and sealed by affixing the Common Seal of the Council and attested by the Monitoring Officer. The use of electronic seal is permitted.

2.3 If after acceptance of its Tender or Quotation, a Supplier fails, within a reasonable period of time and without reasonable justification, to sign or enter into a formal written contract, the Council reserves the right to withdraw the Supplier from the contract. This decision shall be made by the relevant Chief

Officer in consultation with Legal Services.

### **3. Commencement of Contracts**

- 3.1 No supply of goods, services or works shall commence until all contract documents have been completed.

### **4. Social Impact Bonds (SIBS)**

- 4.1 Details of Social Impact Bonds (SIBs) are available in the Financial Regulations.

### **5. Contract Register**

- 5.1 Contracts valued at £5,000 or more must be record on the Contract Register.
- 5.2 The Procurement Team will provide access to the Contract Register of current contracts and framework agreements. The Contract Register will be published on the Council's website in accordance with Local Government Transparency Code 2015.
- 5.3 The Procurement Team will enter any contracts they have led the procurement process for on the Contract Register, however, it is the Officer's responsibility to ensure these details are correct and updated with any changes and/or extensions.

### **6. Letters of Intent**

- 6.1 Letters of Intent shall only be used in exceptional circumstances and where approved by the Chief Officer in consultation with Legal Services.

### **7. Parent Company Guarantees and Performance Bonds**

- 7.1 A parent company guarantee or performance bond shall be required:
- 7.1.1. where the Total Value of the contract exceeds £500,000; and/or
  - 7.1.2. where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract; and/or
  - 7.1.3. where there is concern about the stability of the Supplier, regardless of value.
- 7.2 Where a parent company guarantee or performance bond is required this must be clearly stated in the Invitation to Tender or Quotation and must be in place before the contract is completed by the Council.
- 7.3 Where a bidder or bidders request not using either of these provisions in a procurement process, the Officer must discuss this with the Chief Officer and

Chief Finance Officer. If the decision is made not to request either of these provisions, it must be agreed in writing between the Chief Officer and Chief Finance Officer.

- 7.4 If the Officer can justify the disadvantages of this requirement being requested, they must agree this in writing between the Chief Officer and Chief Finance Officer.

## **Part 6 – Contract Management**

### **1. General Requirements**

- 1.1 During the contract period the Officer must monitor the overall performance of the contract closely to ensure any issues of under-performance are addressed as soon as possible and that the contract remains in-budget.

### **2. Contract Monitoring, Evaluation and Review**

- 2.1 The Procurement Team will provide a high-level contract governance function that can offer a helicopter view of the Councils' contract management to ensure better strategic procurement delivery across the organisation. This is not a substitute for sound contract management and governance by the relevant Officer, but seeks to nurture, support and enhance that function.
- 2.2 The Procurement Team must have sight of the final contract and everything that has been agreed between the Officer and the Supplier. This may include but not be limited to:
- 2.2.1 Service Level Agreements; and
  - 2.2.2 Key Performance Indicators (KPI's) and/or Key Milestones.
- 2.3 Where the Supplier defaults on the Contract it shall be the duty of the Officer to take appropriate action and, in the case of a significant default, to report any such action to the Chief Officer and Legal Services.
- 2.4 Officers shall ensure that Suppliers maintain adequate insurance for the duration of the contract period and shall verify this at appropriate intervals throughout the term.

### **3. Variations**

- 3.1 Where a variation means that the value of a contract would exceed the relevant Regulation Threshold, or where there is any material change to the contract, the contract must be treated as a new procurement under these Rules.
- 3.2 A change will not be deemed material if the value of the modification is both below the Regulation Threshold and below 10% of the original contract value (15% for works) after any contract indexation.
- 3.3 Officers must consult with Legal Services if they intend to make variations to their contracts.
- 3.4 The Officer will need to calculate how the Total Value of the contract will change as a result of any variation to determine the authority the Officer needs to obtain, (any option, extension periods and/or previous variations must be included in this calculation).



3.5 All variations must be kept with the Officer's signed copy of the contract and once agreed, all variations on contracts with a Total Value of £5,000 or more must be noted on the Contract Register.

3.6 Officers must be satisfied that they have sufficient budget to cover any variation and that the variation will achieve Value for Money and be reasonable in all the relevant circumstances.

#### **4. Assignments and Novations**

4.1 Officers must contact Legal Services where it is proposed that an assignment or novation should take place.

#### **5. Termination of Contract**

5.1 Officers must consult with Legal Services if they are considering the early termination of their contracts.

**Appendix 1 – Definitions, Abbreviations and Glossary**

<b>Term</b>	<b>Explanation</b>
Bidder	Means a potential Supplier, vendor or organisation who responds to an invitation to bid, Tender or Quote or any person who asks or is invited to submit a Quotation or Tender.
Call-Off	Individual contracts which fall under a Framework or Dynamic Purchasing System (DPS).
Chief Officer	An Officer(s) as defined in the Constitution.
Contracts Finder	The Government's procurement advertising website ( <a href="https://www.gov.uk/contracts-finder">https://www.gov.uk/contracts-finder</a> )
Contract Register	Means a register process managed by the Procurement Team that stores details of the Council's Contracts such as duration and expiry dates. The register is published on the Council's intranet.
Corporate Contract and/or Corporate Framework	A Contract let by the Council to support the Council's aim of achieving Value for Money.
Dynamic Purchasing System (DPS)	An electronic tool that is used to purchase goods, services or works that are both commonly used by the Council and readily available on the market. Like a Framework Agreement but has the functionality to add new suppliers at any time.
eProcurement Portal	Web-based portal to be used by Potential Suppliers to submit their response to a procurement opportunity.
Financial Regulations	Means the financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Find a Tender	The Government's procurement advertising website for high value tenders ( <a href="https://www.gov.uk/find-tender">https://www.gov.uk/find-tender</a> )
Framework Agreement	A formal tendered arrangement which sets out terms and conditions under which specific purchases can be made from the successful Bidders in unpredicted quantities at different times during the term of the Framework Agreement.
Invitation	Invitation to Tender or Quote in the form required by these Rules.
Key Decision	Means decisions that are defined as Key Decisions in the Constitution.
Light Touch Regime	Refers to social and other specific services covered by Part 2 Chapter 3, Section 7 of the Public Contracts Regulations 2015.
Local	Areas covered within the boundary of North Northamptonshire Council.
Lots	Procurement exercises can be divided into lots to make the contract more favourable to small and medium sized enterprises (SMEs). If the contract is divided into lots, the contract notice must indicate whether tenders may be submitted for one, for several or for all of the lots.

Non-Commercial Considerations	Those that are listed in section 17(5) of the LGA 1988.
Officer	An Officer of the Council designated by the Chief Officer to be responsible for undertaking the procurement exercise and for the administration of the contract to include ensuring compliance with its terms and conditions and implementation of any required variations.
Parent Company Guarantee	Means a Contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a Contract with the Council, they can require the parent company to do so instead.
Performance Bond	An agreement that if the Supplier does not do what it has promised under a contract with the Council, the Council can claim from the Bondsman the sum of money specified in the Bond (usually 10% of the contract sum). It is intended to protect the Council against a level of cost arising from the Suppliers failure to comply with the terms of the contract.
Procurement Best Practice Guidance	Means the relevant procurement guidance document issued by the Procurement Team.
Purchasing Gateway Group (PGG)	Means an identified group of Officers responsible for offering collective advice on procurement, legal and financial issues amongst others.
Quotation	Means a quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Request for Quotation	Means a formal quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Rules	These Contract Procedure Rules.
Soft Market Testing	A soft market test is an exercise designed to test a commercial markets capability of meeting a set of requirements.
Specification	A part of the procurement document suite, which describes as far as possible, the goods, services or works that the Council requires.
Standstill Period	The standstill period provides for a short (at least 10 calendar days) pause between the point when the contract award decision is notified to bidders, and the final contract conclusion, during which time suppliers can challenge the decision. It is a legal requirement imposed through the Remedies Directive.
Supplier	Any person or organisation, including companies or other bodies of persons providing, or seeking to provide, goods, services or works to the Council.
Tender	Means a Bidder's proposal submitted in response to an Invitation to Tender.
Terms and Conditions	Terms and conditions are part of a contract the ensure parties understand their contractual rights and obligations.
Total Value	Means the whole of the value or estimated value (in terms of money or equivalent value) for a single purchase, whether or not the purchase comprises several lots or stages across the Council as a whole and whether or not it is to be paid or

	<p>received by the Council or a discrete operational unit within the Council.</p> <p>The Total Value shall be calculated as follows:</p> <ol style="list-style-type: none"> <li>1. Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the proposed contract period;</li> <li>2. Where the contract is for an uncertain duration by multiplying the monthly payment by forty-eight (48);</li> <li>3. For feasibility studies, the value of the scheme or contracts which may be awarded as a result;</li> <li>4. For nominated Suppliers and sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated Supplier or sub-contractor;</li> <li>5. Where an in-house service provider is involved, by taking into account redundancy and similar/associated costs; and/or</li> <li>6. In the case of a Framework Agreement or DPS, the estimated call off during the period of the contract.</li> </ol>
TUPE	<p>Means the Transfer of Undertaking (Protection of Employment) Regulations 2006. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the service.</p>
UK Procurement Regulations	<p>Regulations which become part of English Law through the Public Contracts Regulations 2015 as amended and any successor regulations which specify in detail the procedures by which public authorities shall undertake their procurements.</p>
UK Regulation Threshold	<p><u><a href="https://www.ojec.com/Thresholds.aspx">Means the Total Value threshold at which PCR2015 public procurement directives must be applied. The current procurement thresholds and regulations can be found at the following site https://www.ojec.com/Thresholds.aspx</a></u></p>
Value for Money (VfM)	<p>It is not necessarily the lowest possible price as it combines goods or services that fully meet the Council's needs, with the level of quality required, delivered at the time required and at an appropriate price.</p>
Waiver	<p>A means of seeking exemption from one or more of the Contract Procedure Rules.</p>

**Appendix 2 – Summary of Procurement Thresholds**

Please note, the values in the table below are displayed net of VAT.

<b>Value of Contract</b>	<b>Pre-Procurement Authorisation</b>	<b>Advertising</b>	<b>Procurement Process</b>	<b>Contract Execution</b>
<b>Under £5,000.</b>	Officer.  If “Key Decision”, relevant Officer and Executive approval.	No requirement to advertise.	At least one (1) written quotation required from a Local provider.  Officers should ensure they achieve value for money.	Contract terms issued via purchase order.
<b>£5,000 to £25,000.</b>	Officer.  If “Key Decision”, relevant Officer and Executive approval.	No requirement to advertise.	Seek to obtain at least three (3) written Quotations (at least one (1) from a Local provider). The eQuotation form may be used.  Officers should ensure they achieve value for money.	Contract terms issued via purchase order.  Contract must be published on the Contract Register.

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
<b>£25,000 to £100,000.</b>	<p>Officer.</p> <p>If “Key Decision”, relevant Officer and Executive approval.</p>	<p>Advertising on Contracts Finder is recommended, but not mandatory.</p> <p>Award notice must also be published on Contracts Finder (from £25k).</p>	<p>Seek to obtain at least three (3) written Quotations (at least one (1) from a Local provider) using the formal RFQ process.</p> <p>Officers should ensure they achieve value for money.</p>	<p>Written contract signed by the Chief Officer or Officer with appropriate authority to enter into a Contract.</p> <p>Contract prepared by Legal Services.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>
<b>£100,000 to UK Regulation Threshold.</b>	<p>Officer and the Procurement Team.</p> <p>If “Key Decision”, relevant Officer and Executive approval.</p> <p>Requirement to present requirement to PGG.</p>	<p>Advertising on Contracts Finder is mandatory unless the Regulations stipulate otherwise.</p> <p>All procurement Notices must be issued by the Procurement Team.</p> <p>Award notice must also be published on Contracts Finder.</p>	<p>Seek to obtain at least three (3) written Quotations.</p> <p>The Procurement Team must be consulted.</p> <p>Officers should ensure they achieve value for money.</p>	<p>Up to £250,000 - Written contract signed by the Chief Officer or Officer with appropriate authority to enter into a Contract.</p> <p>£250,000 but less than £1,000,000 - Written contract signed by the Chief Officer or Officer with appropriate authority to enter into a Contract and the Chief Finance Officer.</p>

Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
				<p>Over £1,000,000 - Written contract signed by the Chief Officer, the Chief Finance Officer and Member portfolio holder or an authorised representative.</p> <p>Over £1,000,000 - Written contract sealed by affixing the Common Seal of the Council and attested by the Monitoring Officer .</p> <p>Contract prepared by Legal Services.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>
<b>Above UK Regulation Threshold.</b>	Officer and Procurement Team.	Advertising on Contracts Finder is mandatory	Procurement must be run in accordance with	Up to £250,000 - Written contract signed by the

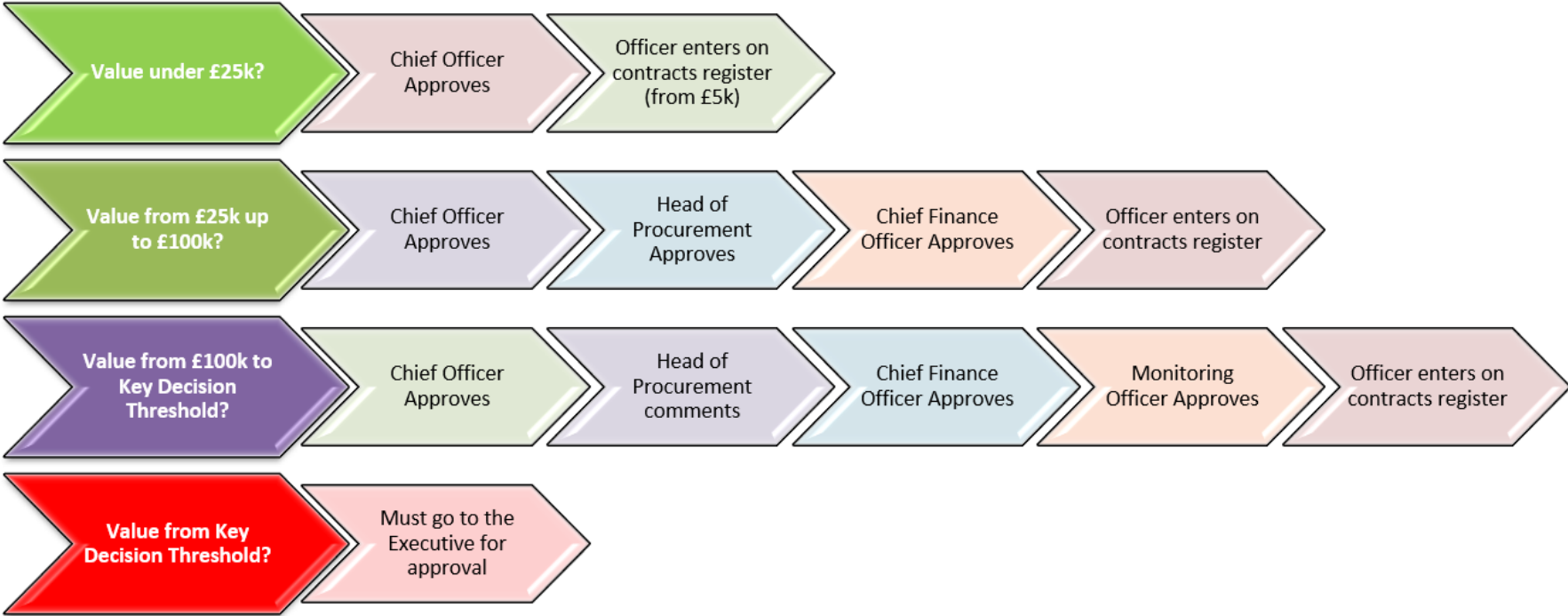
Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
	<p>If “Key Decision”, relevant Officer and Executive approval.</p> <p>Requirement to present requirement to PGG.</p>	<p>unless the Regulations stipulate otherwise.</p> <p>Advertising on Find a Tender is mandatory unless the Regulations stipulate otherwise.</p> <p>All procurement Notices must be issued by the Procurement Team.</p> <p>Award notice must also be published on Contracts Finder and Find a Tender.</p>	<p>the Regulations and in consultation with the Procurement Team.</p> <p>Officers should ensure they achieve value for money.</p>	<p>Chief Officer or Officer with appropriate authority to enter into a Contract.</p> <p>£250,000 but less than £1,000,000 - Written contract signed by the Chief Officer or Officer with appropriate authority to enter into a Contract and the Chief Finance Officer.</p> <p>Over £1,000,000 - Written contract signed by the Chief Officer, the Chief Finance Officer and Member portfolio holder or an authorised representative.</p> <p>Over £1,000,000 - Written contract sealed by affixing the Common Seal of the Council and attested by the Monitoring Officer.</p>



Value of Contract	Pre-Procurement Authorisation	Advertising	Procurement Process	Contract Execution
				<p>Contract prepared by Legal Services.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>
<p><b>Call-off from Framework Agreement or DPS.</b></p>	<p>Officer (and Council’s Procurement Team if over £100,000).</p> <p>If “Key Decision”, relevant Officer and Executive approval.</p> <p>Requirement to present requirement to PGG (from £100k).</p>	<p>Advertising the call-off on Contracts Finder is not required.</p> <p>Award notice must be published on Contracts Finder (from £25k).</p>	<p>Follow call-off procedure within Framework Agreement or DPS.</p> <p>The award procedure will be determined by the Framework or DPS.</p> <p>Officers should ensure they achieve value for money.</p>	<p>Written Contract created from Framework Agreement or DPS.</p> <p>Sign-off as per above thresholds.</p> <p>Contract must be published on the Contract Register and Contracts Finder.</p>

**Appendix 3 – Procurement Waiver Process Flowchart**

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**End of Contract Procedure Rules**

**November 2022**

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# **Part 9.7**

# **Financial Procedure Rules**

# North Northamptonshire Council Financial Procedure Rules

In order to conduct its business efficiently, this council recognises the need to ensure that it has sound financial management policies in place and that they are strictly adhered to.

The Financial Procedure Rules provide the framework for managing the Council's financial affairs, in order to ensure that they are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge to the Council. They are an integral part of the Council's Constitution and must be used in conjunction with those sections of the Constitution that apply generally to the management of the Council's business and affairs.

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## **1 Introduction**

- 1.1 In order to conduct its business efficiently, this council recognises the need to ensure that it has sound financial management policies in place and that they are strictly adhered to.
- 1.2 The Financial Procedure Rules provide the framework for managing the Council's financial affairs, in order to ensure that they are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge to the Council. They are an integral part of the Council's Constitution and must be used in conjunction with those sections of the Constitution that apply generally to the management of the Council's business and affairs.
- 1.3 Section 151 of the Local Government Act 1972 states that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". The officer designated by the Council as having the statutory responsibility set out in Section 151 of the 1972 Act is the Chief Financial Officer (CFO).
- 1.4 The Financial Procedure Rules apply to every councillor, officer, person acting on the Council's behalf in undertaking Council business, and any employee of a commissioned service within any organisation partly or wholly owned by the Council.
- 1.5 The term 'officer' in this document refers to Council employees and employees within a commissioned organisation partly or wholly owned by the Council. The term
- 1.6 'Council' in this document refers to the Council and all commissioned organisations partly or wholly owned by the Council.
- 1.7 Chief Officers are responsible for ensuring that all staff in their Service are aware of the existence, location and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
- 1.8 All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal for correctness of a financial action must be clarified in advance of the decision or action with the CFO.
- 1.9 The CFO is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules.
- 1.10 The Financial Procedure Rules shall only be suspended on the resolution of the Council, or as varied by any part of the Scheme of Delegation approved by the Council. A written record shall be kept if this was to occur of the Financial Procedure Rules to the Chief Executive and to the Executive.



- 1.11 The CFO is responsible for maintaining a periodic review of the Financial Procedure Rules that is reviewed by the Audit Committee for re-affirmation before submitting any additions or changes necessary to the full Council for approval.

## 2 Financial Management

- 2.1 This Council works within the context of the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, which identifies the risks to financial sustainability and introduces an overarching framework of assurance which builds on existing financial management good practice.

- 2.2 The FM Code is built around six key principles:

- **Organisational leadership** and clear strategic direction, with Financial Management embedded into organisational culture.
- **Accountability** based on the Medium Term Financial Plan (MTFP) which drives the annual budget process supported by effective risk management, quality supporting data and whole life costs.
- **Transparency** in FM, using consistent, meaningful and understandable data, reported frequently with evidence of periodic officer action and elected member decision making.
- **Adherence to professional standards** is promoted by the leadership team and is evidenced.
- **Sources of assurance** recognised as an effective tool mainstreamed into financial management and includes political scrutiny and the results of external audit, internal audit and inspection.
- The **long term sustainability** of local services is at the heart of all financial management process and is evidenced by prudent use of public resources.

- 2.3 Financial management covers all financial accountabilities in relation to the running of the council, including the budget and policy framework. The process of financial management involves:
- Complying with statutory requirements
  - Development and approval of policy and management frameworks, the Constitution and financial plans including the revenue and capital budgets
  - Establishing protocols and standards
  - Implementing policies, protocols and standards
  - Monitoring compliance
  - Maintaining records
  - Reporting and providing advice

- Specific financial techniques and functions e.g. virements, year end balances, and statements of accounts.

### **3 Responsibilities**

- 3.1 This section of the Financial Procedure Rules provides an overview of the responsibility and accountability of officers and councillors in respect of financial management, governance and the use of Council resources.
- 3.2 All officers and councillors are responsible for ensuring that they use Council resources and assets entrusted to them in a responsible and lawful manner. Consideration of value for money needs to be embedded in every financial decision made. These responsibilities apply equally to councillors and officers when representing the Council on outside bodies.
- 3.3 Failure to comply with these Regulations and associated policies, instructions and processes may constitute misconduct or gross misconduct, depending on the circumstances of the case in question and may well result in disciplinary action being taken in accordance with the Council's Disciplinary Procedures.
- 3.4 Any person charged with the use or care of the Council's resources and assets is responsible for reading the requirements within the Financial Procedure Rules and relevant Statement of Recommended Practice (SORP). If anyone is unsure as to their obligations, they should seek advice from the CFO.
- 3.5 The financial instructions and processes that support these Regulations, as approved by the CFO, must be followed and carry the same weight as the Financial Procedure Rules.
- 3.6 Any employee must report immediately to their manager, supervisor or other responsible officer any illegality, impropriety, serious breach of procedure or serious deficiency in the provision of service he or she suspects or becomes aware of. Employees are able to do this without fear or recrimination providing they act in good faith via the Council's Whistle Blowing Policy. In such circumstances managers must record and investigate such reports and take appropriate action.
- 3.7 All officers and Councillors must ensure compliance with the Council's Anti-Fraud and Corruption policy and the Code of Conduct for Councillors and Employees is mandatory.

#### **Head of Paid Service**

- 3.8 The Head of Paid Service is the Chief Executive.
- 3.9 The Chief Executive has responsibility for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Executive, the full Council, Scrutiny Committees and other Committees. He/she is responsible for establishing a framework for

management direction, style and standards and for monitoring the performance of the organisation.

- 3.10 The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all of the full Council's decisions.

### **Monitoring Officer**

- 3.11 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and / or to the Executive .
- 3.12 He / She is also responsible for ensuring that procedures for recording and reporting key decisions are operating effectively. They must also ensure that Council Members are aware of decisions made by the Executive.
- 3.13 The Monitoring Officer must ensure that executive decisions and the reasons for them are made public They must also ensure that Council Members are aware of decisions made by Officers who have delegated executive responsibility.
- 3.14 The Monitoring Officer is responsible for advising all officers and councillors regarding where the authority to take a particular decision resides.
- 3.15 The Monitoring Officer is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the policy framework.

### **Chief Finance Officer (CFO)**

- 3.16 This post, as defined in the glossary of the Constitution, has statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden.
- 3.17 The CFO is responsible for the proper administration of the council's financial affairs and reports to Council and Committees on the discharge of this responsibility. This includes:
- Maintaining strong financial management underpinned by effective financial controls
  - Contributing to corporate management and leadership
  - Providing financial information and advice
  - Setting and monitoring compliance with financial management standards
  - Advising on the corporate financial position
  - Advising on the key financial controls necessary to secure sound financial management
  - Preparing the revenue budget and capital programme
  - Treasury management
  - Leading and managing an effective and responsive financial service

- Preparing and presenting the Statement of Accounts of the Council.
- 3.18 The CFO has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure made on behalf of the council and that controls operate to protect the council's assets from loss, waste, fraud or other impropriety. The CFO shall discharge that responsibility in part by the issue and maintenance of Financial Procedures and Operational Procedures with which all Councillors and staff of the council shall comply.
- 3.19 The CFO is the 'responsible financial officer' for the purposes of Sections 114 and 114A of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
- 3.20 Section 114 requires the CFO to make a report and inform the External Auditor if it appears that (full) Council, a Committee or officers:
- Has made, or is about to make, a decision which involves incurring unlawful expenditure;
  - Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the council; or
  - Is about to make an unlawful entry in the council's accounts.
- 3.21 Section 114A makes equivalent provision in respect of actions taken by or on behalf of the council. Under both sections the report must be sent to every Councillor as well as the External Auditor.
- 3.22 Section 114 also requires:
- The CFO to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally.
  - The council provide the CFO with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under Section 114 and make similar arrangements for the purposes of the Accounts and Audit Regulations 2006.
- 3.23 The CFO will have overall responsibility for the operation of internal audit throughout the authority. Internal Auditors will operate as a management control by examining, evaluating and reporting upon the effectiveness of internal financial and operational controls and the efficient use of the Authority's resources.
- 3.24 The CFO and Internal Audit shall have full and unrestricted access to all council assets, systems, accounts, contracts, documents, information, officers, and Councillors.
- 3.25 The CFO is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control the

net expenditure of the council against budget allocations and report to the Executive on the overall position as appropriate.

- 3.26 The CFO is responsible for monitoring compliance with the virement scheme to ensure the scheme operates effectively and in accordance with the agreed budgetary and policy framework.
- 3.27 Reference to the CFO within the Finance Procedure Rules includes those authorised by him/her to undertake the various functions concerned.

### **Chief Officers**

- 3.28 Chief Officers are individually responsible to ensure that all staff in their Service are aware of the existence of the Council's Constitution, Financial Procedure Rules and SORPS, and have systems of control in place to monitor compliance, with any non-compliance by either officers, or partners reported to the CFO.
- 3.29 They are accountable for the overall financial stewardship of all Council resources allocated to them, and must seek approval from the Executive for any actions likely to materially affect the Council's finances by virtue of being a key decision. In such instances, consultation with the CFO will also be necessary.
- 3.30 Chief Officers must ensure that the relevant Executive members are advised of the financial implications of all significant budget proposals and service changes, which have been previously agreed by the CFO and Chief Executive.
- 3.31 They are responsible for ensuring the accuracy and deliverability of all budget estimates, which should be congruent with the strategic priorities set out in their annual Business Plans submitted as part of the annual budget. These estimates are to be prepared in line with guidance and timelines issued by the CFO.
- 3.32 With regard to the in-year financial monitoring against budget, it is the Chief Officer's responsibility to ensure that there are suitably competent Budget Managers in place within their Service who are aware of their budget allocation, including any savings requirement, as defined in the annual Budget. These Budget Managers are also required to operate a robust system of control in order to monitor and report commitments and actuals throughout the year, in line with the relevant Council SORPs. This process will also ensure value for money decisions are made and that risk is minimised. Any non-compliance must be escalated to the CFO in a timely manner.
- 3.33 Each Chief Officer is responsible for ensuring that the CFO is consulted about any information provided to councillors, external partners or members of the

public which concerns the finances of the Council and that he/she is to be given adequate time to comment in advance of the agenda / deadline date.

- 3.34 Committee reports shall only be submitted once the CFO has validated and agreed the financial aspects of the report. The onus is on the report sponsor to obtain the agreement of the CFO.
- 3.35 If a Chief Officer, having regard to the CFO's views, does not wish to amend a Committee report, the CFO may require inclusion of his / her comments within the report before it is finalised.
- 3.36 Chief Officers may delegate decision making powers relating to financial management to their Deputy Chief Officer or below. A record of all such delegations must be kept by the officers concerned.
- 3.37 All Chief Officer Functions are described in the Scheme of Delegation, Part 9.2 of the Constitution.

#### **Councillors and Officers**

- 3.38 All officers and councillors will contribute to the general stewardship, honesty and integrity in the council's financial affairs and comply with these regulations and any system, financial procedure or policy relating to the financial management of the council.
- 3.39 Before making any decision or voting on any decision the person responsible shall consider the financial implications and the effect on the council's financial position.
- 3.40 Councillors or officers shall bring to the attention of the CFO any act or omission that is contrary to the financial procedure rules.
- 3.41 Councillors and officers should maintain the highest standards of financial probity and provide information or explanations on matters within their responsibility to the Monitoring Officer, the Audit and Governance Committee, the CFO, and the council's internal and external auditors.
- 3.42 Any Chief Officer, Head of Service or councillor who is involved in, or who has an interest in, a transaction between the council and a third party shall declare the nature and extent of this interest to the CFO. These will be reported in the council's accounts in accordance with the Accountancy Standards Board (ASB) Reporting Standards and the CIPFA Code of Accounting Practice.
- 3.43 A Budget Manager is an Officer with the overall responsibility of managing the commissioning of direct service or externalised service(s) for an area. This responsibility is specifically delegated to this Officer by a Head of Service, using any document required by the Section 151 Officer or under Part 9.2 of the Constitution. A Budget Manager cannot delegate the overall responsibility

for managing budgets under his jurisdiction. A Budget Manager must be an employee of the Authority.

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

### **The Full Council**

- 3.45 Full Council is responsible for adopting and approving the principles of financial governance and approving the council's budgetary and policy framework within which committees operate
- 3.46 The Full Council is also responsible for monitoring compliance with related executive decisions and is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated, and decisions taken by, the Council and its committees.

### **The Executive**

- 3.47 The Executive is responsible for agreeing Business Plans for all Council services, preparing budget estimates for consultation and directing the Council's affairs within the budget and policy framework as described in Part 3.3. of the Constitution.
- 3.48 The Executive also monitors revenue and capital spending against agreed limits, agreeing externally funded initiatives, to approve the commencement of tender processes where the value of the proposed contract is in excess of £500,000, or is otherwise a key decision, approving the termination of contracts where the value is in excess of £500,000, to approve the introduction of charges, or changes to charges for services, to approve the acquisition, retention or disposal of assets with a value in excess of £500,000. To approve the write-off of individual debts deemed to be uncollectable over £25,000. To approve virements in excess of £500,000.
- 3.49 Executive decisions can be delegated to a Committee of the Executive , an individual Executive Portfolio Holder, an officer or joint committee.

### **The Audit and Governance Committee**

- 3.50 The Audit and Governance Committee is charged with ensuring correct governance of the council.
- 3.51 The Committee will contribute to the development of and review of the effectiveness of the Medium-Term Financial Strategy, the annual budget and capital programme.
- 3.52 The Committee will consider reports from the internal and external auditors in respect of performance issues in relation to the Medium-Term Financial Strategy or financial processes, where considered appropriate by the CFO.

- 3.53 The Committee will consider reports from the internal and external auditors in respect of performance issues in relation to the Medium-Term Financial Plan or financial processes, where considered appropriate by the CFO.
- 3.54 The Committee is also responsible for approving the council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 3.55 The Audit and Governance Committee is responsible for approving the Annual Statement of Accounts in accordance with the Accounts and Audit Regulations.

## **Committees**

### **Regulatory**

- 3.56 Regulatory Committees include:
- Licensing Committee
  - Planning Management Committee
- 3.57 Regulatory committees do not have delegated to them specific financial management responsibilities, but consideration must be given to the general stewardship, integrity, and confidence in the council's financial affairs.
- 3.58 Decisions made by these committees could materially affect the council's financial position and/or expose the council to financial risk. The committees, and individual councillors, should ensure that proper consideration has been given to any exposure to risk in determining matters delegated to the committee.

### **Other Committees**

- 3.59 The Overview and Scrutiny Committee has responsibility for the oversight of financial matters for the Council and for holding the Executive to account.
- 3.60 North Northamptonshire Health and Wellbeing Board has the responsibility for preparing the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- 3.61 All Council, Executive and Committee functions and powers are described in the Scheme of Delegation, Part 9.2 of the Constitution. All delegated functions within the Scheme of Delegation must be exercised within approved budgetary provision and abide by the Council's Financial Procedure Rules and Contract Procedure Rules.
- 3.62 The CFO is responsible for reviewing and monitoring all financial aspects of the Council's Scheme of Delegation, Part 9.2 of the Constitution.



## **4 Urgency Procedure**

- 4.1 The Urgency Procedure is designed to deal with unexpected events which cannot be dealt with under the other clauses contained within the Constitution, including these Financial Procedure Rules and which require such urgent attention that they do not allow for referral to the next available committee meeting. Examples include significant financial expense following an accident or disaster, protecting the council against any legal challenge and the ability seek advantage from an opportunity which would otherwise disappear if immediate action is not taken.
- 4.2 The urgency procedure is only designed to deal with items costing more than £10,000, which are within the existing policy framework, but which are not covered by the approved budget.
- 4.3 Items greater than £10,000 but less than £50,000 can be approved by the CFO (or Deputy CFO in their absence) after consultation with the Portfolio Holder for Finance.
- 4.4 For sums greater than £50,000, the Leader of Council and Portfolio Holder for Finance (or in their absence their deputies) shall be authorised to approve such urgent expenditure.
- 4.5 Under the above provisions, authorisation to approve such items will require a written report from a member of the Corporate Management Team, countersigned by the CFO (or where the report originates from the CFO by the Chief Executive). Reports approved under this scheme shall include not only the details under consideration but also the reasons why they need to be dealt with under the urgency procedure.
- 4.6 The Council recognises that this may require a variation to the Regulations that cannot be achieved with Executive approval, due to time constraints. Therefore, the Chief Finance Officer may, in consultation with the Council's Monitoring Officer approve temporary dispensation / amendment.
- 4.7 This scheme shall not be used for expenditure on items outside the council's existing policy framework or where, in the opinion of the CFO, the decision will result in significant ongoing expenditure.
- 4.8 The CFO is responsible for developing/approving the Council's financial strategies, issuing advice, guidance and policies to underpin the Financial Procedure Rules that councillors, officers and others acting on behalf of the Council are required to follow.

## **5 Financial Strategies and Guidance**

- 5.1 The Council's key financial strategies and policies are listed below;
- Contract Procedure Rules

- Medium Term Financial Plan
- Medium Term Capital Programme
- Debt Recovery Policy
- Risk Management Strategy and Policy
- Anti-Fraud and Corruption Policy
- Whistleblowing Policy
- Anti Money Laundering Policy
- Treasury Management Strategy (including the Investment Strategy, Prudential Indicators and MRP Policy)
- Financial procedures for schools (note: this is a collection of documents).
- Security and control of assets.
- Partnership working
- Grants received from external bodies.

5.2 Underpinning these financial strategies are Statements of Required Practice (SORPs). The purpose of the SORPs are to guide staff in the process of rationalising the many strategies the Council is delivering, as they set out the minimum corporate standards of operation expected across the whole of the Council to ensure compliance against statute, the Council constitution and delivery of best practice. The Councils SORPs are listed in the table below:

<b>SORP</b>	<b>Title</b>	<b>Description</b>
<b>1</b>	Financial and Management	The minimum standards to which the Council's financial and performance management work must be undertaken.
<b>2</b>	Business and Performance Budget Planning	To ensure that business planning takes place on an integrated basis, with financial plans (both revenue and capital) reflecting the strategic objectives of the Council Plan.
<b>4</b>	Decision Making	Provides an outline and walk-through guide to the council's formal decision making process. It covers issues such as decisions delegated to officers, decisions taken by the Executive and "key decisions". It sets out the practice we must adopt to ensure compliance with the Council's Constitution and the law. This SORP will help you identify what a decision is, whether a decision needs to be taken, who should take it, how it should be taken and the timescales and processes involved.
<b>5</b>	Project Management	To explain what is expected of anyone responsible for managing a project to ensure that all projects within West / North Northamptonshire Council are effectively and efficiently managed to support delivery of the council's objectives.  The SORP also provides details of the project management framework to be used to deliver agreed project products and associated identified

SORP	Title	Description
		benefits on time and within budget
6	Risk Management	To explain the processes that need to be followed to ensure that risks within West / North Northamptonshire Council are effectively, efficiently and consistently managed to support delivery of the council's stated objectives.
7	Information Management	Sets out the key standards all staff are expected to meet when working with information and data in order to ensure our information is kept secure and we comply with relevant legislation including the Data Protection Act
8	Procurement	To explain what is expected of anyone responsible for procurement to ensure that it is effectively and efficiently managed to support delivery of the council's objectives.
10	Emergency Planning and Business Continuity	Describes the standards used to help deliver and maintain Emergency Planning and Business Continuity in West / North Northamptonshire Council. The general objectives of emergency planning are to effectively and efficiently mitigate against, prepare for, respond to, and recover from any critical incident.
11	Equalities	To outline the minimum standards within which the Council's equalities work must be undertaken, and the practice required to make it work.
12	Consultation and Engagement	To outline procedures that ensure that as an organisation, we consult and engage effectively and are able to learn from previous experiences.

5.3 All officers must follow the standards and processes set out in each SORP. Chief Officers are responsible for ensuring all SORPs are adhered to within their Service.

## 6 Medium Term Financial Planning and the Annual Budget

6.1 Council's Medium Term Financial Plan (MTFP) provides a four-year overview of the Council's anticipated resources, expenditure commitments, and resulting savings requirement. The MTFP allows resources to be prioritised to achieve the vision set out in the Corporate Plan, which is underpinned by the Council's priority objectives included within individual Service Business Plans.

6.2 The MTFP, therefore, is the financial framework that informs the annual Budget setting process and is integral within the Council's business planning.

6.3 Various internal and external factors will influence the planning assumptions underpinning the MTFP and these include the following variables:

- corporate priorities
- levels of Council Tax
- likely impact on inflation in the current and future economic climate
- future Spending Reviews and funding allocations to councils
- Government Legislation.

6.4 The Medium Term Financial Plan considers the following key underlying principles;

- spending is aligned to the priority objectives set out in the Council Plan and each Service Business Plan
- emerging pressures are managed within existing approved resources in the first instance
- future liabilities are anticipated
- savings proposals are supported by project plans and the impact on service delivery is clear
- funding forecasts are prudent
- exit plans are formulated for specific grant funded areas to ensure that funding withdrawal does not lead to revenue budget pressures
- capital and revenue planning is integrated to ensure implications are fully anticipated
- earmarked reserves are sufficient to address risks identified in future years.

6.5 The CFO will set an annual timetable to enable the development of the MTFP, Revenue Budget and Capital Programme for the consideration of Executive and approved by the Full Council.

6.6 The integrated process of business planning and the development of budget proposals shall be prepared by Chief Officers in the form required by the CFO, in accordance within the agreed timetable, so information can be examined and challenged before submission to the Executive .

6.7 Chief Officers are responsible for ensuring:

- the completion of integrated business and financial plans
- the development of sufficient budget proposals as instructed by the CFO, to ensure the Council can set a balanced Budget
- that all budget proposals are lawful and that the necessary consultation has taken place, subject to approval with the relevant Portfolio Holder
- that all existing services and all new budget proposals demonstrate value for money
- external funding opportunities are fully explored
- the availability of an annually updated list of fees and charges

6.8 The minimum standards required for officers to follow are set out in SORP 2 - Business and Financial Planning.

6.9 The MTFP will cover the annual budget year, plus at least three future years. These documents will be developed and approved in accordance with the

Budget and Policy Framework set out at Part 3.3 of the constitution.

## **7 Medium Term Capital Programme**

- 7.1 Investment in capital assets shapes future service delivery and creates future financial commitments. The Medium-Term Capital Programme is laid out within the Council's Capital Strategy and is a five-year programme of estimated capital expenditure and associated funding.
- 7.2 The Executive will receive proposals for inclusion in the Council's Capital Programme and will submit a proposed programme (including block provisions where appropriate) to the full Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources.
- 7.3 In year, the Executive may approve new schemes estimated to cost less than £500,000 that have not previously been included in the Capital Programme. New schemes estimated to cost more than £500,000 must be approved by Council.
- 7.4 Before a scheme in the Medium-Term Capital Programme receives final approval from the Executive to proceed, Chief Officers must put forward to Executive their recommendation based on a Capital Programme Board project appraisal (in the form of a Project Initiation Document) covering the following elements as a minimum requirement:
- Description
  - Justification
  - Deliverable outcomes
  - Feasibility study/options appraisal
  - Contribution to Zero Carbon
  - Financial analysis including revenue implications and appropriate measures of investment appraisal and VAT implications
  - Budget including life cycle cost
  - Project plan
  - Risk evaluation.
- 7.5 Capital Programme Board approval must include sign off by the CFO, the Chief Officer for Capital and Property, or delegated officers as directed.
- 7.6 Any Officer proposing to award or vary a contract for works, goods or services in connection with a scheme must refer to the Contract Procedure Rules.

## **8 Forecasting and Monitoring**

### **Revenue**

- 8.1 The financial management and budgetary control of each Service budget is the overall responsibility of the appropriate Chief Officer.

8.2 Each Chief Officer must ensure that there is a designated Budget Manager who is accountable to the Assistant Director for the detailed management and financial monitoring of all budgets. The CFO should be notified of any changes to Budget Managers, so that all budgets continue to always have a named manager.

8.3 Each Budget Manager responsible for a revenue budget shall:

- sign an accountability letter at the start of each financial year to demonstrate they are aware of the budget they are responsible for, they have access to and knowledge of the Financial Procedure Rules and their individual responsibilities as a Budget Manager
- be aware of the service delivery impact of changes to budgets because of the annual budget decision from Full Council, documented through service Business Plans
- be responsible for delivering any necessary change to service delivery to enable any savings requirement which may be allocated to their budget
- ensure the adherence to SORP 1 – Financial and Performance Management
- seek advice from the CFO with any financial issues of concern
- monitor and control expenditure within their approved budget envelope, to the reporting timetable issued by the CFO
- escalate any significant risks which may impact on their forecast to their Assistant Director in a timely manner
- accurately forecast expenditure and income commitments on a monthly basis within the Council's Financial ERP system, using activity data where possible, escalating any significant variations to budget to their Assistant Director
- take necessary action, after taking advice with their Assistant Director to avoid overspending
- support the Council in regular cost control exercises.

8.4 Chief Officers need to ensure that expenditure is contained within approved budget allocations, there is a robust control environment and that accurate financial forecasting is completed on a monthly basis within the Council's Financial ERP system.

8.5 The CFO will take budget monitoring reports to Executive , Audit and Governance Committee and Budget Scrutiny on a regular basis. These reports will contain updates on both revenue and capital budgets as well as any management actions being taken where variances have been identified from these reports.

### **Capital**

8.6 The financial management and budgetary control of each Capital Scheme is the overall responsibility of the appropriate Chief Officer.

8.7 Each Chief Officer must ensure that there is a designated Budget Manager (Project Manager) who is accountable to their Assistant Director for the

detailed management and financial monitoring of all Capital Schemes. The CFO should be notified of any changes to Budget Managers and Chief Officers must ensure that all capital budgets continue to have a named manager at all times.

- 8.8 Budget Managers must submit regular monitoring returns in line with their Budget Management responsibilities and make the CFO aware of slippage in scheme costs between financial years at the earliest point possible, in order to inform the Council's Treasury Management requirements.
- 8.9 There is no authority for any Officer to overspend their allocated budget and if there are variations in contract costs when compared with the provision in the Medium Term Capital Programme, the relevant Officer must alert the CFO.
- 8.10 Chief Officers must seek Executive approval, following consultation with the CFO, for any proposed amendment to an approved capital scheme.
- 8.11 The CFO will report to the Executive on the monitoring of the Council's approved Capital schemes, including projected expenditure and income.
- 8.12 Where completion is delayed, and the contract allows it, Budget Managers must make reference to Part 9.6 of the Constitution regarding claims and disputes in connection with a scheme.
- 8.13 Officers must ensure that no contracts or commitments are entered into without project approval or scheme of delegation's authority provided.
- 8.14 Where the replacement of capital assets is financed by insurance monies, Chief Officers may authorise additional capital expenditure subject to subsequent report to the Executive and amendment to the Medium Term Capital Programme.

## **9 Virements (Revenue and Capital)**

- 9.1 A virement is the balanced transfer of spending power [or budget] from one place to another, i.e. the overall budget does not change. Virements should support the Council's policies and not result in enhanced service levels or budget commitments beyond the base budget. A virement should not be used for cosmetic purposes within the same budget code. Virements can be revenue or capital in nature.
- 9.2 Virements will only apply to a current year's revenue or capital budget, and should not involve:
- a new policy or policy change
  - an increasing commitment in future years that cannot be contained within existing approved budget allocations.
- 9.3 Virements will not be permitted from:
- Capital to revenue, capital charges and financing costs
  - Interest earnings and income generated from investments

- Government grants and grant related expenditure to other payments
  - Inter-authority payments
  - Ring fenced grants
- 9.4 A capital virement is deemed to be movement of budget between approved capital schemes. Transfers from a capital project should not materially limit the approach or scope of the capital project, but should arise from cost reductions in progressing the scheme e.g. arising through the tendering process, also a capital Virement may only apply to a scheme which has been admitted to the approved capital programme.
- 9.5 Where it is intended that the Virement will affect future years then this must be built into the base budget through the Medium Term Financial Planning process.
- 9.6 The CFO will administer the Virement Policy agreed by Full Council and in accordance with the Budget and Policy Framework Procedure Rules.
- 9.7 In accordance with the scheme of virement and associated thresholds, the CFO is responsible for considering reports submitted by the Chief Officers and Heads of Services in respect of virement proposals for revenue and capital expenditure.
- 9.8 To report and seek the approval of the Chief Executive (in consultation with the Leader, and the Portfolio Holder for Finance) to exercise of the virement powers of the Executive where a matter is urgent.
- 9.9 Chief Officers are to ensure compliance with the scheme of virement (see table below).

<b>Threshold</b>	<b>Revenue</b>	<b>Capital</b>
Up to £50,000	Chief Officers to vire up to £100,000 following notification to the Chief Finance Officer.	Chief Officers to vire up to £50,000 from within the capital programme following notification to the Chief Finance Officer.
£50,000 < £100,000	Chief Officers to vire up to £100,000 following notification to the Chief Finance Officer	Chief Officers to vire £50,000 to £100,000 with the approval of the Chief Finance Officer, in consultation with the Portfolio Holder for Finance
£100,000 < £250,000	Chief Officers to exercise virement following approval of	Chief Finance Officer to report and seek Executive approval for virements in excess of



Threshold	Revenue	Capital
	the Chief Finance Officer and the Portfolio Holder for Finance. Requests must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.	£100,000 and up to £500,000.
£250,000 < £500,000	As above with Chief Finance Officer to report and seek Executive approval.	Chief Finance Officer to report and seek Executive approval for virements in excess of £100,000 and up to £500,000.
In excess of £500,000	Chief Finance Officer to report and seek approval from the Full Council for virements in excess of £500,000.	Chief Finance Officer to report and seek approval from the Full Council for virements in excess of £500,000.

9.10 Chief Officers are to agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer’s level of service delivery.

9.11 Chief Officers are to report to, and seek the prior approval of, the Chief Finance Officer for any revenue expenditure to be funded from the planned use of reserves, including where grant funding across more than one year has to be held in a reserve.

## 10 Carry Forward of Budget between Financial Years

10.1 Revenue budget not utilised by the end of the financial year will not normally be transferred to the following year, except in exceptional circumstances approved by the CFO. In this situation, a report for the Executive requesting the transfer shall be prepared jointly by the relevant Chief Officer and the CFO.

## 11 Maintenance of Reserves

11.1 The Council must determine the level of general reserves it wishes to maintain when setting the Budget. Reserves must be sufficient to meet unexpected events and protect the Council from over spends should they occur. Earmarked reserves may also be established for specific purposes.

11.2 The CFO will advise the Council on the levels of reserves that it is prudent to maintain, and will account for the Council’s reserves in accordance with the Reserves Strategy and relevant Codes of Practice, ensuring the purpose and usage of reserves is clearly identified.

## **12 Closure of Accounts**

- 12.1 The CFO is responsible for the timely production and publication of the Council's final accounts in accordance with the relevant accounting policies, standards and statute.
- 12.2 The CFO shall produce and circulate to all relevant officers of the Council a set of guidance notes for the production of final accounts. These notes shall detail the timetable for the final accounts production, the information and action required from Services and any other details necessary to ensure that the responsibilities under this paragraph are properly discharged. Chief Officers must comply with accounting guidance provided, and supply information when required.
- 12.3 The CFO is responsible for establishing a good professional working relationship with the Council's external auditors and must satisfy any reasonable requests for information with regard to the Council's financial affairs.
- 12.4 The Local Audit and Accountability Act grants the Council's external auditors the right to inspect any document that they deem necessary for the purpose of performing their duties.
- 12.5 The CFO shall present the Statement of Accounts for the year to the Council's external auditor and Audit and Governance Committee within the agreed timescales.
- 12.6 The CFO and the Chair of the Audit and Governance Committee are responsible for signing the annual accounts to confirm that they present a true and fair view of the Council's financial position.
- 12.7 The CFO will hold copies of the Council's audited Statement of Accounts, including the external auditors signed certificate and opinion.

## **13 Banking**

- 13.1 The CFO will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee of the Council shall open any bank (or equivalent) account on the Council's behalf or in its name without the express agreement of the CFO.
- 13.2 The CFO will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all its bank accounts, and will effect, or cause to be effected, proper and timely reconciliations.
- 13.3 All investments of money under its control shall be made in the name of the Authority unless otherwise approved by the CFO.
- 13.4 All securities, being the property of, or in the name, of the Authority, or its nominees, and the title deeds of all property in its ownership, shall be held in

the custody of the CFO or under arrangements agreed by him / her

13.5 All borrowings shall be effected in the name of the Authority.

#### **14 Financial Accounting and Systems**

14.1 The Council's financial accounting system is required to provide data that is accurate and adequate for the published final accounts and for the provision of management information for the Council to conduct its business affairs in an efficient and effective manner; as such all officers are responsible for ensuring that financial information is accurate, consistent and delivered in a timely manner.

14.2 The CFO is responsible for keeping the principal accounting records for all services of the Council.

14.3 The CFO will:

- Determine accounting policies, systems and procedures and the form of financial records and statements in accordance with statute and best practice, informed by International Financial Reporting Standards (IFRSs); and International Accounting Standards (IAS) / International Public Sector Accounting Standards (IPSAS)
- Provide guidance and advice on all accounting matters
- Monitor accounting performance to ensure an adequate standard for all services
- Certify all financial returns, grant funding applications and claims and other periodic financial reports required of the Council
- Be required to approve the development, acquisition and implementation of all financial IT systems

14.4 Each Chief Officer is required to:

- implement accounting procedures and adopt the form of financial records and statements as determined by the Chief Financial Officer
- obtain the approval of the Chief Financial Officer prior to introducing or changing the form or method of existing accounting systems and procedures, financial records or statements.
- complete and pass to the Chief Financial Officer financial returns and other financial reports requiring certification in good time
- keep a proper segregation of duties for staff with financial responsibilities.
- ensuring that their staff receive relevant financial training and guidance that has been approved by the CFO.
- ensuring that systems which provide a feed into financial systems and reporting are maintained on an accurate and timely basis.
- ensuring a complete management/audit trail is maintained, to ensure financial transactions can be traced from the accounting records to the original document, and vice versa.

## **15 Procurement Arrangements**

15.1 All Council procurement activity and contract/supplier management must:

- achieve value for money for public money spent
- be consistent with the highest standards of integrity
- ensure fairness and transparency in awarding public contracts
- ensure that the Council comply with all legal requirements
- ensure that non-commercial considerations do not influence any contracting decision
- support the Council's corporate and departmental aims and policies.

15.2 Any person and or organisations acting on behalf of the Council fully must comply with the Council's Constitution Part 4G - Contract Procedure Rules, which set out the rules and procurement thresholds for buying, renting, and leasing of goods, services and works for the Council.

15.3 Before embarking on any procurement activity it is the officer's ultimate responsibility to seek appropriate support and guidance from the Council's Central Procurement Team. If the Officer is in any doubt about whether the rules apply, he/she must always consult with the Council's Central Procurement Team immediately.

15.4 The minimum standards required for following the Councils Procedure Rules for all Council procurement are set out in SORP 8 – Procurement. All officers must refer to this document before any procurement activity is undertaken and fully comply with all of its requirements.

## **16 Orders for Goods and Services**

16.1 Each Chief Officer shall be responsible for all orders issued from their Service for goods or for services rendered. Official orders must be issued for all work, goods or services to be supplied to the Council, except periodical payments, petty cash purchases, acceptable purchases under the Corporate Credit Card (GPC) policy or such other exceptions as may be approved. Before orders are made the authorised officer must ensure:

- there is adequate budget provision before committing expenditure;
- any necessary Chief Officer or Executive approvals have been obtained as set out in the Council's Contract Procedure Rules.

16.2 If goods are to be ordered on behalf of another Service then a written requisition must be received from the Chief Officer of that Directorate, authorised by them or one of their nominated officers.

16.3 Official orders shall be in a form approved by the CFO and are to be approved only by nominated officers authorised by the Chief Officer.

16.4 Each order shall conform to the policies of the Council with respect to procurement and any standardisation of supplies and materials

## **17 Payment of Accounts**

17.1 The Chief Officers are responsible to ensure that all payments made by the Council are:

- lawful;
- properly authorised by an appropriate officer
- within the amount provided in the Council's budget

17.2 Before any payments are made, the designated officer must assure themselves of the following:

- the goods have been received, the work done or the services rendered (except in a limited number of instances where advance payments are absolutely necessary e.g. attendance at a conference or course) and that they are satisfactory as to quality and correct as to quantity
- the goods or services have not been paid for previously
- prices are in accordance with the agreement, any price list circulated by Corporate Procurement, contract, quotation or current market rate, whichever is applicable and that all trade or cash discounts have been deducted
- any special authority needed with the agreement
- the payment is lawful and is in accordance with the Council's policy and instructions and complies with the Council's Contract Procedure Rules;
- the expenditure is within the amount provided by annual estimates or approved supplementary estimate; that it has been charged in the financial year in which the work is done or the goods received, irrespective of the year in which provision has been made in annual estimates
- the account/invoice is correctly coded
- that any GPC usage is fully compliant with the GPC User Guide.

17.3 All invoices shall be retained for at least 6 years. In the case of invoices relating to grant claims these must be kept until after the grant claim has been audited even if this exceeds six years.

17.4 Each designated Officer shall as soon as possible after 31st March in each year notify the CFO of all outstanding expenditure relating to the previous financial year which has not been accrued for within the financial ledger.

17.5 Where grants can be claimed on expenditure incurred, Chief Officers must be aware of the appropriate grant conditions and ensure that payments meet these conditions with regard to types of expenditure, payment date, etc.

17.6 The CFO is responsible for approving and reviewing the allocation of individual employee's financial limits for GPC usage, Accounts Payable and Accounts Receivable transactions.

17.7 Each Chief Officer is responsible for ensuring that the list of GPC holders and purchase approvers is updated in a timely manner and that all users and approvers are aware of the GPC User Guide, which sets out the rules of usage. The GPC holders, their individual approval limits and the GPC

approvers should be subject to an annual review by each Chief Officer and the CFO.

17.8 The Accounts Payable and Receivable transactional approval limits are administered by the Council's financial system (ERP Gold) which assigns a financial approval limit to an individual employee based on the seniority of their job role.

17.9 Any change to these limits requires the agreement of the Chief Officer and CFO.

17.10 The table below sets out the Council's Accounts Payable and Receivable approval limits. These are distinct from the limits of financial delegation set out in Part 9.2 of the constitution and the key decision threshold set out in Part 1.1. of the Constitution. Write off of debt over £25k is to be approved by the Executive.

Transaction Type	Budget Support (Tier 5)	Budget Manager (Project Manager for Capital) (Tier 4)	Head of Service (Tier 3)	Assistant Director (Tier 2)	(Executive) Director (Tier 1)	s151 Officer (Role Specific)	Chief Executive (Tier 0)
Official order for procurement of goods, services, grants, benefits	Up to £5k	Up to £250k	Up to £500k	Up to £1m	Unlimited	Unlimited	Unlimited
Sales Order invoices	Up to £1k	Up to £20k	Up to £50k	Up to £100k	Unlimited	Unlimited	Unlimited
Credit Note Approval	Up to £1k	Up to £30k	Up to £125k	Up to £500k	Unlimited	Unlimited	Unlimited
Write Off authority – non Adult-Social Care Debt	N/A	Up to £5k	Up to £5k	Up to £5k	Up to £5k	Up to £25k	Up to £5k
Write Off authority – Adult-Social Care Debt	N/A	Up to £2k	Up to £2k	Up to £2k	Up to £2k	Up to £25k	Up to £2k

17.11 Where operational approval to manage the establishment and associated reimbursement of staff travel and subsistence is required at a potentially lower level than a Budget Manager, this will be approved using the HR position approval hierarchy within ERP Gold.

17.12 All approvers are responsible to ensure they have undertaken the necessary financial due diligence required, before approving any transactions with a financial consideration.

## **18 Payments to Employees and Councillors**

- 18.1 All staff must be appointed in accordance with the Council's Recruitment and Selection Policy.
- 18.2 The CFO is responsible for the arrangements for salary and pension payments to all current, former staff and for payment of allowances to Councillors. The key areas of responsibility are:
- arranging and controlling the secure and reliable payment of salaries, compensation, other emoluments and allowances to existing and former employees.
  - recording and making arrangements for the accurate and timely payment of tax, pension contributions and other deductions.
  - ensuring there are adequate arrangements for administering pensions matters on a day-to-day basis.
  - advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation, on all taxation issues that affect the Council.
- 18.3 Chief Officers are responsible for:
- ensuring appointments are made in accordance with the Council's Recruitment and Selection Policy
  - notifying the CFO of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO
  - ensuring that adequate and effective systems and procedures are operated to ensure that payments to staff are made accurately, timely and to bona fide employees
  - ensuring that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis

## **19 Income**

- 19.1 All budget managers are responsible for raising and collecting income in a timely and accurate manner.
- 19.2 Wherever possible services should be billed and paid for in advance and no service delivered until payment has been received.
- 19.3 There are two types of income, invoiced income and un-invoiced income, the requirements of these income streams are set out below:

### **Cash/Uninvoiced income**

- 19.4 Where monies are received for a service at the point of delivery this income should be treated as un-invoiced income.
- 19.5 A record should be maintained of all individual payments, including the amount, time and date of the receipt. This should be compared to the income

held, with appropriate segregation of duties, to ensure all income is banked and verified. Verification of records should be by an appropriate second officer.

19.6 Cash handling should be kept to a minimum. Officers should only collect income as cash when other payment routes are not available, and must put in place additional controls if any income is to be collected as cash, to ensure that;

- officers are appropriately trained in income collection, accounting and cash handling arrangements
- sufficient separation of duties is in place, in particular between billing income, processing payments and banking payments
- official receipts are available on request for payments made in person
- proper records are kept
- all money received is banked as soon as practicable. All insurance limits on safes shall be adhered to and all cash/cheques shall be banked no later than one week after receipt
- VAT is properly accounted for
- where it is necessary for cash to be held prior to it being paid into the Council's bank account, it should be recorded and kept in an appropriate secure environment
- security of staff shall be maintained when cash collections are involved.

19.7 Personal cheques must not be cashed out of money held on behalf of the Council.

### **Invoiced Income**

19.8 Invoiced income falls into two categories, payments in advance and payments in arrears. Wherever possible, users of services should be billed in advance of the provision of the service.

19.9 For all billed income it is the responsibility of the Budget Manager to ensure that any debts raised are accurate, appropriate and due to the authority.

19.10 Chief Officers have responsibility for ensuring their Service has suitable controls in place with regards to its income generation, and his/her officers are compliant with these rules.

## **20 Bad Debts/ Write- Offs/ Loss of Income**

20.1 The Authority has a duty to maximise revenue collection. However, circumstances may arise in which amounts due must, for all practical purposes, be deemed uncollectable.

20.2 The Accounts and Audit Regulations 2015 require that, in such circumstances, a decision to write-off an amount must be taken with the authority of the CFO, whether exercised personally or properly delegated by him to a member of his staff. The amounts involved, and approval granted, should be recorded in the accounting records.



- 20.3 No such provisions apply where debts are “cancelled” i.e. because they were incorrectly raised (e.g. wrong amount, wrong debtor) or “waived” i.e. because an authorised policy decision was taken not to charge or to reduce the charge of an amount otherwise properly payable by a debtor.
- 20.4 The Executive is responsible for approving write-offs over £25,000. The delegated write off limits to Officers is set out in the Table within Section 17 of these rules.

## **21 Taxation**

- 21.1 The CFO is responsible for maintaining the Council’s Tax records, ensuring all tax payments are made, the receipt of all tax credits and the submission of tax returns by their due date as appropriate.
- 21.2 The CFO, or his delegated representative will issue mandatory guidance on Value Added Tax (VAT) matters.

## **22 Treasury Management:**

- 22.1 The Council has adopted CIPFA’s Code of Practice for Treasury Management in Local Authorities.
- 22.2 The CFO is responsible for making all decisions on borrowing, investment or financing (including finance leasing) in accordance with the approved Treasury Management Strategy and CIPFA’s Code of Practice for Treasury Management in Local Authorities
- 22.3 The full Council is responsible for approving the Treasury Management Strategy which sets out the matters detailed in CIPFA’s Code of Practice for Treasury Management in Local Authorities. The Policy Statement is proposed to the full Council by the Executive annually. The CFO has delegated responsibility for implementing and monitoring the statement.
- 22.4 This policy will be reviewed whenever legislative, regulatory or best practice changes materially affect the effectiveness of the current policy. The Council will approve on an annual basis an Annual Treasury Management Strategy, which includes a statement on Prudential Indicators, the Minimum Revenue Provision Policy and Investment Strategy.
- 22.5 The CFO is responsible for reporting to the Executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year and will report to the Executive at least quarterly on the activities of treasury management and the exercise of delegated powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- 22.6 All money in the hands of the authority is controlled by the CFO as the officer designated for the purposes of Section 151 of the Local Government Act 1972. The CFO is responsible for authorising and operating the Council’s banking arrangements including determining arrangements for the signing and security of cheques. All Chief Officers will comply with the detailed rules set

for the banking of income and operation of bank accounts.

- 22.7 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Executive.
- 22.8 Chief Officers are to notify the CFO's Treasury Management section when income due over £100,000 or non-routine payments (for example CHAPs payments) of over £100,000 are due so that effective cash flow management arrangements can be put in place.

## **23 Internal Audit**

- 23.1 The Council is required to maintain an adequate and effective Internal Audit Service in accordance with the Accounts and Audit Regulations 2015 and in line with the CIPFA Code of Practice for Internal Audit in Local Government and Professional Auditing Standards. Consequently, it is the responsibility of Internal Audit to review, arrange and report upon:
- whether operations are being carried out as planned and objectives and goals are being met.
  - the adequacy of systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e. rules established by the management of the organisation, or externally
  - the completeness, reliability and integrity of information, both financial and operational
  - the extent to which the Council's assets, data and interests are properly accounted for and safeguarded from losses of all kinds, including fraud and corruption, waste, extravagance, abuse, ineffective management and poor value for money
  - the economy, efficiency and effectiveness with which resources are employed
  - the effectiveness of its system of internal control and prepare an Annual Governance Statement for consideration by senior management.
- 23.2 Internal Audit has an unrestricted range of coverage of the Council's operations and, therefore, has authority to:
- enter council premises or land at any time, subject to any statutory or contractual restrictions that may apply, e.g. health and safety
  - access all records, documents, correspondence, information and data relating to all areas of the Council regardless of how the information is held and to remove any such records as is necessary for the purposes of their work (including that of the Council's agents and contractors)
  - require and receive such explanations as are necessary concerning any matter under examination
  - require any employee or agent of the Council to produce cash, stores or any other Council property under their control.
- 23.3 This access also applies to:
- organisations which are wholly or partly owned by the Council
  - organisations to whom the Council has given grants;

- organisations with whom the Council contracts and
- partner organisations in any scheme for which the Council has responsibility as lead body.

23.4 Internal Audit has direct access and the right of report to the Chief Executive, Chief Officers, Heads of Service, the Monitoring Officer, the Council's External Auditors, the Executive, the Leader, the Executive member with responsibility for Audit and the Chair of the Audit and Governance Committee.

## **24 Annual Governance Statement**

24.1 The Accounts and Audit Regulations 2015 establishes requirements related to the systems of internal control and the review and reporting of those systems. CIPFA has issued guidance to assist authorities to establish proper practices and procedures to satisfy these requirements.

24.2 The council's objectives, its internal organisation and the environment in which it operates are continually evolving and, as a result, the risks faced are continually changing. A sound system of internal control, therefore, depends on a thorough and regular evaluation of the nature and extent of the risks to which the council is exposed.

24.3 The CFO is responsible for ensuring that the financial management of the council is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions and which includes arrangements for the management of risk.

24.4 The CFO will conduct a review, at least annually, of the effectiveness of the Council's system of internal control and include a statement that outlines the outcome of that review within the Annual Governance Statement.

24.5 The Council's Annual Governance Statement will be signed by the Chief Executive and the Leader of the Council. The Audit and Governance Committee shall oversee its production and recommend its adoption as part of the Annual Accounts.

## **25 Risk Management**

25.1 The CFO is responsible for the development, monitoring and review of the Council's risk management strategy, which will be approved by Executive, and is the Council's principal risk management adviser and co-ordinator.

25.2 Each Chief Officer is responsible for identifying, assessing, controlling and recording risks on a quarterly basis within his/her Service and ensure compliance with SORP 6 – Risk Management.

25.3 The Head of Internal Audit, working with each Chief Officer, will review Service risks on at least an annual basis.

## **26 Preventing Fraud and Corruption**

- 26.1 All Council officers, councillors, agents, contractors and strategic partners have responsibilities to protect the funds they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not for the inappropriate personal benefit of any of the above.
- 26.2 The CFO will be consulted by the Head of Audit on the development and review of the Council's Anti-Fraud and Anti-Corruption Policy.
- 26.3 Officers, councillors, agents or contractors of the Council have a responsibility to bring any suspected fraud, corruption or irregularity to the attention of the Head of Audit and Risk Management, the CFO or any Chief Officer as set out in the Council's Anti-Fraud and Corruption Policy.
- 26.4 Chief Officers will notify the Chief Executive, the Monitoring Officer, and the CFO of any suspected fraud, theft, irregularity, improper use or misappropriation of council property or resources. Any suspected fraud, bribery, corruption or loss will be investigated in accordance with the Council's Anti Fraud and Anti-Corruption Policy.

## **27 Insurance**

- 27.1 The Council arranges and manages insurance cover for specific risks and determines what is the most appropriate package of internal (self-funded) and external insurance. This statement must be qualified by noting that School Governing Bodies are able to exercise choice over how they purchase insurance (subject to meeting minimum standards and limits of indemnity laid down by the Council) and are not bound to remain within the centrally arranged insurance policies or self-funded provisions if they wish to effect separate arrangements. The Council's rights and interests must be named on all insurance policies held, irrespective of who has made the original arrangements.
- 27.2 The Council purchases insurance for the following classes of insurable risk;
- fire and associated risks for all buildings which the Council owns, or for which it has accepted legal responsibility by way of a lease or licence
  - all public and employers' liabilities, including libel and slander, professional indemnity, officials' indemnity and land charges
  - personal accident cover for risk of assault on employees of the Council and for injury to Council Members and authorised volunteers
  - motor vehicles – comprehensive cover on all Council vehicles, together with contingent liability cover for use of privately owned vehicles used on official business
  - pecuniary loss (money, fidelity guarantee and cheques indemnity)
  - costs of reinstatement and recovery of ICT infrastructure and systems
  - Public Health Act indemnities
- 27.3 Under the direction of the CFO, the Insurance Section is responsible for preparing specifications, obtaining quotations, procuring cover, negotiating claims and maintaining the necessary records in line with the insurance

strategy and for ensuring that the contracting process is conducted in accordance with the prescribed requirements. A register of all insurance policies held and a full record of what property and risks are covered is held within the insurance service.

- 27.4 Chief Officers must ensure that prompt notification is provided to the Insurance Manager of all new risks, property, vehicles and other assets or contractual obligations which require to be insured and alterations that may affect existing insured risks (including closure of buildings, sale of vehicles or disposals of other insured assets).
- 27.5 Chief Officers are responsible for reporting any event, loss, liability or damage that may result in an insurance claim and give full and timely assistance with the conduct of any investigation that may follow.
- 27.6 Advice must be sought immediately from Insurance Team if there is a suspicion that a civil legal action is in prospect. Civil procedure rules and protocols must be strictly adhered to in order to avoid cost penalties or unnecessary litigation expenses. Employees and other persons must not attempt to negotiate a settlement, give interviews, make statements or offer to pay compensation in any way that may prejudice any subsequent civil legal action that may be brought against the Council.

## **28 Asset Management**

- 28.1 The responsible Chief Officer will produce a five-year Corporate Asset Management Plan for the purpose of the overall strategic management of the Council's assets. This will be updated on an annual basis.
- 28.2 The responsible Chief Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property; inventories of furniture, fittings and equipment; and stores records.
- 28.3 Chief Officers are responsible for ensuring the proper use and safeguarding of assets owned by the Council or for which the Council has responsibility. This requirement applies to all assets, including stocks, stores, furniture, equipment, vehicles, cash, land and buildings, software and information that are owned by, or are in the possession of the Council and for which the Council is responsible.
- 28.4 The responsible Chief Officer will ensure that detailed arrangements are put in place for the disposal of assets. All sales or purchases of land and buildings will be undertaken in accordance with the scheme of delegation.
- 28.5 Valuation of Assets will be in line with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Sale of Assets will be at market value unless special circumstances have been agreed.
- 28.6 The relevant Chief Officer must consult with the CFO before the purchase of land and buildings, which is then subject to Full Council approval.

28.7 Officers with access to the Councils Assets will undertake the following:

- ensure no assets are subject to personal use without proper authority
- ensure cash holdings or valuable items on premises is kept to a minimum and held securely
- where safes or similar are in place keys should be kept on the responsible person and any loss reported as soon as possible.

## **29 Disposal of Land, Property and Surplus Assets**

- 29.1 All land and property except for former Council houses sold to tenants, or other property likely to exceed £5,000 in value, which have been declared surplus to requirements must be sold either by auction with a reserve price, or by competitive tender, unless the Council specifically determines otherwise.
- 29.2 Before inviting tenders or instructing an auctioneer for the sale of land or property, a valuation shall be obtained from the Estates function or an independent qualified Valuer, and in the case of a sale by auction, this valuation shall be the reserve price.
- 29.3 Competitive tender shall normally dispose of all other surplus assets unless the CFO determines otherwise in a particular case.

## **30 External Arrangements**

- 30.1 Local authorities provide an important leadership role for the community and bring together the contributions of the various stakeholders. They must also act to promote and improve the economic, social and environmental wellbeing of their respective areas.
- 30.2 The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 30.3 Executive functions including those related to partnerships can be delegated to officers. These are set out in the scheme of delegation that forms part of the Constitution. Where functions are delegated, the Executive remains accountable for them to full council.

## **31 Work for Third Parties**

- 31.1 The CFO or his / her nominee must be advised of all work for third parties opportunities available to the Authority and of the lead Officer in each circumstance.
- 31.2 The lead Officer must provide such information as requested by the CFO, including copies of proposed agreements and conditions and any financial implications (including match funding requirements or ongoing revenue costs).
- 31.3 All work for third parties must be authorised by the CFO, or his / her nominee prior to agreement to undertake this work by the Authority.

- 31.4 Where the gross value of work does not exceed £250k, these arrangements can be approved by the CFO and relevant Chief Officer.
- 31.5 Where the gross value of the work exceeds £250k but does not exceed £500k, these can be approved by the CFO and Chief Executive, after consultation with the Portfolio Holder for Finance and relevant service Portfolio Holder(s).
- 31.6 Where the gross value of the work is in excess of £500k these must be approved by Executive , after the approval of the CFO.
- 31.7 The CFO or his / her nominee must be notified of the outcome of any bids to work for third parties at the earliest opportunity and successful bids to work for third parties will be reported to Executive as part of the normal monitoring reports.
- 31.8 The CFO is responsible for ensuring that all income receivable from third parties is received and properly recorded in the Council's accounts.
- 31.9 The Chief Officer responsible for the lead Officer must ensure that all contractual conditions are met.

## **32 Significant Partnerships**

- 32.1 A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned and/or the level of control exercised.
- 32.2 The Council's protocol and governance arrangements for partnerships are set out in the Partnership Protocol.
- 32.3 The purpose of this protocol is to enable the council, with its Partners, to ensure that the partnerships it works in are appropriate and have good governance.
- 32.4 This protocol identifies:
- how the Council defines a partnership;
  - why the Council enters and engages in partnerships;
  - definition of a partnership and what constitutes a significant partnership;
  - tools for identifying, managing and supporting partnerships arrangements, including good governance.
- 32.5 The protocol is supported by a partnership toolkit which provides guidance to Councillors and officers at every stage in the life of a partnership.
- 32.6 Where the Council is the lead authority for a partnership the Council's Financial Procedure Rules and Contract Procedure Rules will apply to operation of the business of that partnership:

- The CFO will ensure that: the accounting arrangements for partnerships and joint ventures are satisfactory, that the governance and legal issues have been satisfactorily addressed, and that the risks have been fully appraised;
- the Partnership Agreements contain details of how resources will be pooled and what controls will be operated in respect of partnership spending to avoid waste;
- that the Council's budgets contain sufficient provision for its match funding obligations and that all external funding due to the Council is received and properly recorded.

32.7 Chief Officers are responsible and accountable for the governance arrangements, performance and financial monitoring of each partnership and will ensure that:

- a record of the partnership arrangement is produced;
- all necessary approvals have been secured before concluding any negotiations with external parties;
- Any financial relationship must be documented and approved along with a risk assessment;
- that conditions attached to any external funding are properly complied with, that such conditions have been agreed with the CFO or Executive as appropriate, and that claims are processed by the due date;
- the CFO has access to the accounts and records, and has the right to seek explanations in order to monitor deployment of the Council's funding;
- Internal Audit has access rights to all officers, buildings, information in order to fulfil its role;
- a register is maintained of all contracts entered into.

32.8 Prior to any appointments being made to any third party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO and any such appointment must be made in accordance with Part 1.1. of the Constitution.

### **33 Stores and Inventories**

33.1 Each Chief Officer or Head of Service of each department shall be responsible for the care and custody of stores in their department and shall have all such stores checked independently of the storekeeper at least on one



occasion in each financial year

- 33.2 Stores shall not be held in excess of reasonable requirements.
- 33.3 Adjustments to write-off deficiencies over £50 in value shall be subject to the approval of the Financial Services Manager. The CFO is required to write-off sums over £1,000.
- 33.4 Competitive tender shall dispose of surplus or obsolete stores unless the Chief Executive decides otherwise in a particular case.
- 33.5 Inventories of the Council's furniture, fittings, equipment and machinery shall be kept and checked on at least one occasion in each financial year by the member of the Corporate Management Team responsible for the service concerned. Individual items with a value of £100 or less need not be included.

#### **34 External Funding**

- 34.1 Before committing the Council to any externally funded projects, Chief Officers must consult with the CFO on the anticipated financial, risk and probity implications of the projects and ensure adherence to any subsequent terms laid down by the CFO.
- 34.2 The Chief Officer is responsible for ensuring that all necessary approvals are obtained before external funding agreements are concluded, and that subsequent grant claims submitted to external funders are lawful, accurate, in accordance with the funder's eligibility criteria and submitted with due regard to the Council's continuing commitment to the project.
- 34.3 Where the use of external funding for projects requires a financial commitment from the Council and budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Officer, in conjunction with the CFO, will provide a written report to the Executive giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. This report should also set out the ways that the external funding sought supports the Council's service priorities.
- 34.4 Once agreed, written approval must be obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.
- 34.5 Each Chief Officer will nominate a named responsible officer to be accountable for the performance and financial monitoring of each project. The named responsible officer will ensure that, prior to submission of a grant claim, all expenditure declared is eligible in accordance with the relevant

funder's criteria, including purposes and deadlines and there is sufficient time for the CFO to certify the grant claim.

34.6 Where funding is used to support additional service provision or contributes to existing service provision then the Chief Officer responsible should have an exit strategy in place to deal with the expiry of the grant.

34.7 Grant claim working papers should be maintained in a form agreed by the CFO.

**35 Organisations Partly or Wholly Owned by the Council (trusts, not-for-profit organisations, charities)**

35.1 This requirement applies to the development and ongoing business undertakings of an organisation which is to be partly or wholly owned by the Council, and includes company structures such as a Limited Liability Partnership, Private Company limited by Guarantee, Community Interest Company, Not-for-profit Entity and Charity.

35.2 When developing any organisation which is partly or wholly owned by the Council, the relevant Chief Officer, Monitoring Officer and the Chief Financial Officer will need to satisfy themselves that the constitution of the relevant body is adequate to safeguard the interests of the Council, and that councillors and officers are constrained in their decision making powers while participating in such bodies by Part 3 of the Constitution, or any other formal delegation.

35.3 The relevant Chief Officer must ensure a full business case is prepared in the development any new organisation partly or wholly owned by the Council, which must consider all short term and medium-term financial aspects of operation.

35.4 Before the Business Case is submitted for approval by Executive , the CFO must be satisfied that the new organisation will be affordable, offers value for money, has suitable tax planning arrangements, and manages risk appropriately.

35.5 Prior to any appointments being made to any third-party organisation (whether as a member, trustee, shareholder, director or similar position), advice should be sought from the Monitoring Officer and the CFO. Any such appointment must be made in accordance with Part 3 of the Constitution.

- 35.6 Once operational, these organisations are required to follow these key financial principles:
- compliance with the Councils Constitution and Finance Procedure Rules;
  - compliance with the Council's MTFP, Capital Strategy and Budget setting process as instructed by the form and timetable set out from the Council's CFO;
  - the appointment of a Finance Director reporting to the Council's CFO, under the Council's 'Golden Rules' principle;
  - an annual agreement with the Council's CFO on any matters relating to risk share, earmarked reserve policy and distribution of dividends;
  - supporting the Council through its Commissioning arrangement when necessary to identify ways to reduce costs and become more efficient;
  - to be both aware and compliant with the Council's statutory and financial duties where relevant and applicable to their various service functions and obligations.
- 35.7 Where these organisations are separate legal entities and the Council is required to purchase services from these entities. Transactions should therefore be undertaken in the same way as with an external provider.
- 35.8 The contract value and ongoing services relating to these organisations will be set out in service level agreements. Any services to be purchased from the Council will be delivered in accordance with the service level agreements.
- 35.9 Additional services may be requested either by the Council or the organisation outside of these service agreements. Additional services will require payments to be made between the Council and the organisation, and work should always reflect value for money and be approved by the Chief Officer and CFO and be approved by the relevant Chief Officer and the Chief Financial Officer of the Council.
- 35.10 The CFO and Monitoring Officer will have unfettered access to all financial information requested required to fulfil his / her statutory obligations.

## **36 Voluntary Funds and Trustees**

- 36.1 The CFO is responsible for trust funds and ensures that funds are only drawn down for the purposes intended by the Trustees and that accounts are prepared and audited each year.
- 36.2 All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the CFO. A voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council. Such funds should be separately identified but held, where possible, in the name of the Council.

## **37 Schools**

- 37.1 Financial Procedure Rules for Schools applies to maintained schools within North Northamptonshire and these schools should conduct their financial affairs in accordance with the Financial Procedure Rules for Schools.

### **38 Business Continuity and Emergency Planning**

- 38.1 Chief Officers through their managers are responsible for ensuring the continuity of their services and providing guidance on the appropriate service priorities to aid planning and recovery of services, if a critical incident was to occur.
- 38.2 All officers should follow SORP 10 Emergency Planning, as this sets out the minimum standards required to help deliver and maintain Emergency Planning and Business Continuity within the Council, with the objective to effectively and efficiently mitigate against, prepare for, respond to, and recover from any critical incident.
- 38.3 Nothing in these Rules or financial procedures shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent.
- 38.4 Where the relevant Chief Officer considers, where possible following consultation with the relevant Portfolio Holder, Chief Executive and the CFO, the urgency of the situation will not permit delay, necessary expenditure may be incurred. Action under this paragraph shall be reported at the next available meeting of the Chief Officers, Executive , and Audit and Governance Committee.

**End of Financial Procedure Rules**

**March 2021**