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Meeting: Democracy and Standards Committee
Date: Monday 9th January, 2023
Time: 7.00 pm
Venue: Corby Cube, Parklands Gateway, George Street, Corby, NN17 1QG

To members of the Democracy and Standards Committee:

Councillors Lora Lawman (Chair), Macaulay Nichol (Vice-Chair), Jean Addison, Lyn Buckingham, Robin Carter, Emily Fedorowycz, Kirk Harrison, Paul Marks, Dorothy Maxwell, Andy Mercer, Gill Mercer, Michael Tye and Kevin Watt.

Substitutes:

Councillors Paul Bell, Jonathan Ekins, Philip Irwin, Leanne Buckingham, Dez Dell and Anne Lee

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<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer Thursday 29 December 2022</p>			

This agenda has been published by Democratic Services.

Committee Administrator: Carol Mundy

☎01933 231 521

✉Carol.Mundy@northnorthants.gov.uk

Meetings at the Council Offices

Where there is a need for the Council to discuss exempt or confidential business, the press and public will be excluded from those parts of the meeting only and will have to vacate the room for the duration of that business.

Public Participation

The Council has approved procedures for you to request to address meetings of the Council.

ITEM	NARRATIVE	DEADLINE
Members of the public (or other non-committee councillors) agenda statements	Requests to address the committee must be received by 5pm, two clear working days before the day of the meeting. Statements must relate to a matter on the agenda and speakers will be limited to three minutes.	5pm Wednesday 4 January 2023

If you wish to register to speak, please contact the committee administrator

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Public Enquiries

Public enquiries regarding the Authority's meetings can be made to democraticservices@northnorthants.gov.uk

Members' Declarations of Interest

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

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

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

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution.

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

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Agenda Item 3

Minutes of the Democracy and Standards Committee held at 7.00 pm on Monday 7th November, 2022 at the Council Chamber, Swanspool House, Wellingborough, Northants, NN8 1BP.

Present:-

Members:

Councillor Lora Lawman (Chair)

Councillor Jean Addison

Councillor Lyn Buckingham

Councillor Robin Carter

Councillor Emily Fedorowycz

Councillor Kirk Harrison

Councillor Paul Marks

Councillor Andy Mercer

Councillor Dorothy Maxwell

Councillor Gill Mercer

Councillor Michael Tye

Councillor Kevin Watt

Officers:

Adele Wylie, Director of Governance/HR & MO,

Paul Goult, Interim Democratic Services Manager,

Carol Mundy, Senior Democratic Services Officer (Committees/Members)

41 Apologies for absence

Resolved to note that an apology for absence was received from Councillor Nichol.

42 Members' Declarations of Interest

The chair invited those Members who wished to do so to make a declaration.

Resolved to note that no declarations were made.

43 Minutes of the meeting held on 12 September 2022 and reconvened on 10 October 2022

The minutes of the meeting held on 12 September 2022 and reconvened on 10 October 2022 were received.

Resolved that the minutes be approved and signed as an accurate record of the meeting.

44 Meeting Procedure Rules

The annexed circulated report of the Director of Governance/HR and MO was received for members to consider revisions to the current meeting procedure rules in relation to the formal meetings of Council and committees.

The revised draft procedure rules were appended to the report.

Mr Goult, Interim Democratic Services Manager, presented the report and explained that the Constitutional Working Group had been reviewing the procedure rules with reference being made at 5.2 of the report to the highlighted areas detailed in the appendix.

The chair informed the committee that she had been handed three further pages of amendments prior to the commencement of the meeting. These would have to form

part of a future report to the working group and committee and discussion would only be in relation to the published report before the committee.

Members sought clarity over the submission of questions and the definition of six clear working days (17.2). Officers clarified that this point related only to questions at full Council meetings. Details of dates and times, in relation to the Executive or Committee meetings, for submission of requests to address a meeting would be found on each individual agenda. For example a meeting to be held on a Thursday would mean that a request to speak would need to be made by the deadline of 5pm on the Monday.

Resolved that the Constitutional Working Group consider the additional amendments at its next meeting, due to be held in December, and submit the revised Meeting Procedure Rules to the next meeting of the committee.

45 Proposals for a Scrutiny Review

The annexed circulated report of the Director of Governance/HR and MO was received for the committee to consider initiating a consultation into the current scrutiny arrangements following a review by the monitoring officer.

Adele Wylie, Monitoring Officer, presented the report and explained that she had a requirement to review governance arrangements to ensure compliance with legislation to ensure its decision-making structures were efficient and effective.

The role of scrutiny ensures that the Executive is held to account and that key decisions are made in an appropriate manner. Scrutiny influences policies and decisions of the Executive but also other organisations delivering services to the public. It investigates import service delivery through task and finish groups, and the call-in procedure.

The council currently has two scrutiny committees, the Scrutiny Commission which can establish topic-specific task and finish groups undertaking the work on the Scrutiny workplan and Finance and Resources Scrutiny Committee, which scrutinises and monitors the finances of the council, with attention on in-year monitoring of spend and input into consultation on the draft budget for future years as part of the budget setting process.

It is recognised that the quantity of work exceeds existing capacity and requires enhancement.

The Constitutional Working Group had received a presentation, with a copy of the slides appended to the report. Also appended to the report at Appendix B was the proposed scrutiny structure.

The committee was asked to give approval to a consultation taking place on the proposed structure which included establishing the following:

- Scrutiny management Board;
- Corporate Scrutiny Committee;
- Place and Environment Scrutiny Committee;
- Health and Wellbeing Scrutiny Committee

Committee was also asked to consider the timeline for consultation at Appendix C.

The committee generally discussed the proposed changes to the scrutiny function recognising that currently there was some cross-committee work that was a duplication. They also considered that there was confusion over the call-in process and that those sitting on scrutiny needed specific skills to challenge. The committee considered that the scrutiny of external partners would be very welcome

Some of the committee considered that the Executive Advisory Panels (EAPs) had not worked as had been expected. Many meetings had been cancelled, others had acted as briefing sessions and it was not clear whether any decisions on policy or recommendations were escalated to the Executive. It was felt that they needed to be more creative, to enable ideas to be discussed in an open and informal way with workplans in place so that progress could be evidenced. More clarity was sought on their purpose.

Some members were unaware of when reports on particular subjects were being taken back to an EAP.

Mrs Wylie clarified that reports were published on the council website and that if members wished they could always contact the portfolio holder directly to ask when an item would be returning to an EAP.

Mrs Wylie also clarified that the EAPs were 'a gift of the leader' and as such the operation of them would need to be discussed with him directly and he would need to make any decision in relation to them.

Members commented on the two timeline options and considered that Option 2 was the most appropriate.

Resolved that:

- (i) Approval be given for a wider consultation on the future structure of scrutiny within the council in line with the principles contained in the monitoring officer's report;
- (ii) Approval be given to indicative timeline, as detailed at option 2, for consultation and determination of the proposals.

46 Close of meeting

Resolved to note that the meeting concluded at 8.05pm

Chairman.....

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Democracy & Standards Committee 9th January 2023

Report Title	Meeting Procedure Rules & Budget Council Procedure Rules
Report Author	Adele Wylie (Director of Governance/Human Resources & Monitoring Officer) <u>Adele.wylie@northnorthants.gov.uk</u>
Executive Member	N/A

Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

List of Appendices

Appendix A – Copy of revised draft Meeting Procedure Rules

Appendix B – Budget Council Procedure Rules

1. Purpose of Report

- 1.1. For the Committee to consider revisions to the current Meeting Procedure Rules. Any recommended revisions would require ratification by Full Council. The Rules cover the formal meetings of Council as determined in the Council's Constitution. The Committee received an earlier draft version at its meeting on 7th November 2022. The current draft is attached as Appendix A.
- 1.2. In addition, since the Committee's previous meeting the CWG considered revised Budget Council Procedure Rules (which are also contained in Part 3.2 of the Constitution). The suggested revised Rules are attached as Appendix B.

2. Executive Summary

- 2.1. Following discussion by the Constitutional Working Group (CWG), it is being recommended that certain amendments be made to the Meeting Procedure

Rules and the Budget Council Procedure Rules. On consideration of the current Rules, it was noted that there was the need to clarify certain aspects of procedure and to incorporate certain “learning points” since Vesting Day and the operation of both Full Council meetings and those of committees.

3. Recommendations

- (a) That the revised Meeting Procedure Rules (as detailed in Appendix A) be submitted to Full Council for approval.
- (b) That the revised Budget Council Procedure Rules (as detailed in Appendix B) be submitted to Full Council for approval.

3.1. *Reason for Recommendations – Following review of the operation of the Meeting Procedure Rules and Budget Council Procedure Rules since Vesting Day it is suggested that some amendments are made to improve the efficient and effective decision making of the Council’s governance structure.*

3.2. *Alternative Options Considered – there are some discrepancies that require determination and areas which require clarification to ensure the smooth running of Full Council and committees. Failure to address these issues may result in disjointed meetings and overuse of Chair’s discretion.*

4. Report Background

4.1. Under the Committee’s terms of reference, there is a requirement to review the Council’s Constitution and decision-making governance. The Meeting Procedure Rules are a key element of the Constitution, detailing how Full Council and committees operate. The Rules include statutory provisions, statutory guidance and best practise.

4.2. The Council has now been in operation for 18 months. It is therefore being recommended that the Rules be reviewed and amended in light of experience since Vesting Day.

4.3. The recommended draft Meeting Procedure Rules (Appendix A) provide an opportunity to clarify certain procedures and address issues that have arisen since Vesting Day, whilst ensuring that public participation, councillors rights and the decision-making process of the Council are protected.

4.4. Within Part 3.2 of the Constitution, there are separate rules which apply to Budget Council (held in February each year). CWG has considered revisions to these rules; a copy of the revised rules are attached at Appendix B.

4.5. The proposed amended Rules have been the subject of discussion and debate at meetings of the Constitutional Working Group and are being recommended to the Committee for consideration.

5. Issues and Choices

5.1. Appendix A contains the proposed amended Meeting Procedure Rules. Whilst the current Rules have provided a basis for the conduct of meetings over the previous 18 months there have been issues that have arisen which require attention or consideration.

5.2. Items of debate are highlighted in Appendix A. Areas that have particularly been the focus of debate by CWG since the Committee meeting on 7th November 2022 include: -

- Rule 1.3 The decision for ordinary meetings of Full Council to commence at 6:00 pm has been incorporated;
- Rule 2.3 (xiii) narrative expanded;
- Rule 18.6 clarifying issues during any pre-election period;
- Rule 19.16 reformatted paragraph;
- Rule 19.3 clarifying the procedure to be followed and the outcome of “Closure Motions”;
- Rule 38 Issues surrounding the disclosure of confidential/exempt matters.

Checks on cross-referencing and paragraph numbering have also been undertaken.

With regard to the Budget Council Procedure Rules, Rule 11 was added by the CWG in discussion, and Rule 10 has been added since CWG met.

6. Next Steps

6.1. The Committee are being requested to approve the amended Meeting Procedure Rules and Budget Council Procedure Rules for recommendation to Full Council.

7. Implications (including financial implications)

7.1. Resources and Financial

7.1.1. None specific to this report.

7.2. Legal and Governance

7.2.1. The Rules include statutory provisions, statutory guidance and best practise.

7.3. Relevant Policies and Plans

7.3.1. The Constitution includes the Meeting Procedure Rules covering Full Council, committees and sub-committees which has the rules covering Budget Full Council included as an appendix.

7.4. Risk

- 7.4.1. The proposed amendments are intended to clarify procedures for the conduct of Council meetings for councillors, officers and the public. Issues that have arisen and identified during the previous 18 months are addressed in the proposed amended Rules.

7.5. Consultation

- 7.5.1. The Constitutional Working Group (CWG) considered this matter at its meetings on 22nd August 2022, 17th October 2022 & 12 December 2022. The proposed revisions are recommended by the CWG.

7.6. Consideration by Executive Advisory Panel

- 7.6.1. Not applicable to this report.

7.7. Consideration by Scrutiny

- 7.7.1. Not applicable to this report.

7.8. Equality Implications

- 7.8.1. None impacting on the nine protected characteristics defined in the Equality Act 2010.

7.9. Climate Impact

- 7.9.1. Not applicable to this report.

7.10. Community Impact

- 7.10.1. The public's right to attend full Council meetings for public agenda items are enshrined in statute. The Public Participation rules are included in the Council's Constitution.

7.11. Crime and Disorder Impact

- 7.11.1. Not applicable to this report.

8. Background Papers

- 8.1. NNC Council Constitution.
8.2. Constitutional Working Group Discussion Paper 22/08/22, 17/10/22 & 12/12/22.

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 Procedural Rules a sub-committee does not include a task & finish group, working group or advisory group. Such groups may adopt all or some of the Procedure Rules but there is no statutory requirement to do so.

These Procedure Rules set out how meetings of the Council, committees and sub-committees will be conducted. The Procedure Rules also set out the Public Participation opportunities, except where specific committees or sub-committees have their own approved Public Participation Policy e.g., the Planning Authority committees.

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 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 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 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 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.

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.

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Appendix B

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 1st April to 31st March. Any decisions made by the Council at the Budget Council meeting in February become effective from the following 1st 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/members 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).

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Democracy and Standards Committee Monday 9 January 2023

Report Title	Councillors' Code of Conduct Statistics
Report Author	Adele Wylie, Monitoring Officer

Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

None

1. Purpose of Report

- 1.1. To provide an update to members in respect of the Democracy and Standards Committee's duty to promote and maintain standards of conduct by Members and Co-opted Members of the Council, Parish and Town Councils within North Northamptonshire.

2. Executive Summary

- 2.1. Under Part 4.4 of the North Northamptonshire Council Constitution, the Democracy and Standards Committee has a number of Standards functions within its remit. This report specifically sets out the current position on the number of Councillor Code of Conduct complaints received, complaints dealt with, those outstanding, and resolutions achieved.

3. Recommendations

- 3.1. It is recommended that the Democracy and Standards Committee:-
- (a) Notes the number of complaints received and dealt with, in respect of the Councillors' Code of Conduct;
 - (b) Receives further data in relation to the number of complaints received and dealt with in respect of the Code of Conduct on a six-monthly basis;

- (c) Formally invites the Council's Independent Persons for Standards and Town and Parish Representatives (following appointment) to attend future Committee meetings, as necessary to discuss those items of business relating to the Councillors' Code of Conduct (including b) above).
- 3.2. *(Reason for Recommendations – To enable the Committee to carry out effectively its duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils in North Northamptonshire.)*
- 3.3. *(Alternative Options Considered – None, as it is in the interests of the Council and members of the public that standards of conduct are maintained and regularly reviewed.)*

4. Report Background

- 4.1. As set out in paragraph 2.1 above, 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.
- 4.2. Part 8.3 of the Constitution sets out arrangements for dealing with member complaints, which provides for an initial process conducted by the Monitoring Officer, in consultation with one of the Council's Independent Persons for Standards.
- 4.3. For every complaint received, the Monitoring Officer is required to conduct an initial assessment, firstly by applying a 'public interest' test of whether the complaint 'can' and 'should' be investigated, using the following criteria:-
 - (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?
 - (v) Is there evidence which supports the complaint?
 - (vi) Is the conduct something which it is possible to investigate?
 - (vii) Would an investigation be proportionate and in the public interest?
- 4.4. In conducting the initial assessment, and in consultation with one of the Independent Persons for Standards, the Monitoring Officer will then decide whether the complaint should be referred for investigation or to seek alternative resolution, having a regard to a range of factors:-
 - (i) Whether there is sufficient information upon which to base a decision;
 - (ii) How serious is the alleged complaint;
 - (iii) Is the complaint politically motivated, vexatious or tit for tat;

- (iv) Did the action complained about occur recently or not;
- (v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- (vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned, or the complainant is not prepared to accept this as a solution.

- 4.5. Table 1 below provides details of the nature of each complaint received, the initial filtering decision of the Monitoring Officer, any informal resolutions agreed (where applicable), and the status of the complaint at the time of writing this report.
- 4.6. It should be noted that the monitoring officer deals with a number of enquiries throughout the year from councillors, clerks and members of the public which are dealt with informally, but that do not lead to formal complaints. Such enquiries, by their nature, are not included in the list at table 1 below.
- 4.7. Specific detailed information regarding complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of councillors and the complainant.

Table 1

	Date received	Relevant Council	Monitoring Officer Assessment	Status
1.	07/21	Parish Council	No further action	Closed
2.	07/21	Parish Council	No further action	Closed
3.	07/21	Parish Council	No further action	Closed
4.	07/21	Parish Council	No further action	Closed
5.	07/21	Parish Council	No further action	Closed
6.	08/21	Parish Council	No further action	Closed
7.	12/21	Town Council	No further action	Closed
8.	01/22	North Northamptonshire Council	No further action	Closed
9.	01/22	North Northamptonshire Council -	Other action - apology	Closed
10.	02/22	Parish Council	Investigation	Open
11.	03/22	Town Council	No further action	Closed
12.	03/22	Parish Council	No further action	Closed
13.	03/22	Town Council	No further action	Closed
14.	03/22	Parish Council	No further action	Closed
15.	04/22	North Northamptonshire Council	No further action	Closed
16.	04/22	North Northamptonshire Council	No further action	Closed
17.	05/22	Town Council	No further action	Closed
18.	05/22	Town Council	No further action	Closed
19.	07/22	North Northamptonshire Council	No further action	Closed
20.	07/22	North Northamptonshire Council	No further action	Closed
21.	07/22	Parish Council	No further action	Closed

	Date received	Relevant Council	Monitoring Officer Assessment	Status
22.	08/22	North Northamptonshire Council	No further action	Closed
23.	08/22	Town Council	Assessment Stage	Open
24.	08/22	Town Council	Other action – Apology	Closed
25.	12/22	Town Council	Assessment Stage	Open

4.8. The number of complaints received to date are further categorised by status, by type of Council, and municipal year, in summary form below:-

Table 2

Assessment Stage	No further action	Other Action	Investigation
1	21	2	1

Table 3

Parish Council	Town Council	North Northamptonshire Council
10	8	7

Table 4

2021/22 Complaints	2022/23 Complaints To Date (as of 21/12/22)
7	18

5. Issues and Choices

5.1. The Committee is asked to note the information provided and receive any feedback from the Independent Persons present at the meeting.

6. Next Steps

6.1. It is recommended that further reporting on the Code of Conduct be provided to the Committee on a six-monthly basis. It should also be noted that a recruitment process is underway to appoint new Independent Persons for Standards and representatives of Town and Parish Council.

6.2. It is anticipated those appointments will be in place to assist with consideration of the next six-monthly report.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no direct financial implications arising from this report, however the handling and processing of complaints is resource intensive. A high number of complaints does have an impact upon resources and so it is important that the Committee and all Councillors promote and maintain high standards of conduct to help limit the number of complaints received.

7.2. Legal and Governance

- 7.2.1. Complaints are received in accordance with the arrangements for dealing with allegations of breaches of the North Northamptonshire Members' Code of Conduct and of codes adopted by Parish and Town Councils within North Northamptonshire. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct, in accordance with the Localism Act 2011.
- 7.2.2. Part 9.2 of the Constitution, the Officer Scheme of Delegation, gives the Director of Customer and Governance (as Monitoring Officer) the authority to assess Code of Conduct complaints received and to determine whether an investigation should be conducted, in accordance with the procedure set out in Part 8.3, Arrangements for Dealing with Member Complaints.

7.3. Relevant Policies and Plans

- 7.3.1. Promoting and maintaining high standards of conduct supports our Corporate Plan Priority of Modern public services, i.e. providing efficient, effective and affordable services that make a real difference to all our local communities.

7.4. Risk

- 7.4.1. Should a Code of Conduct complaint not be investigated properly and in a timely fashion, there is recourse for complainants to make a complaint against the Council to the Local Government and Social Care ombudsman.

7.5. Consultation

- 7.5.1. No consultation activity was required or undertaken in the production of this report.

7.6. Equality Implications

- 7.6.1. There have been no equality implications identified in producing this report.

7.7. Climate Impact

- 7.7.1. None.

7.8. Community Impact

7.8.1. None.

7.9. Crime and Disorder Impact

7.9.1. None.

8. Background Papers

8.1. Complaints received in respect of the arrangements for dealing with allegations of breaches of the West Northamptonshire Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils within North Northamptonshire. These records contain exempt information (Category 1 (Information relating to any individual) and 2 (Information which is likely to reveal the identity of an individual)) under Section 100A of the Local Government Act 1972 (as amended).