



## Council – 13 January 2014

### Changes to the Constitution

#### Purpose of report

This report presents proposed changes to the Constitution arising from the recommendations of the Committee Review Working Party and an Internal Audit Report on Constitutional & Governance Arrangements, together with other miscellaneous minor changes. The proposed changes to the Constitution are shown as track changes in the Appendices.

#### Attachment(s)

Appendix A: Equality Impact Assessment for Removal of Champions role

Appendix B: Summary of other minor changes to the Constitution

Appendix C: Changes to Part 2 of the Constitution: Articles 2,3,4,7,8,9,11 & 13

Appendix D: Part 3.1 of the Constitution: Responsibility for Functions

Appendix E: Part 3.2 of the Constitution: Scheme of Delegation

Appendix F: Part 4.4 of the Constitution : Scrutiny Procedure Rules

Appendix G: Part 8 of the Constitution: Changes to Terms of Reference for Policy and Resources Committee, Finance Sub Committee, Scrutiny Committee, new terms of reference for Governance and Audit Committee and inclusion of Disabled Facilities Grants Panel

Appendix H: Media Protocol

#### 1.0 Background

1.1 The Constitution was last comprehensively reviewed in 2011, with further major changes taking place in 2012 to reflect the changes to the standards framework requirements of the Localism Act 2011.

1.2 In June 2013 Policy and Resources Committee agreed the creation of a Committee Review Working Party to look at the following areas:

- Key emerging areas of council activity and the requirement for Member Champions
- Changing regulatory requirements for an Audit Committee and the resultant impacts on the Scrutiny Committee Terms of Reference
- The need for an Independent Members' Remuneration Panel to review Member allowances as a result of the above changes.

The recommendations arising from this work were reported to the Policy and Resources Committee in November 2013 and the proposed constitutional changes are summarised in section 2.

1.3 This work overlapped with an Internal Audit review of the Council's Constitutional and Governance arrangements. This was commissioned to provide assurance that the incremental changes, made to the Constitution since it was originally adopted in 2001, had not given rise to any inconsistent or inappropriate allocation of responsibility for decision making. In addition, Internal Audit was asked to support the development of appropriate arrangements for the discharge of "Audit Committee" responsibilities as defined in the new Audit Standards. Their report, which was received in November, proposed a number of changes to the Constitution to reduce duplication and improve consistency of interpretation. These changes are summarised in Section 3.

1.4 In addition, changing regulations and staffing structures necessitate the updating of other parts of the Constitution as identified in Section 4. This includes the revisions to the media protocol identified as a result of the report on web-casting and filming considered by the Policy and Resources Committee in November 2013.

## **2.0 Summary of changes arising from Committee Review Working Party (CRWP) Recommendations**

2.1 The recommendations of the Working Party were reported to Policy and Resources Committee in November 2013, where the following changes were resolved to recommend to Council :

2.2 *Removal of the role of Member Champions.* This will require deletion of the references to Champions in Part 2 and addition of the following areas to the terms of references of the following committees in Part 8 of the Constitution as follows:

- Health and Safety – Personnel Sub Committee (already referenced)
- Older People – Scrutiny Committee
- Young People – Scrutiny Committee

A further report was requested for consideration by the Policy and Resources Committee which would outline the role and responsibilities of ENC in relation to Health and Wellbeing in order to inform what changes might be required to Committee Terms of Reference.

2.3 *Creation of Audit and Governance Committee and changes to Scrutiny Committee.*

2.3.1 It was noted that there is no longer a legal requirement to have a Scrutiny Committee. However, the Working Party was clear the Committee's work was valued by the council and it was recommended that a Scrutiny Committee should be retained.

2.3.2 In order to comply with the requirements of the new Public Sector Internal Audit Standards (PSIAS) it was agreed to recommend the creation of a new Governance and Audit Committee with seven members. This will require changes to Parts 2, 3.1 and 8 of the Constitution, including Terms of Reference for the new Committee and revisions to those for the Scrutiny Committee.

2.3.3 At its December meeting, the Scrutiny Committee subsequently considered and endorsed the draft Terms of Reference for that Committee and changes to Articles (as presented in the appendices). They also recommended that the minimum membership for the Committee should be 12 Councillors. However, it should also be noted that, given the heavy workloads of many councillors, recruitment of the required number of councillors to the committee was sometimes problematic for groups.

2.4 *Independent Members' Remuneration Panel.*

2.4.1 The creation of a new Committee and revised responsibilities for other committees presents the need for a review of allowances by the Independent Members' Remuneration Panel. Such a review has not been carried out for a number of years (during most of which Members have not received any increase in allowances). It is best practice to carry out such a review on a regular basis. The recruitment process for members of the Panel has been started.

2.4.2 In the interim it is proposed that the role of Chair of the new Governance and Audit Committee should receive an allowance similar to that of the Chair of Scrutiny Committee (which is the same as that of the Chair of the previous Audit and Risk Committee). This can be accommodated from the money saved by the cessation of payment of Champions' Allowances. This will require minor amendments to the Member Allowances Scheme (Part 6 of the Constitution)

2.5 *Member Training and Induction.*

The Working Party did not feel that it was necessary to provide for standing oversight of this activity but recommended the creation of Task and Finish Working Parties as required. It is therefore proposed that a Working Party of 5 members be created to

oversee the 2015 Member Induction arrangements. Membership is recommended to include a member from each of the Independent and Labour Groups although political proportionality does not apply to Working Parties. Members of the Scrutiny Committee have also subsequently suggested that the terms of reference for the Task and Finish Group could include a review of Member ICT arrangements and training.

### **3.0 Changes Arising from Constitutional and Governance Internal Audit**

3.1 The audit report focused on three key areas:

- Recommendations for the Terms of Reference for the proposed new Governance and Audit Committee included in the proposals for Part 8 of the Constitution
- Changes to the wording of Terms of Reference for Committees to ensure consistency with the summaries in the relevant Articles and to reduce the opportunity for misinterpretation.
- Other inconsistencies in wording between various parts of the constitution e.g. between Parts 4.3 (Budgetary and Policy Framework Rules) & 4.5 (Financial Procedure Rules) in order to reduce the opportunity for misinterpretation and identify references to out of date staffing structures or posts. These changes are noted in Appendix B.

### **4.0 Other Minor Constitutional Changes**

4.1 As there is no longer any statutory requirement for a Scrutiny Committee, it is proposed to delete Article 7 which makes specific reference to that committee. The wording is duplicated in the Scrutiny Committee Terms of Reference, which were incorporated in the Constitution in a previous revision. In addition, consequent minor changes have been proposed for Article 8. It is not proposed to renumber the Articles but to indicate that there will be no Number 7 (See Appendix C)

4.2 The transfer of the legal shared service to LGSS needs to be reflected throughout the Constitution with further updates to references to the post of Solicitor to the Council. (References in Part 3.2 have been already changed)

4.3 In November, Policy and Resources Committee resolved to recommend changes to the Media Policy to reflect the guidance issued by DCLG in relation to filming at all council meetings. The appropriate changes, together with a Plain English re-write, have been included in Appendix H. It is also proposed that this information be described as "Filming, photographing and audio recording at council meetings" as this better reflects its purpose.

4.4 The opportunity has also been taken to include the terms of reference for the Disabled Facilities Grants Panel in Part 8.

### **5.0 Next steps**

5.1 It is anticipated that changes to Part 4.7 Officer Employment Rules may be required once the government has finalised its revised rules on the dismissal of chief officers. Changes may also be required to ensure a recorded vote is taken at the budget-setting council meeting. A consultation on the proposed changes was announced in December with the consultation closing on 14/1/14. Any necessary changes to the Constitution will be reported to a later meeting.

5.2 Internal Audit report recommended that a review of the Constitution for inconsistencies or out of date references be carried out annually. This report is the result of the first such review. The Committee Review Working Party also agreed that a major review be carried out in 2015 after the next District Council elections.

### **6.0 Equality and Diversity Implications**

6.1 The changes to the Scrutiny Committee and introduction of a Governance and Audit

Committee are not considered to create any equality and diversity implications.

- 6.2 The equalities impact assessment for the potential abolition of the Champions roles is attached. Although there is the potential for an adverse impact it is intended that this will be mitigated by the revision of the terms of reference of the Scrutiny Committee to include specific responsibilities for Young People and Older People as highlighted in paragraph 2.2 and on-going council involvement in the Community Safety Partnership.

## **7.0 Legal Implications**

- 7.1 There are no new legal implications arising from the proposed changes to the Constitution.

## **8.0 Risk Management**

- 8.1 The creation of a separate Governance and Audit Committee reduces the risk of the council being challenged on its audit management arrangements. The reduction in the breadth of the Scrutiny Committee should enable it to focus its activities on reviewing council performance in delivery of the Corporate Plan and reduce the risk of non-achievement of those outcomes.

## **9.0 Financial Implications**

- 9.1 It is not anticipated that there will be any new financial implications arising from this report other than as a result of any recommendations of the Independent Members' Remuneration Panel.

## **10.0 Constitutional Implications**

- 10.1 The key proposed changes to the Constitution are shown as tracked changes in the appendices.
- 10.2 In appointing to the proposed new Governance and Audit Committee, and revised Scrutiny Committee, consideration must be given to the political balance of the two Committees. With seven members, the Governance and Audit Committee will consist of 1 Independent Group Member and six Conservative Group Members. With 12 members the revised Scrutiny Committee would have 1 Independent Group Member and 1 Labour Group Member and 10 Conservative Group Members. Should a different number of members be agreed, advice as to the political balance on committee will be provided at the meeting.

## **11.0 Corporate Outcomes**

- 11.1 The work of the proposed Governance and Audit Committee would contribute to the corporate outcomes of Effective Management by increasing the number of councillors with more detailed understanding of audit and risk issues.

## **12.0 Recommendations**

- 12.1 Members are asked to review the Equalities Impact Assessment (EIA) set out in Appendix A, which identifies potential negative impacts that may arise from the proposals to remove the role of Member Champions and, having considered if any further actions are required before approval, to approve the EIA.  
*[Reason: to ensure that adequate consideration is given to the potential impacts of the proposal to delete the role of Member Champions]*
- 12.2 Members are asked to agree the creation of a new Governance and Audit Committee with terms of reference as outlined in Appendix G with seven members.  
*[Reason: to provide appropriate governance for the council's Audit functions and responsibilities.]*

- 12.3 Members are asked to agree an appropriate number of members for the Scrutiny Committee  
*[Reason: to provide the number necessary for the delivery of an effective scrutiny function]*
- 12.4 Members are asked to consider and agree the changes to constitution as outlined in the appendices to take effect from 14/1/14.  
*[Reason: to enable the proposed changes to take effect as quickly as possible to provide appropriate governance arrangements for the Council, including the arrangements for the Audit function.]*
- 12.5 Members are asked to delegate to the Group Leaders appointment of the agreed number of Members for both Scrutiny and Governance and Audit Committees in accordance with the rules on political balance. (The appointments to be reported to February Council.)  
*[Reason: to enable the proposed changes to take effect as quickly as possible to provide appropriate governance arrangements for the Council, including the arrangements for the Audit function].*
- 12.6 Members are asked to delegate to the respective Group Leaders the appointment of 3 Conservative, 1 Independent and 1 Labour member for the Member Training and Induction Working Party  
*[Reason: To ensure that appropriate and timely preparations are made for Member Induction after the 2015 elections]*
- 12.7 Members are asked to agree that a report from the Independent Members' Remuneration Panel in relation to future member allowances be presented to the earliest possible meeting of the Council.  
*[Reason: to ensure the earliest consideration of the recommendations and agree any changes to Part 6 of the Constitution: Members Allowances.]*

<b>Legal</b>	Power: Local Government Act 1972 Local Government and Housing Act 1989 Local Government Act 2000 Localism Act 2011				
	Other considerations:				
<b>Background Papers:</b> Committee Review Working Party – Report and Recommendations – paper to Policy and Resources Committee November 2013 Filming and Webcasting of Council and Committee Meetings – paper to Policy and Resources Committee November 2013 Proposed new Terms of Reference for Scrutiny Committee – paper to Scrutiny Committee December 2013.					
<b>Person Originating Report:</b> Sharn Matthews, Monitoring Officer <a href="mailto:smatthews@east-northamptonshire.gov.uk">smatthews@east-northamptonshire.gov.uk</a> 01832 742108					
<b>Date: 18 December 2013</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	



## EIA Initial Screening Form – Committee decision

<b>1. Decision being taken:</b>	Possible Removal of Member Champion Roles Policy and Resources Committee Nov 2013
<b>2. Name and Job title / role of person completing Initial Screening:</b>	Sharn Matthews, Executive Director
<b>3. What is the main purpose of the Service or Policy under discussion?</b>	<p>The Council has for some time made provision in Article 2 of the Constitution for the role of Member Champion for the following areas:</p> <ul style="list-style-type: none"> <li>• Community Safety</li> <li>• Cultural and Leisure Services</li> <li>• Health and Safety</li> <li>• Heritage and Historic Environment</li> <li>• Older People and Safeguarding</li> <li>• Sustainable Communities</li> </ul>
<b>4. List the main activities of the Service or Policy under discussion</b>	<p>Article 2 states that the purpose of the Champion role is to act as a positive focus for the local community, and for the Council, in respect of the relevant section of the community, issue or range of activities so as to ensure that the impact of Council activities and decisions upon the section of the community, issue or range of activities is fully recognised and considered.</p>
<b>5. Who are the main beneficiaries of the Service or Policy under discussion?</b>	<p>In terms of community groups with protected characteristics, older people and vulnerable adults and children are the potential main beneficiaries of the current champions roles</p>
<b>6. How is the success of the Service or Policy under discussion measured?</b>	<p>Over the past few years it has been noted that the level of engagement of champions in their target area and feedback to the council has been mixed. Some have regular meetings with key officers and/or partner organisations/boards, whilst interaction or feedback by others is minimal. In the case of Community Safety, which could involve many of the groups or individuals with protected characteristics, it could be argued that</p>

	involvement in the Community Safety Partnership is the more valuable and helpful activity to the council, and it is not intended to change the level of involvement in the Partnership.
<b>7. Are equality monitoring systems for the Service or Policy under discussion in place?</b>	No <i>(If yes give details)</i>

**8. Use the following table to indicate using a ✓:**


- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls		x		The discontinuation of the role of the Community Safety Champion could have a bearing on these groups in terms of domestic violence and race hate crime.
Men/Boys		x		
Transgender people		x		
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			x	The discontinuation of the role of the Community Safety Champion could have a bearing on this group in terms of hate crime.
<b>Race/Ethnicity:</b>				
White British people		x		The discontinuation of the role of the Community Safety Champion could have a bearing on these groups in terms of race hate crime.
White non-British people (including Irish people)		x		
Asian or Asian British people		x		
Black or Black British people		x		
People of mixed heritage		x		
Chinese people		x		



Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Travellers (Gypsy/Roma/Irish heritage)		x		The discontinuation of the role of the Community Safety Champion could have a bearing on these groups in terms of race hate crime.
People from other ethnic groups		x		
People who do not have English as their first language		x		
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.		x		The discontinuation of the role of the Community Safety Champion could have a bearing on these groups in terms of disability hate crime.
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.		x		
Mental health condition, e.g depression or schizophrenia		x		
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder		x		
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy		x		
Other health problems or impairments ( <i>please specify if appropriate</i> )		x		
<b>Age:</b>				
Older People (60+)		x		Removal of the Champion for older people and safeguarding potentially weakens the council's understanding of their issues
Children and Young People (see guidance for definition)		x		
<b>Religion/Belief:</b>				
Christian		x		The discontinuation of the role of the

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Buddhist		x		Community Safety Champion could have a bearing on these groups in terms of hate crime.  The discontinuation of the role of the Community Safety Champion could have a bearing on these groups in terms of hate crime.
Hindu		x		
Jewish		x		
Muslim		x		
Sikh		x		
Other religion (including holding no belief)		x		
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			X	None of the Champion's roles has a specific remit for this group
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			X	None of the Champion's roles has a specific remit for this group
Any other potentially affected groups ( <i>please specify</i> )				
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?			No	
b) What is the level of impact?			<b>Low</b> - as previously noted for issues relating to domestic violence and hate crimes it could be argued	

		that involvement in the Community Safety Partnership is the more valuable and helpful activity for both the council and affected individuals/groups. It is not intended to change the level of involvement in the Partnership.
10. Could you minimise or remove any negative impact that is of low significance?	How?	It has been agreed that the following areas should be explicitly incorporated into the remit of specific committees in order to provide a continuing focus on changing context and local needs: <ul style="list-style-type: none"> <li>• Health and Safety</li> <li>• Health and Wellbeing</li> <li>• Older People</li> <li>• Young People</li> </ul>
11. Could you improve a positive impact of the decision?	No	
12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does?	No	
Head of Service signature		
<b>Date of Initial Screening:</b>	24/10/13	

## Appendix B : Other Minor Changes to Constitution

<i>Ref</i>	<i>Proposed Change</i>	
<b>Index</b>		
	<b>Media Protocol</b> comes between Parts 7 & 8	Move <b>Media Protocol</b> to after Part 9 and change title to <b>Filming, photographing and audio recording at council meetings</b>
<b>Part 1: Summary and Explanation</b>		
Page 1	Delete reference to Article 7: Scrutiny of Decisions (The Scrutiny Committee)	Replace with <b>“There is no article 7”</b>
Page 3	Overview and Scrutiny Arrangements	<ul style="list-style-type: none"> <li>Delete references to “overview” in table of contents (page 1), title and body of section.</li> <li>Delete paragraph: “<del>The Scrutiny Committee provides independent assurance of the adequacy of the Council’s risk management framework and the associated controls we have in place, the aim being to ensure public confidence in the objectivity and fairness of financial reporting.</del>”</li> </ul>
Page 4	Committee Structure diagram	<ul style="list-style-type: none"> <li>Insert reference as follows: <b>Governance and Audit Committee (7) Oversight of audit, constitution and governance, ethics and probity, risk management and internal control</b></li> <li>Delete from beneath Scrutiny Committee “<del>Overview</del>” and “<del>Responsibility for audit and risk management</del>”</li> </ul>
<b>Part 4.1 Procedure Rules</b>		
Page 1	Para 1.2 iii	Delete as follows: “iii. <del>appoint to those committees and outside bodies appoint Champions for specific issues, activities or sections of the community as the Council deems necessary for the coming year.</del> ”
Page 5	Para 9.1 (a)	Insert text as shown: “Members of the public who have given notice of their intention to speak may address the Council at all meetings of the Council and committees in accordance with the Council’s

		published procedures. A period of not more than 15 minutes will be allowed before the formal business of the meeting during which members of the public may speak for up to 3 minutes on a matter due for consideration at the meeting. A 'member of the public' includes a local resident, <b>an objector or</b> a Parish or Town Council representative, an East Northamptonshire Councillor with a Disclosable Pecuniary Interest or other interest as a result of which they have withdrawn from the debate or decision on a related matter, and an applicant (in the case of the Development Control Committee, this can be an agent). This right reflects Articles 6 and 10 of the European Convention of Human Rights (Right to be heard and Freedom of Expression)."
Page 19	Section 26.3	Change text to ensure consistency with Scrutiny Procedure Rules (Part 4.4) as recommended by Internal Audit. "The decision of the Chief Executive, or in his absence the member of the strategic management team, shall be final as to whether the item falls within the terms of reference of that body. <b>Except in the case of Scrutiny Committee (see part 4.4 para 7.1)</b> , the Chief Executive will then decide in consultation with the Chairman of the Committee (or in the case of Council, the Chairman and the Leader) whether it should be included on the agenda."
Part 4.2: Access to Information		
Page 7	Advice on public interest	Change text to read "Report authors should seek advice from o <b>The Information Governance and Programme Manager</b> <del>The e-govt and information Manager</del> (as the responsible officer for DP and FOI) <del>and</del> o <b>LGSS Legal Service</b> <del>The Council's Solicitor</del> • <b>Democratic Services Manager</b> • <del>The Committee Clerk is responsible for co-ordination, ensuring that the matter has been considered"</del>

Part 4.3 Budgetary and Policy Financial Procedure Rules		
Page 1	Para 2 (h)	Amend wording for consistency as recommended by Internal Audit “ Any other changes to the policy and budgetary framework are reserved to the Council <b>(except as outlined in Part 4.5 paragraphs 4.1.2-3)</b> ”
Page 4	Para 4 – In Year changes to Policy Framework	Amend wording for consistency as recommended by Internal Audit “No changes may be made to any plans, policies or strategies which make up the budget and policy framework by the policy committee or officer without reference to the full Council <b>(except as outlined in Part 4.5 paragraphs 4.1.2-3)</b> ”
Part 4.5 – Financial procedure Rules		
Page 3	Para 3.2.2	Amend wording to be consistent with Terms of Reference for Finance Sub Committee as recommended by Internal Audit. “The Committee will <b>consider the recommendations of Finance Sub-Committee for</b> <del>formulate and propose</del> the medium term financial strategy. This will include <b>reviewing</b> <del>the consideration of</del> the financial priorities, the allocation and reallocation of resources and consideration of future levels of local taxation.
Page 5	Para 3.2.3	Amend wording to be consistent with Terms of Reference for Policy and Resources Committee and Finance Sub Committee on the recommendation of Internal Audit: “The Policy and Resources Committee is responsible for the implementation of the budgetary framework and the medium term financial strategy. Within the overall strategy it will agree the annual revenue budget and , the capital programme, the financing of the capital programme <del>on the recommendations of the Finance Working Party</del> , and associated investment criteria, supplementary estimates, fees and charges and the level of contingencies and reserves <b>after consideration of the recommendations of the Finance Working Party</b> , . It will make recommendations to Council <del>on borrowing limits, and the council tax base.</del> ”

Page 6	Para 3.2.5	<p>Amend wording as follows for consistency as recommended by Internal Audit:          “These financial regulations will be reviewed every three years by the <del>Policy and Resources</del> <b>Finance Sub</b> Committee following consideration of a report from the Chief Finance Officer”</p>
	Section 3	<p>Amend wording to reflect proposed change of responsibility from Scrutiny to Governance and Audit Committee:          “The <b>Governance and Audit</b> <del>Scrutiny</del> Committee          3.3.1 The <b>Governance and Audit</b> <del>Scrutiny</del> Committee will contribute to the development of and review of the effectiveness of the medium term financial strategy, the annual budget and capital programme.          3.3.2 The Committee will consider reports from the Audit Commission and internal and external auditors in respect of performance issues in relation to the medium term financial strategy or financial processes where considered appropriate by the Chief Finance Officer.          3.3.3 The Committee has right of access to the information it considers necessary to fulfil this role and can consult directly with internal and external auditors. The Committee is responsible for reviewing the external auditor’s reports and the annual audit letter. It will approve the internal audit strategic programme and will consider any internal audit reports or matters referred by the Chief Finance Officer.”</p>
Page 7	Para 3.10.1 Virement	<p>Amend wording as recommended by Internal Audit          “The full Council is responsible for agreeing procedures for virement within budget headings in accordance with the policy and budgetary framework. The details of virement rules are set out in the Constitution <b>Part 4.3 section 3.</b>”</p>

Page 14	Para 5.4.5 Internal Audit	Amend wording as recommended by Internal Audit to reflect organizational changes: <b>“The Chief Audit Executive (Internal Audit) Head of Resources and Organisational Development,</b> in consultation with the Chief Finance Officer shall prepare an annual report outlining the work of Internal Audit. This report will be presented to the <del>Scrutiny</del> <b>Governance and Audit</b> Committee.”
	Para 5.4.6	Amend wording as recommended by Internal Audit to reflect organizational changes: <b>“The Chief Audit Executive (Internal Audit) The Head of Resources and Organisational Development,</b> in consultation with the Chief Finance Officer shall prepare an annual audit plan detailing the areas of audit coverage for the following year. This plan will be presented to the <del>Scrutiny</del> <b>Governance and Audit</b> Committee.”
		Amend wording as recommended by Internal Audit to reflect organizational changes: <del>“The Chief Finance Officer, Head of Resources and Organisational Development</del> <b>Finance Manager</b> and Internal Audit staff (including private contractors and consortium staff contracted to provide internal audit work) have authority to:...”
<b>Part 4.6: Procurement Procedures</b>		
Part 1.3	Para 1.3.4	Amend text as follows: <b>“The Finance Manager in consultation with LGSS and Legal Services and the Chief Finance Officer</b> as appropriate will ensure that a clearance on a request for an Exemption is made within 5 working days of receipt of the relevant Form.”
	Para 1.3.5	Amend text as follows: <del>“Requests for Exemptions will either be approved or rejected by the Chief Finance Officer Head of Resources &amp; OD (based on advice from LGSS Legal Services the Solicitor to the Council and the Finance Manager) and referred to the Corporate Management Team for determination. Member involvement will be required for significant expenditure where an exemption or exception is considered necessary.”</del>



Part 3.5	Para 3.5.1	Amend text as follows: “At least two officers must be present during the opening of the tender and at least one such officer must be independent of the Service responsible for the purchase. Most likely, (but not prescribed) the independent officer will be the Finance Manager or the Democratic Services Manager <del>or the Solicitor to the Council</del> . These officers may designate a deputy to be present as an independent officer. For significant contracts, an appropriate Member will also be present.
Part 4.6a Operational Financial Decision Procedures		
Section 8	Insurances	Amend wording to reflect internal audit recommendation and changes in internal responsibilities as follows: “ (a) The <del>Head of Resources and OD</del> <b>Chief Finance Officer</b> shall effect all insurance cover and prescribe procedures for claims. (b) All officers shall give prompt notification to the <del>Head of Resources and OD</del> <b>Finance Manager</b> the extent and nature of all new risks, properties or vehicles that require being insured and any alterations affecting existing insurances or insurable risks. (c) All Officers shall notify immediately the <del>Head of Resources and OD</del> <b>Finance Manager</b> in writing of any loss, liability or damage or any event likely to lead to a claim being made by or against the Council.”
Part 5: Codes and Protocols		
Contents Table		Delete references to national codes for Members and Officers Codes of Conduct
Part 5.2 (Officer Code of Conduct)	Contents Page	Delete references to national code at top of page
Part 5.3 (Member and Officers Protocol)	Page 1 Para 1.6	Amend wording as follows: “This Protocol is an extension of the codes for member and officer conduct and should be read in conjunction with those codes. This Protocol should also be read in conjunction with any rules or guidance that may from time to time be issued by the East Northamptonshire Joint Standards Complaints Committee, <b>Governance and Audit</b>

		<b>Committee</b> Scrutiny Committee or the Council's Monitoring Officer.”
	Page 5 Para 4.6 Council or Committee Business	Insert sentence as shown from older version of Part 4.2 “Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee meeting. This right applies irrespective of whether the Member is a Member of the meeting concerned and extends not only to reports which are to be submitted to that meeting, but also to any relevant background papers. The Council has decided that Members of the Scrutiny Committee are entitled to receive reports submitted to other Committees and Sub-Committees which contain confidential or exempt information (“pink papers”). <b>Members of the Scutiny Committee so not have an automatic entitlement to any document that is in draft form.</b> Other Members of the Council who do not serve on Scrutiny Committees or do not receive “pink papers” as serving Members on a particular Committee or Sub-Committee can see “pink papers” on request.”
Part 5.5	Section 1.3	Amend wording as shown: “Site visits should only take two forms i. “Official site visits” (formal) authorised by the Planning <b>Development Control</b> Committee”
<b>Part 6 Member Allowances</b>		
Page 1	Para 1	Amend as follows: “Members are entitled to - • Basic allowance of £4,333 per annum • Special Responsibility Allowance (for Chairman and Vice Chairman of Policy & <b>Resources</b> , Regulatory, <del>Performance</del> <b>Governance &amp; Audit</b> and Scrutiny Committees; the Leader of the Council, Deputy Leader; Leader of the Opposition Group; Chairman of Licensing Panel; Council Champions; see Schedule 1). These are annual sums. • Travelling and subsistence expenses linked to approved staff <del>casual</del> user travelling rates <b>as defined by HMRC.</b> <del>under the NJC national conditions of service (Green Book)</del>

		<p>(see Schedule 2).</p> <ul style="list-style-type: none"> <li>a carers' allowance of £5.55 per hour for the approved duties (see travel and subsistence schemes for approved duties) in Schedule 2 of the Council's current scheme."</li> </ul>									
Page 3	Schedule 1	<ul style="list-style-type: none"> <li>Insert new row for <b>Chairman of Governance and Audit Committee</b> with a Special Responsibility Allowance of £3,218, being 0.75 of Tier 1 Chair's allowance.</li> <li>Delete row for Designated Council Champions-allowances</li> </ul>									
	Schedule 2 para 2(d)	<p>Amend the wording as follows:          "Where a Councillor uses his own motor car (or one belonging to a member of his/her family), the rate claimed shall be <b>as defined by HMRC as not attracting a taxable element for that year</b> as follows:</p> <table border="0"> <tr> <td><del>Cubic Capacity</del></td> <td><del>Under 999 cc</del></td> <td><del>45p</del></td> </tr> <tr> <td><del>1000</del></td> <td><del>1199 cc</del></td> <td><del>45p</del></td> </tr> <tr> <td><del>Over</del></td> <td><del>1200 cc</del></td> <td><del>45p</del></td> </tr> </table>	<del>Cubic Capacity</del>	<del>Under 999 cc</del>	<del>45p</del>	<del>1000</del>	<del>1199 cc</del>	<del>45p</del>	<del>Over</del>	<del>1200 cc</del>	<del>45p</del>
<del>Cubic Capacity</del>	<del>Under 999 cc</del>	<del>45p</del>									
<del>1000</del>	<del>1199 cc</del>	<del>45p</del>									
<del>Over</del>	<del>1200 cc</del>	<del>45p</del>									
<b>Part 7: Management Structure</b>											
Page 1	First para	<p>Amend as follows:          "The senior management structure of the Council is made up of the Chief Executive, <del>and a chief officer</del> Executive Director <b>and the Chief Finance Officer</b> who, with <b>five</b> <del>six</del> Heads of Service, together comprise the Corporate Management Team (CMT). The Chief Executive and Executive Director are responsible for a number of functions, each of which is managed by a Head of Service.  <b>The posts of Chief Finance Officer and Head of ICT are shared service posts, with the latter employed by ENC as lead authority for the shared service."</b></p>									
Page 1	Move the detailed information on the five Heads of Service Responsibilities (excluding Finance) to below the first paragraph.										

Page 1/2	Line management Responsibilities	Delete references to line management of specific Heads of service but make reference to diagram on page 3
Page 1/2	Financial responsibilities	<ul style="list-style-type: none"> <li>• Insert new text as follows:  <b>“The Chief Executive oversees the Executive Director and Chief Finance Officer.</b> The Chief Finance Officer is also known as the Section 151 Officer and is required to ensure the lawfulness and financial prudence of decision-making <b>The responsibilities of the latter include</b> ( and then insert Finance Service area text)”</li> <li>• Remove references to the Head of Finance role</li> </ul>
Page 3	Structure Diagram	<ul style="list-style-type: none"> <li>• Update to include current line management responsibilities</li> </ul>

## Appendix C: Changes to Articles

**There are no changes proposed to Articles 1,5,6,10,12,14 & 15.**

# *The Basic Rules*

Article 1 – The Constitution

Article 2 – Members of the Council

Article 3 – Citizens and the Council

Article 4 – The Full Council

Article 5 – Chairing the Council

Article 6 – The Council Leader

~~Article 7 – The Scrutiny Committee~~

Article 8 – ~~The~~ Policy, Regulatory, ~~and~~ Scrutiny and Other Committees

Article 9 – Joint Standards Complaints Committee and Independent Person

Article 10 – Joint Arrangements

Article 11 – Officers of the Council

Article 12 – Decision Making

Article 13 – Finance, Contracts and Legal Matters

Article 14 – Review and Revision of the Constitution

Article 15 - Suspension, Interpretation and Publication of the Constitution

Schedule 1 – Description of Alternative Arrangements

## TABLE OF CONTENTS

### **PART 2 : ARTICLES OF THE CONSTITUTION** ERROR! BOOKMARK NOT DEFINED.

<b>Article 1 – The Constitution</b>		Error! Bookmark not defined.
1.01 Powers of the Council		Error! Bookmark not defined.
1.02 The Constitution		Error! Bookmark not defined.
1.03 Purpose of the Constitution		Error! Bookmark not defined.
1.04 Interpretation and Review of the Constitution		Error! Bookmark not defined.

<b>Article 2 – Members of the Council</b>		<b>6</b>
2.01 Composition and eligibility		6
2.02 Election and terms of Councillors		Error! Bookmark not defined.
2.03 Roles and functions of all Councillors		Error! Bookmark not defined.
2.04 Conduct		Error! Bookmark not defined.
2.05 Allowances		Error! Bookmark not defined.

<b>Article 3 – Citizens and The Council</b>		<b>8</b>
3.01 Citizens' rights		8
3.02 Citizens' responsibilities		8

<b>Article 4 – The Full Council</b>		<b>7</b>
4.01 Functions of the full Council		7
4.02 Meanings		7
4.03 Council meetings		8

<b>Article 5 – Chairing the Council</b>		Error! Bookmark not defined.
5.01 Role and function of the Chairman and Vice-Chairman of the Council		Error! Bookmark not defined.
5.02 Ceremonial Role		Error! Bookmark not defined.
5.03 Chairing the Council Meeting		Error! Bookmark not defined.

<b>Article 6 – The Council Leader</b>		Error! Bookmark not defined.
6.01 The Leader of the Council		Error! Bookmark not defined.
6.02 Election of the Leader		Error! Bookmark not defined.
6.03 Role of the elected Leader		Error! Bookmark not defined.
6.04 Deputy Leader of the Council		Error! Bookmark not defined.

<b>Article 7 – The Scrutiny Committee</b>		<b>14</b>
7.01 Terms of reference		14
7.02 Proceedings of the Scrutiny Committee		17
7.03 Meanings		17

There is no Article 7.

<b>Article 8 – Policy, Regulatory and Other Committees</b>		<b>18</b>
8.01 Policy Committees		18
8.02 Proceedings of the Committee		18
8.03 Regulatory Committees		18
8.04 Proceedings of the Regulatory Committees		18

<b>Article 9 - The East Northamptonshire Joint Standards Complaints Committee and Independent Person (Part 2 of the ENC Constitution)</b>		
9.01 Terms of Reference		19
9.02 Composition		20
9.03 Proceedings of the Committee		20
9.04 Role of the Independent Person		21
9.05 Appointment of the Independent Person		22

Formatted: Normal

Formatted: Check spelling and grammar

<b>Article 10 – Joint Arrangements</b>	Error! Bookmark not defined.	
10.01 Arrangements to promote well being	<b>Error! Bookmark not defined.</b>	
10.02 Joint arrangements	<b>Error! Bookmark not defined.</b>	
10.03 Access to information	<b>Error! Bookmark not defined.</b>	
10.04 Delegation to and from other local authorities	<b>Error! Bookmark not defined.</b>	
10.05 Contracting out	<b>Error! Bookmark not defined.</b>	
<b>Article 11 – Officers</b>		<b>22</b>
11.01 Management structure		22
11.02 Functions of the Head of Paid Service	<b>Error! Bookmark not defined.</b>	
11.03 Functions of the Chief Finance Officer	<b>Error! Bookmark not defined.</b>	
11.04 Functions of the Monitoring Officer		23
11.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer		
	<b>Error! Bookmark not defined.</b>	
11.06 Conduct	<b>Error! Bookmark not defined.</b>	
11.07 Employment	<b>Error! Bookmark not defined.</b>	
<b>Article 12 – Decision Making</b>	Error! Bookmark not defined.	
12.01 Responsibility for decision making	<b>Error! Bookmark not defined.</b>	
12.02 Principles of decision making	<b>Error! Bookmark not defined.</b>	
12.03 Types of decision	<b>Error! Bookmark not defined.</b>	
12.04 Decision making by the full Council	<b>Error! Bookmark not defined.</b>	
12.05 Decision making by the Scrutiny Committee	<b>Error! Bookmark not defined.</b>	
12.06 Decision making by Policy and Regulatory Committees and sub-committees established by the Council	<b>Error! Bookmark not defined.</b>	
12.07 Decision making by Council bodies acting as tribunals	<b>Error! Bookmark not defined.</b>	
<b>Article 13 – Finance, Contracts and Legal Matters</b>		<b>25</b>
13.01 Financial management		25
13.02 Contracts	<b>Error! Bookmark not defined.</b>	
13.03 Legal proceedings	<b>Error! Bookmark not defined.</b>	
13.04 Authentication of documents	<b>Error! Bookmark not defined.</b>	
13.05 Common Seal of the Council		25
<b>Article 14– Review and Revision of the Constitution</b>	Error! Bookmark not defined.	
14.01 Duty to monitor and review the constitution	<b>Error! Bookmark not defined.</b>	
14.02 Protocol for monitoring and review of constitution by Monitoring Officer	<b>Error! Bookmark not defined.</b>	
	<b>not defined.</b>	
14.03 Changes to the Constitution	<b>Error! Bookmark not defined.</b>	
<b>Article 15 – Suspension, Interpretation and Publication of the Constitution</b>	Error! Bookmark not defined.	
	<b>defined.</b>	
15.01 Suspension of the Constitution	<b>Error! Bookmark not defined.</b>	
15.02 Interpretation	<b>Error! Bookmark not defined.</b>	
15.03 Publication	<b>Error! Bookmark not defined.</b>	
<b>Schedule 1 – Description of Alternative Arrangements</b>		<b>26</b>

## Article 2 – Members of the Council

Delete as follows:

### ~~2.06 – Appointment of Champions~~

~~The Council may, at the Annual Meeting or other appropriate meeting, designate 'Champions' from amongst its members to fulfil the role and functions set out in Rule 2.07 of the constitution.~~

~~Councillors who are designated as Champions will hold until~~

- ~~(a) — they resign from the position;~~
- ~~(b) — they resign from office;~~
- ~~(c) — they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);~~
- ~~(d) — they are no longer Councillors;~~
- ~~(e) — the next following Annual Meeting of the Council unless previously removed from office by resolution of the Council or a decision is taken that the responsibilities are assumed by another councillor.~~

~~Councillor Champions may offer themselves for re-appointment at a subsequent Annual Meeting and may serve for a maximum of four years.~~

### ~~2.07 – Role and Functions of Champions~~

~~Councillors are appointed Champions for specific issues or sections of the community, to act as a positive focus for the local community and for the Council in respect of the relevant section of the community, issue or range of activities designated by the Council so as to ensure that the impact of Council activities and decisions upon the section of the community, issue or range of activities is fully recognised and considered. A Champion's key tasks are to:-~~

- ~~(a) — ensure that he/she is informed about relevant current and emerging issues locally, regionally and nationally;~~
- ~~(b) — make contact with relevant local organisations concerned with the designated issue or section of the community and ensure that effective~~



~~arrangements are made to consult those organisations on matters of interest or concern;~~

- ~~(c) take responsibility for communicating well with fellow Councillors and Officers on relevant issues to ensure information is exchanged effectively within appropriate time scales;~~
- ~~(d) represent the views of any such organisations to the council, the Scrutiny Committee and to Officers to assist in the development of Council policy;~~
- ~~(e) act as an advocate within the Council, and to the wider community, for the designated subject area or range of activities on behalf of the relevant section of the community;~~
- ~~(f) report to the Scrutiny Committee at least once a year on relevant issues or work undertaken;~~

~~and may~~

- ~~(g) act as a Council spokesman for the designated issue or section of the community, subject to the arrangements set out in Part 5.3, rule 11 of the Constitution.~~

Specifically, within the remit of each Champion's area of interest, Council Champions are expected to:-

- ~~Give focus to the Council's key objectives to achieve clean, safe, healthy and prosperous communities~~
- ~~Ensure a full appreciation of any Policies, Strategies and Service Plans which have a bearing on the role, and contribute to any changes, and the success of any action plans drawn up~~
- ~~Promote and encourage best practice within the District, particularly to foster service improvements~~
- ~~Recognise the significance of, and promote, the social, economic and environmental wellbeing of the District, especially in relation to bringing about improvements~~
- ~~Promote, where appropriate, use of the Council's, and other, websites which have a bearing on the role and share learning and technological solutions~~
- ~~Work with key partners~~
- ~~Consider and comment on consultation documents and be consulted on relevant issues by the Council's Strategic Management Team~~
- ~~Serve as the Council's representative on relevant outside bodies which link to the role (unless otherwise decided by Council)~~
- ~~Help, where appropriate, to identify needs within the community~~
- ~~Encourage, where appropriate, fuller access to services and facilities.~~

## Article 3 – Citizens and The Council

### 3.01 Citizens' rights

People living and working (and in some cases studying) in East Northamptonshire have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) Voting and mayoral petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.
- (b) Other types of petitions. Those who live or work or study in the area have the right to submit petitions within the Council's published Petitions Scheme
- (c) Information. Citizens have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) see reports and background papers, and any records of decisions made by the Council and its committees, unless they are confidential or otherwise exempt; and
  - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (d) Participation. Citizens have the right to address the Council and meetings of its committees in accordance with the appropriate procedures and to contribute to investigations undertaken by the Scrutiny Committee.
- (e) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints procedures;
  - (ii) the Local Government Ombudsman after using the Council's own complaints procedure; or
  - (iii) the council's Monitoring Officer about an alleged breach of the Councillor's Code of Conduct.

### 3.02 Citizens' responsibilities

Councillors and Council Officers have an equal right to fair treatment. People must not be violent, abusive or threatening to councillors or officers and must not wilfully harm property or land owned by the Council, councillors or officers. All registered electors are encouraged to use their democratic right to vote.

## Article 4 – The Full Council

### 4.01 Functions of the full Council

Only the full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) agreeing and/or amending the terms of reference for Committees, deciding on their constitution and making appointments to them;
- (d) debating issues the subject of petitions signed by a specified number of people (as laid down in the Council's published Petitions Scheme);
- (e) approving the annual programme of the Policy Committees;
- (f) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (g) adopting an allowances scheme for councillors under Article 2.05;
- (h) changing the name of the area;
- (i) ~~approving~~ ~~confirming~~ the appointment of the Head of the Paid Service;
- (j) appointing the Leader of the Council;
- (k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (l) deciding whether or not to accept a delegation of function from another local authority under Part 10.04 of this Constitution;
- (m) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself; and
- (n) all other matters which, by law, must be reserved to the Council.

**Comment [SM1]:** Change to ensure consistency with Part 4.7 – Internal Audit Recommendation

### 4.02 Meanings

**(a) Policy Framework.** The 'policy framework' means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Alternative Arrangements) (England) Regulations 2001 to be adopted by the Council and other specific legislation
  - The Crime and Disorder Reduction Strategy;
  - Food Law Enforcement Service Plan
  - Statement of Policy – Licensing Act 2003 and Gambling Act 2005

- Local Code of Governance

- The Capital Programme
- The Asset Management Plan
- The Members' Allowances Scheme
- The Corporate Plan.
- Treasury Management Policy Statement
- The annual Treasury Management Strategy Statement including the annual Treasury Management Indicators
- The mid year and year end reviews of the above
- The annual Prudential Indicators Report

(ii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

**(b) Budget.** The 'budget' includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**(c) Housing Land Transfer.** Housing land transfer means the disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

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

## **Article 7 – ~~The Scrutiny Committee~~ There is no Article 7 at this time**

### **7.01 ~~Terms of reference~~**

- ~~(a) The Council will appoint a single Scrutiny Committee, the purpose of which is to manage and co-ordinate the overview and scrutiny process in accordance with the Scrutiny Arrangement Rules set out in Part 4 of the constitution and to monitor statutory and local performance indicators and set standards and targets for performance improvement. The Scrutiny Committee has the power to appoint time limited working parties and panels as necessary.~~
- ~~(b) The following terms of reference were approved on 27 April 2011, and incorporate some of the functions of the former Audit & Risk Management Committee:-~~
- ~~(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;~~
  - ~~(ii) make reports and/or recommendations to the full Council, the Policy and Resources Committee and/or any joint or area committee in connection with the discharge of any functions;~~
  - ~~(iii) consider any matter affecting the area or its inhabitants;~~
  - ~~(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by a policy committee and/or any joint committees;~~
  - ~~(v) liaise with the Joint Standards Complaints Committee to ensure adequate arrangements for the review of the codes of for councillors and the procedure for handling complaints against councillors;~~
  - ~~(vi) monitor Council policies on anti fraud and anti corruption.~~
  - ~~(vii) oversee the production of the authority's Annual Governance Statement and to recommend its adoption as part of the annual accounts;~~
  - ~~(viii) consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice;~~
  - ~~(ix) reviewing the outcome of Ombudsment investigation;~~
  - ~~(x) promoting and maintaining the Member/Officer Protocol;~~
  - ~~(xi) overseeing the operation of the whistle blowing policy;~~
  - ~~(xii) consider the Council's compliance with its own and other published standards and controls~~

- ~~(xiii) consider reports including the external auditor's annual letter, relevant reports, and the report to those charged with governance and consider any other specific reports as agreed with the external auditor. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee.~~
- ~~(xiv) consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee;~~
- ~~(xv) consider summaries of internal audit reports produced in accordance with the Annual Internal Audit Plan;~~
- ~~(xvi) consider and accept the Annual Internal Audit Plan. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee;~~
- ~~(xvii) commission work from internal and external audit including value for money and efficiency reviews.~~
- ~~(xviii) receive reports on the council's performance framework, which includes monitoring of:~~
- ~~• high level risks where actions to mitigate have not been completed on time~~
  - ~~• high level internal audit recommendations that have not been implemented on time~~
  - ~~• emerging financial risks and significant budget variations~~
  - ~~• national and/or local performance indicators which are consistently not achieved~~
  - ~~• key service area achievements (see minute 323 of Scrutiny Committee 15 December 2010)~~
- ~~(xix) provide independent assurance of the council's risk management framework and the associated control environment;~~
- ~~(xx) To monitor the effective development and operation of risk management and corporate governance in the Council; to endorse the Business Continuity Plan and Risk Management Strategy; and to review the RISK Register.~~
- ~~(xxi) assist the Council in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;~~
- ~~(xxii) conduct research, community and other consultation in the analysis of policy issues and possible options;~~

- ~~(xxiii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;~~
- ~~(xxiv) question Members of the Council and the Policy & Resources Committee, and Chief Officers and Heads of Council Services, about: their views on issues and proposals affecting the area; and, in relation to particular decisions, initiatives or projects;~~
- ~~(xxv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;~~
- ~~(xxvi) review and scrutinise the decisions made by and performance of, the Policy & Resources Committee and Chief Officers both in relation to individual decisions and over time;~~
- ~~(xxvii) review and scrutinise the performance of the Council in relation to its policy objectives;~~
- ~~(xxviii) within the Council's published Petitions Scheme, consider petitions which call for a senior officer of the Council to attend the Committee to answer questions on how a particular service is being delivered; and also to review the Council's response to petitions in cases where the petition organiser feels this is inadequate;~~
- ~~(xxix) make recommendations to the Council and/or appropriate policy committee arising from the outcome of the scrutiny process;~~
- ~~(xxx) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;~~
- ~~(xxxi) question and gather evidence from any person (with their consent).~~
- ~~(xxxii) receive reports from Council Champions.~~
- ~~(xxxiii) service reviews and Inspections, and may make recommendations.~~
- ~~(xxxiv) oversee the Council's performance framework, monitor statutory and local indicators and consider reports relating to service performance, standards and targets and may make recommendations for service and performance improvement.~~
- ~~(xxxv) Consider petitions where, in accordance with the Council's Petitions Scheme, a senior member of the Council's staff (identified as the Chief Executive, the Executive Director or Heads of Service) shall answer the Committee's questions and explain how they are delivering public services~~

~~(viii) Receive reports from Council Champions~~

- ~~(c) **Finance.** The Scrutiny Committee shall exercise overall responsibility for the finances made available to discharge the overview and scrutiny function.~~
- ~~(d) **Annual report.** The Scrutiny Committee must report annually to the full Council on the operation and effectiveness of scrutiny arrangements and make recommendations for future work programmes and amended working methods if appropriate.~~
- ~~(e) **Officers.** The Scrutiny Committee will be serviced by the corporate committee administration, subject to the Officer/Member Protocol set out in Part 5 of this constitution.~~

#### ~~7.02 Proceedings of the Scrutiny Committee~~

~~The Scrutiny Committee and any working party or panel appointed by it will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this constitution.~~

#### ~~7.03 Meanings~~

~~For the purposes of this Article the terms 'Chief Officer' and 'Head of Service' have the meanings set out in the Officer Employment Procedure Rules in Part 4 of this constitution.~~



## Article 8 – Policy, Regulatory, Scrutiny and Other Committees

### 8.01 Policy Committees

The Council will appoint the Committees set out in the left hand column of the table 'Responsibility for Council Functions' in Part 3 of this constitution to discharge the functions described in column 3 of that table. Membership of the committees will be determined in accordance with the statutory political balance requirements.

### ~~8.02 Proceedings of the Committee~~

~~Proceedings of the Committees shall take place in accordance with the Procedure Rules set out in Part 4 of this constitution.~~

### 8.03~~2~~ Regulatory Committees

The Council will appoint the Committees set out in the left hand column of the table 'Responsibility for Council Functions' in Part 3 of this constitution to discharge the functions described in column 3 of that table.

### ~~8.04 Proceedings of the Regulatory Committees~~

~~Proceedings of the Committees shall take place in accordance with the Procedure Rules set out in Part 4 of this constitution.~~

### 8.04 Scrutiny and Governance & Audit Committees

The Council will appoint a single Scrutiny Committee, the purpose of which is to manage and co-ordinate the overview and scrutiny process in accordance with the Scrutiny Arrangement Rules set out in Part 4 of the constitution and Terms of Reference in Part 8. The Scrutiny Committee will monitor statutory and local performance indicators and set standards and targets for performance improvement. The Scrutiny Committee has the power to appoint time limited working parties and panels as necessary

### 8.05 Other Committees

The Council will appoint the Committees set out in the left hand column of the table 'Responsibility for Council Functions' in Part 3 of this constitution to discharge the functions described in column 3 of that table.

### 8.06 Proceedings of the Committees

Proceedings of all the Committees listed in this article shall take place in accordance with the Procedure Rules set out in Part 4 of this constitution.

Formatted: Heading 3

## Article 9 - The East Northamptonshire Joint Standards Complaints Committee and Independent Person (Part 2 of the ENC Constitution)

### Change the following sections

#### 9.01 Terms of Reference

- a) This joint committee, to be known as the East Northamptonshire Joint Standards Complaints Committee, will be constituted for the discharge of the duties as provided under the Localism Act 2011 section 18. It will act, under powers delegated under section 101 of the Local Government Act 1972, to implement the arrangements agreed by East Northamptonshire (as Part 9 of the Constitution) for the investigation and determination of allegations.
- b) The East Northamptonshire Joint Standards Complaints Committee will have the following roles and functions in addition to the provision of Panels for the Hearing and Appeal stages of a complaint or a Dispensations Panel when necessary under Part 9:
- i) Receive a ~~quarterly~~ regular activity report from the Monitoring Officer which includes for the preceding ~~quarter~~ period:
- the level of advice on the Code and Complaints procedure
  - summary outcome of any complaints determined (with appropriate written report/summary as an appendices)
  - feedback on any 'other action' taken in respect of complaints
  - details of the dispensations granted and refused by the Monitoring Officer and Dispensations Panels
- ii) advising East Northamptonshire Council on the adoption or revision of the Members' Code of Conduct or arrangements for the review of its procedures for handling complaints against councillors
- iii) advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct;
- iv) granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct;
- v) provision of an appointments panel to select an Independent Person and reserve for recommendation to East Northamptonshire Council for appointment.
- c) In addition, in accordance with part 9 of the ENC Constitution the Chairman or Vice Chairman may be consulted by the Monitoring Officer when decisions are taken on:
- Initial assessment of a complaint
  - If an Investigation Report concludes there is evidence of failure and it is proposed that other action is to be taken

**Comment [SM2]:** Change necessary as the number of meetings is proposed to be reduced to a minimum of 3 per year – see below

- Short listing of candidates for Independent Person
- d) Political Balance: As a joint committee, membership of this committee is exempt from the political proportionality requirements of section 15 of the Local Government & Housing Act 1989
- e) ~~1. The Committee shall meet a minimum of three times per Council year, in February, July and October, and~~  
~~2. With the consent of the Chairman and Vice-Chairman of the Joint Standards Complaints committee additional meetings of the Committee be convened if required.~~

### 9.02 Composition

- a) The joint committee shall consist of 14 members of whom 7 members shall be appointed by East Northamptonshire Council (ENC) from its Members.
- b) The remaining seven members will be elected by vote, with one vote per council from the town and parish councils within the East Northamptonshire District. Up to one nomination per council will be sought in advance of the election. Nominees must be currently serving as town or parish councillors. The seven nominees with the greatest number of votes in any election will be elected to serve on the joint committee. In the case of a tie in numbers of votes cast, membership shall be decided by drawing of lots by the Monitoring Officer
- c) All members of the joint committee shall serve for no more than two consecutive terms of four years or for a shorter period of time. Such a shorter period shall end upon them ceasing to be eligible to act as a member of that committee or them ceasing to be a District or Town or Parish Councillor.
- d) The Independent Person, as required under Section 18 of the Localism Act 2011, shall be eligible to attend all meetings and panels of the joint committee. That person will not be co-opted or have voting rights, but will be able to remain for any discussions and debate when the public and press are excluded in order to discharge the advice giving role as outlined in the Act.

### 9.03 Proceedings of the Committee

- a) The Chairman of the Committee shall be elected by majority vote of those present at the first meeting of the Civic Year. If the elected Chairman is an ENC Councillor then an election for the Vice Chairman shall be held from the Town and Parish members. If the elected Chairman is a Town or Parish councillor then an election for the Vice Chairman shall be held from the ENC members.

- b) A meeting of the Joint Standards Complaints Committee shall not be quorate unless at least five members (including one District Councillor, and one Town or Parish Councillor) are present for its duration
- c) The meetings and proceedings of the joint committee shall be conducted in accordance with the rules set out in Part 4 of the East Northamptonshire Council Constitution.

~~d) The Committee will meet at least every quarter, with panels being convened as and when required~~ The Committee shall meet a minimum of three times per Council year, in February, July and October . With the consent of the Chairman and Vice-Chairman of the Joint Standards Complaints committee additional meetings of the Committee be convened if required.

~~e)~~

~~e)f)~~  When Hearing, Appeal or Dispensation Panels are required, the three councillors required will generally be drawn from members of this committee who serve on the same tier of council. Exceptionally, where this is not possible because of conflict of interest or other reasons such as illness, such panels will have a majority of members from the same tier. The Monitoring Officer and Deputy Monitoring Officer have delegated authority to select the members of panels on the basis of availability and experience.

~~f)g)~~  Each member of the joint committee shall be entitled to recover from East Northamptonshire Council any expenses he incurs in connection with the discharge of the joint committee's functions (as per the travel and expenses procedures outlined in Part 6 of the Council's Constitution). No further allowance will be payable. The expenses incurred by the joint committee shall be defrayed by East Northamptonshire Council.

~~g)h)~~  When serving on the JSCC, all councillors are expected to follow the Code of Conduct adopted by the East Northamptonshire Council

~~h)i)~~  Support for the administration of the Joint Committee will be provided by East Northamptonshire Council.

## Article 11 – Officers

### Change the following sections:

#### 11.01 Management structure

- b. Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers:

<i>POST</i>	<i>Area of Responsibility</i>
Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all Officers and leadership of the Strategic Management Team)</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>The Chief Executive is the Proper Officer of the Council for any purpose in respect of which a proper officer is designated by statute except where otherwise provided in Part 3 of this constitution.</p> <p>The Chief Executive is the Electoral Registration Officer and Returning Officer for the purposes of the Representation of the People Act 1983.</p> <p><u>With the Executive Director to share between them the line management of the Heads of Service for :</u></p> <ul style="list-style-type: none"> <li>• <u>Resources and Organisational Development including financial services;</u></li> <li>• <u>ICT</u></li> <li>• <u>Customer and Community Services including Communications and Revenues and Benefits</u></li> <li>• <u>Planning Services</u></li> <li>• <u>Environmental Services</u></li> </ul> <p>As a member of the Corporate Management Team to contribute to the corporate management of the Council.</p>
Executive Director	<p><u>With the Chief Executive to share between them the line management of the Heads of Service for :</u></p> <ul style="list-style-type: none"> <li>• <u>Resources and Organisational Development including</u></li> </ul>

Formatted: Bulleted + Level: 1 +  
Aligned at: 0 cm + Indent at: 0.63 cm

	<p><u>financial services;</u></p> <ul style="list-style-type: none"> <li>• <u>ICT</u></li> <li>• <u>Customer and Community Services including Communications and Revenues and Benefits</u></li> <li>• <u>Planning Services</u></li> <li>• <u>Environmental Services</u></li> </ul> <p>As a member of the Corporate Management Team to contribute to the corporate management of the Council.</p>
--	--

#### 11.04 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** The Monitoring Officer, after consulting with the Head of the Paid Service and the Chief Finance Officer, will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Arrangements.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by providing support to the Council and Scrutiny Governance and Audit Committee in relation to the effective operation of the overall framework including Codes of Conduct and to the Joint Standards Complaints Committee in relation to the handling of complaints.
- (d) **Contributing to corporate management and providing advice.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to the Council and all Councillors.
- (e) **Registration of Interests.** The Monitoring Officer will establish and maintain a Register of Interests of the Members of the Council and of the Town and Parish Councils in the district.
- (f) **Management of Complaints against Councillors.** The Monitoring Officer will conduct the assessment, investigation, hearing and appeal of complaints that Councillors may have breached the Code of Conduct in accordance with the provisions of Part Nine of this Constitution and in accordance with the delegated powers in Part Three.

- (g) **Proper officer for access to information.** The Monitoring Officer will ensure that policy decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible and that decisions are properly and accurately recorded.
- (h) **Advising whether policy decisions are within the Budget and Policy Framework.** The Monitoring Officer, in consultation with the Chief Finance Officer, will advise whether decisions of the policy committee are in accordance with the policy framework and budget.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## Article 13 – Finance, Contracts and Legal Matters

**Change the following section:**

### 13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Executive or other person designated by him/her. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive or the [Council's Legal Adviser \(LGSS Legal Services\)](#) ~~Council's Solicitor~~ should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by him/her.



## Schedule 1 – Description of Alternative Arrangements

The following parts of this Constitution constitute the Alternative Arrangements:

1. Article 6 The Council Leader

~~2. Article 7 The Scrutiny Committee and the Scrutiny Procedure Rules~~

~~3.2.~~ Article 8 Policy, Regulatory, Scrutiny and other Committees.

## Part 3 –

# Responsibility for Functions

## Who makes the decisions

### CONTENTS

1. Responsibility for Council functions
2. Responsibility for Joint Functions
3. [Table 1 Part 3.2](#) - Scheme of Delegation of Responsibility for functions.

## Part 3: Responsibility for Functions

### 1. Responsibility for Council Functions

Responsibility for certain functions is reserved to the full Council as described in Article 4.01. Other functions and decisions are the responsibility of the Council's policy committees, as set out in the following Table. The primary powers and duties of the principal policy committee are to implement the budget and policy framework set annually by the Council, operating in accordance with the Procedure Rules of this constitution. The functions and responsibility of the Committees are as set out in the following table

Committee (type)	Membership	Functions	Delegation of Functions
<p><b>Policy and Resources</b></p> <p>(principal policy committee)</p>	15 members of the council	<p>The formulation and development of the council's overall financial management, budgetary and strategic policy framework.</p> <p>The coordination of the implementation of policy and strategic objectives across the council.</p> <p>The implementation of the budgetary and policy framework.</p> <p>The implementation of strategy in respect of the social, economic and environmental well-being of citizens in respect of functions and services not otherwise the responsibility of the full council.</p> <p>The promotion and maintenance of excellent customer services in line with the Council's corporate priorities of providing excellent services and achieving sustainable communities.</p> <p>Functions relating to personnel and health and safety to the extent that those functions are discharged in the council's capacity as an employer.</p>	<p>Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in <a href="#">Table 4 Part 3.2</a> of the Constitution</p> <p>A standing Finance Sub Committee manages revenues and capital expenditure and the progress of the capital programme.</p> <p>A standing Personnel Sub Committee determines matters in relation to personnel and the health and safety of council employees.</p> <p><a href="#">A Welfare Reform Sub-Committee monitors and oversees the implications of the welfare reform programme on the council</a></p>

<u>Committee (type)</u>	<u>Membership</u>	<u>Functions</u>	<u>Delegation of Functions</u>
<b>Planning Policy</b> (Policy)	15 Members of the Council	The formulation and development of the Council's Local Development Framework. The implementation of spatial planning policy and determination of strategic planning objectives	Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in <a href="#">Table 1 Part 3.2</a> of the Constitution
<b>Development Control</b> (Regulatory)	18 members of the council	Planning and Conservation – The functions relating to town and country planning and development control as specified in Schedule 1 of the Local Authorities (Functions and Res-ponsibilities) (England) Regulations 2000 (the Functions Regulations)	Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in <a href="#">Table 1 Part 3.2</a> of the Constitution
<b>Licensing</b> (Regulatory)	12 members of the council	Licensing functions as set out in the Licensing Act 2003 and The Gambling Act 2005	Functions which are delegated on, for example to a Licensing (Liquor and Gambling) Panel, or an Officer, and the limits of that delegation are defined in <a href="#">Table 1 Part 3.2</a> of the Constitution
<b>Licensing (Taxi and Miscellaneous) Panels</b>	3 members of the council	The determination of Hackney carriage and Private Hire Drivers' Licences where a CRB check has revealed serious issues and determination of any other licensing applications – apart from Liquor and Gambling) where the Head of Environmental Services is minded to refuse	
<b><u>Governance and Audit Committee</u></b>	<u>7 members of the council</u>	<u>Council's audit and internal control arrangements other than where decisions are reserved to council as per Article 4</u>	

## 2: **Responsibility for Joint Functions**

- 2.1 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with Northamptonshire County Council, and the Borough Councils of Corby, Kettering and Wellingborough to form a North Northamptonshire Joint Planning Committee to agree a common set of strategic planning policies for the North Northamptonshire Area.
- 2.2 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with the Borough Councils of Harborough and Melton and Rutland County District Council to form a Welland Joint Committee to deliver specific functions as agreed by the Council.
- 2.3 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with other local authorities in Northamptonshire to deliver the following specific functions:-
- (a) licensing administration (with several District and Borough Councils)
  - (b) ICT (with the Borough Council of Wellingborough)
  - (c) Financial Services (with the Borough Council of Corby)
  - (d) Payroll Services (with the Borough Council of Corby)
  - (e) Legal Services (with Local Government Shared Services – LGSS)
  - (f) Health and Safety and Business Continuity – Kettering and Corby

and to explore the scope for further joint working.

- 2.4 In accordance with Article 10, Paragraph 10.02, of this Constitution, the Council has agreed to establish joint arrangements with the Town and Parish Councils in the district to deliver the specific function of the assessment, investigation, hearing and appeal of complaints that any Councillors of the said councils may have breached the Code of Conduct for Councillors and for the determination of certain requests for dispensation, in accordance with the provisions of Part Nine of this Constitution.

## 4. **Delegation to Officers**

The following table shows the delegation to Officers.

**DELEGATED POWERS - OFFICERS**

**Arranged in the following Order:-**

A: Planning Services; B: Environmental Services (including Licensing & Housing) C: Financial, Legal and Corporate Functions, D: Delegations Related to Standards Matters following the Localism Act 2011; E: Proper Officer Provisions

Note – All references to consultation with the Chair of a Committee extend to the Vice-Chair should the Chair be unavailable.

**A: PLANNING SERVICES**

***Function and Legislation***

***Delegation & Provisos (caps)***

**4 (b) Minor Material Amendments**  
 Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved, unless the original application was considered by the Development Control Committee.

HoPS, PDM; Executive Director; Principal Development Officers, Senior Development Officers, Development Officers and Senior Conservation Officer with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

**Enforcement**

**5.** Institution of proceedings for failure to comply with an enforcement notice.

Executive Director, HoPS, PDM in conjunction with LGSS Legal Service with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION. Notice of intention to take action to be given & REPORTING TO Ward MEMBERS

**6.** Institution of legal proceedings under the Town and Country Planning (Control of Advertisement) Regulations relating to fly posting.

Executive Director, HoPS, PDM; in conjunction with LGSS Legal Service; with the ability to specify other officers (in addition to those shown) ~~within Planning Services~~ to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION. & REPORTING TO MEMBERS Notice of intention to take action to be given to Ward Members

- |     |  |   |
|-----|--|---|
| 7.  | Service of Planning Contravention Notices, Breach of Condition Notices and Requisition for Information notices under Section 330   | Executive Director; or HoPS, PDM, <u>Enforcement Officers and Senior Conservation Officer</u> ; in conjunction with LGSS Legal Service; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION, <u>&amp; REPORTING TO MEMBERS Notice of intention to take action to be given to Ward Members</u>                |
| 8.  | Issue of Enforcement Notices, Completion Notices and Stop Notices (see under Planning (Listed Building and Conservation Areas Act 1990 for listed buildings enforcement) | Executive Director; or HoPS, PDM, <u>Enforcement Officers and Senior Conservation Officer</u> ; in conjunction with LGSS Legal Service; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION <u>&amp; REPORTING TO MEMBERS Notice of intention to take action to be given to Ward Members</u>                 |
| 9.  | Rescind Enforcement Notices (or authority to take action) where matters have been satisfactorily resolved  | Executive Director; or HoPS, PDM, <u>Enforcement Officers and Senior Conservation Officer</u> ; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION <u>Notice of intention to take action to be given to Ward Members &amp; REPORTING TO MEMBERS</u>   |
| 10. | Service of Notices under Section 215 – Land adversely affecting amenity.   | Executive Director; or HoPS, PDM, <u>Enforcement Officers and Senior Conservation Officer</u> ; in conjunction with LGSS Legal Service; with the ability to specify other officers (in addition to those shown) <del>within Planning Services</del> to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION <u>&amp; REPORTING TO MEMBERS Notice of intention to take action to be given to Ward Members BERS</u> |
| 11. | Service of Discontinuance Notices under the Town and Country Planning (Control of Advertisement) Regulations.  | Executive Director; or HoPS, PDM; in conjunction with LGSS Legal Service; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION <u>&amp; REPORTING TO MEMBERS</u>  |

Notice of intention to take action to be given to Ward Members

**12. Notifications**

To deal with notifications received for agricultural and telecommunications development, hazardous substances and demolition proposals

HoPS, PDM; Executive Director, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

**13. Legal Agreements (S106)**

Execution and completion of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission granted under delegated powers.

Chief Executive, HoPS, PDM, Executive Director in conjunction with LGSS Legal Service

**14. Authority to enter land and premises (Section 196A) for enforcement purposes**

Executive Director, HoPS, PDM, Enforcement Officers and Senior Conservation Officer, with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

**15. Prosecution - great urgency**

Laying information for contravention of regulations and instigation of emergency injunctions

LGSS Legal Service IN CONSULTATION WITH THE CHAIRMAN AND THEN SUBJECT TO RATIFICATION BY DEVELOPMENT CONTROL COMMITTEE

**16. Footpath Orders (both Town and Country Planning Act and Highways Act 1980)**

Confirmation of unopposed diversion or extinguishment orders made following the grant of planning permission. (Town and Country Planning Act) and the making and confirmation of diversion orders under the Highways Act

Democratic and Electoral Services Manager HoPS or LGSS Legal Service (under instruction from HoPS) SUBJECT TO REPORTING TO MEMBERS

**Listed & Historic Buildings: (Planning (Listed Buildings and Conservation Areas) Act 1990)**

**17. Authority to enter land and premises (Section 88)**

HoPS; Executive Director, Enforcement Officers and Senior Conservation Officer, with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION

**18. To serve Listed Building Enforcement Notices**

HoPS, PDM, Executive Director, Enforcement Officers and Senior Conservation Officer, in conjunction with LGSS Legal Service

**(Town & Country Planning (Tree Preservation) (England) Regulations 2012; Local Government (Miscellaneous Provisions) Act 1976)**

**21. The making of Tree Preservation Orders.**

HoPS, PDM, Planning Policy & Conservation Manager SUBJECT TO



REPORTING TO LOCAL WARD MEMBERS

22. To sign Tree Preservation Orders. Chief Executive ~~or Executive Director~~, ~~or LGSS Legal Service~~, or ~~Democratic and Electoral Services Manager~~
23. Confirmation of unopposed Tree Preservation Orders ~~Democratic and Electoral Services Manager~~ ~~Chief Executive or Executive Director~~ ~~or LGSS Legal Service~~ (also covers modification to original order to provide clarity) SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
24. Confirmation of opposed Tree Preservation Orders (including modifications to orders) ~~Democratic and Electoral Services Manager or LGSS Legal Service~~ ~~Chief Executive or Executive Director~~ SUBJECT TO AGREEMENT OF THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND LOCAL WARD MEMBERS AND REPORTING TO MEMBERS
28. Authority to enter land or premises (Section 214B) Executive Director, ~~HoPS, Planning Policy and Conservation Manager and Landscape Officer~~, with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICER SO AUTHORISED AND THE DATE OF AUTHORISATION

**Street Naming & Numbering: Public Health Act 1925 (Sections 17-19); Town Improvement Clauses Act 1847 (Sections 64 and 65); Public Health Act 1875 (Section 160); Public Health Act 1907 (Section 21); Local Government Act 1972**

32. To implement street naming on new developments where all the statutory consultees are in agreement: Head of I.C.T., ~~Applications Manager~~, or Property ~~System~~ ~~Information~~ Officer TO BE REPORTED TO MEMBERS
33. To number streets: Head of I.C.T., ~~Applications Manager~~ or Property ~~Information~~ ~~System~~ Officer
34. ~~Economic Development: (Local Government Act 2000)~~  
To fund environmental improvement schemes within the annual budget (Section 4): Head of Planning Services SUBJECT TO CONSULTATION WITH CHAIRMAN AND VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE & APPROVAL OF APPLICATIONS IS WITHIN A POLICY FRAMEWORK

**Planning Policy: Town & Country Planning Act 1990 – Section 324**

36. Powers of entry:

Head of Planning Services; Planning Policy & Conservation Manager; [Principal Senior Planning Officer](#); Planning Officer; ~~Research & Information Officer~~ [Planning Research Officer](#)

End of delegation specifically relating to Planning functions

**B: ENVIRONMENTAL SERVICES (INCLUDING LICENSING & REGISTRATION, HOUSING):  
Function/Legislation**

**Delegation and Provisos (in caps)**

**Animal Boarding Establishments Act 1963**

44. Section 3: Offences and disqualifications:  
Section 4: Power to prosecute

Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Chief Executive; Executive Director; Waste Services Manager; LGSS Legal Service [if instructed by ENC authorised officers](#)

**Animal Health Act 1981**

47. Part 4 – Local Authority Responsibilities:  
Part 5 - Enforcement, Offences and Proceedings:

Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Executive Director, Chief Executive; LGSS Legal Service [if instructed by ENC authorised officers](#)

**Homelessness**

137. To decide on homelessness claims under Part III of the Act:

Housing Services Officer; Housing Strategy Manager (appeal to [Executive Director in consultation with](#) LGSS Legal Service). In the absence of the Housing Services Officer or Housing Strategy Manager, the Executive Director to nominate an appropriately qualified officer in a neighbouring authority to make a recommendation on which a decision can be made by the Executive Director PROVIDED THAT A RECORD IS KEPT OF THE

NAME(S) OF OFFICERS AND DATES OF ACTIONS TAKEN

**Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990;  
County Courts Act 1984; Rights of Audience Order 1999**

- |   |   |  |
|---|---|--|
| 210.  | <b>To institute or defend proceedings in the Magistrates/County/High Court:</b>                   | Head of the Paid Service or Executive Director, <u>in consultation with</u> or LGSS Legal Service SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER |
| 211.  | <b>To authorise staff under the above provisions:</b>   | <u>Head of the Paid Service or Executive Director, in consultation with</u> LGSS Legal Service   |
| 215.  | <b>To deal with completion of dates of new or altered buildings:</b>                              | Revenues Manager; Business Rates Officer   |
| 216.  | <b>To impose or quash penalties:</b>  | Head of Customer and Community-Services; Chief Finance Officer; Executive Director, <u>Chief Executive</u>   |
| 217.  | <b>To administer the legislation including various control, management and relief functions:</b>  | Head of Customer and Community Services; Executive Director; Revenues Manager; <u>Chief Executive</u>  |
| 218.  | <b>To approve applications for rate relief for partial occupation of non-domestic properties:</b> | Head of Customer and Community Services; or Chief Finance Officer; or Executive Director, <u>Chief Executive</u>   |
| 219.  | <b>To approve applications for discretionary relief:</b>  | Head of Customer and Community Services; Executive Director ; <u>Chief Executive</u>   |
| <b><u>Local Government Finance Act 1992 and Council Tax Benefit Regulations</u></b> |   |  |
| 220.  | <b>To implement and operate the Act and its supporting regulations:</b>                           | Head of Customer and Community Services; Chief Finance Officer; Executive Director- ; <u>Chief Executive</u>   |

223. **To operate the Council's scheme on discretionary payments:** Chief Finance Officer; Head of Customer and Community Services; Executive Director; [Chief Executive](#)
- Social Security Contributions and Benefits Act 1992; Immigration and Asylum Act 1999 (Section 15); Social Security Administration Act 1992; Child Support, Pensions and Social Security Act 2000; Social Security (Consequential Provisions) Act 1992; Social Security Administration (Fraud) Act 1997; Social Security Act 1998; Tribunals, Courts and Enforcement Act 2007***
- 234.. **To implement the Acts and supporting legislation:** Head of Customer and Community Services; Chief Finance Officer; Executive Director; [Chief Executive](#)
236. **To conduct appeals for reconsideration:** Head of Customer and Community Services (provided the original decision was not taken by HCCS); Executive Director ; [Chief Executive](#)
237. **To operate the Council's scheme on discretionary payments:** Head of Customer and Community Services; Executive Director; Benefit Manager

## Appendix F: Part 4.4- Scrutiny Procedure Rules

### CONTENTS

	Page
1. The Scrutiny Committee (membership and meetings)	1
2. Terms of Reference	2
3. Reports from the Scrutiny Committee	4
4. Delaying the implementation of decisions (Call-in)	5
5. Urgency	7
6. The Party Whip	8

## Part 4.4: Scrutiny Procedure Rules

### 1. The Scrutiny Committee

- 1.1 The Council will appoint a Scrutiny Committee at the Annual Meeting, in accordance with the Council Procedure Rules in Part 4 of this constitution, to perform, manage and co-ordinate the ~~overview and~~ scrutiny function as set out in ~~Article 7 in~~ Part ~~2-8~~ of this Constitution.
- 1.2 The Scrutiny Committee may from time to time appoint such time-limited working parties and panels of its members as it considers necessary to assist in the performance of its functions.
- 1.3 Other ad hoc scrutiny panels may be appointed by the Council for a fixed period or for a specific purpose on the expiry or achievement of which they shall cease to exist. The terms of reference, membership and duration of such ad hoc panels shall be determined by the Council. These shall not include the power of call-in and shall have such powers and responsibilities of ~~overview and~~ scrutiny as determined by the Council.

### 2. Membership of the Scrutiny Committee

- 2.1 The Scrutiny Committee shall comprise ~~15X~~ members of the Council with seats allocated to political groups in accordance with the political balance rules proportionate to the number of seats held by each group on the Council as a whole.
- 2.2 Membership of the Scrutiny Committee, and of any working party or panel established by the Scrutiny Committee under Rule 1.2 above, is reserved to members of the Council not being members of the Policy and Resources Committee or the Governance and Audit Committee. Members of other committees may serve on the Scrutiny Committee. No member of the Council may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.3 The Leader of the Council may not be a member of the Scrutiny Committee.
- 2.4 The committee will appoint a Chairman from its members to serve until the next following Annual Meeting of the Council.
- 2.5 The membership of the committee may change during each term of Administration (that is, within the four years between full Council elections) to enhance the corporate capacity for ~~overview and~~ scrutiny activity and share the workload.

Comment [SM1]: To be decided by Council

Updated by Council – 10 October 2011 – minute 152

2.6 The committee may recommend to Council the appointment of no more than 2 non voting co-optees or independent advisers (ie – a total of two non-voting members) to assist in the performance of the ~~overview and~~ scrutiny function. Co-opted members will serve for a fixed period or specific purpose as the committee determines.

### **3. Meetings of the Committee**

3.1 The committee will operate within the Council Procedure Rules set out in Part 4.1 of this constitution and will meet on the dates and times determined in the programme of meetings agreed at the annual meeting of the Council. The committee may decide to hold additional meetings as deemed necessary to fulfill its annual work programme.

3.2 Notice of meetings will be given in accordance with the Access to Information Rules in Part 4.2 of this constitution.

### **4. Quorum**

No business shall be transacted unless at least one third of the Members of the committee are present. The quorum for any panel or working party appointed by the committee under Rule 1.2 above is three.

### **5. Scope of the Committee**

5.1 The full role and purpose of the committee is set out in ~~Article 7.01 Part 8~~ of the constitution. ~~Within its terms of reference the committee will have responsibility for the specific functions in relation to policy development and review, and scrutiny as set out in Article 7.03 of the constitution.~~

5.2 The committee will be responsible for setting its own work programme and in doing so shall take into account the requirements of any service review programme and the requirements of the Policy and Resources Committee for studies in relation to the development of the budget and policy framework.

~~5.3 The Chairman of the committee will present a forward programme of key activity in support of the Council's corporate objectives for Council approval each year and will make regular reports to the Council on the progress of the committee's work programme.~~

### **6. Terms of reference**

Updated by Council – 10 October 2011 – minute 152

- 6.1 The Scrutiny Committee will fulfil the ~~overview and~~ scrutiny role in relation to Council services and will work within the detailed terms of reference set out in [Article 7-Part 8](#)
- 6.2 Within its overall terms of reference, the role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out ~~Article 7 in Part 8~~, and in the Budget and Policy Framework Procedure Rules at Part 4.3 of the constitution.
- 6.3 The Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and, provided appropriate financial provision is available, may appoint advisers and assessors to assist them in this process. The committee may make site visits, conduct public surveys, hold public meetings, commission research and do other things that it reasonably considers necessary to inform its deliberations. The committee may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the allocation of funds approved by the Council. In the development of policy, the Scrutiny Committee may require any member of the Council, and/or the Chief Officers or Heads of council Services to attend before it to discuss their views on issues and proposals affecting the council area, and it is the duty of those persons to attend if so required.
- 6.4 The manner and methodology of a review will be for the committee to decide, within the following broad stages
- (a) identify subject and establish study parameters
  - (b) assess availability of existing information; identify gaps and assign tasks
  - (c) identify interviewees/assess any consultation requirements and undertake
  - (d) consider information gathered; produce position statement
  - (e) consider options & financial issues
  - (f) draft report with recommendations
  - (g) finalise report and submit to the appropriate policy committee or Council

## 7. Agenda items

- 7.1 Any member of the Scrutiny Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda, provided it is received within the time necessary to comply with the Access to Information provisions contained in Part 4.2.



## **8. Reports from the Scrutiny Committee**

- 8.1 The Scrutiny Committee will prepare a formal report of its recommendations on policy development or on the outcome of review activities for consideration by the policy committee (if the proposals are consistent with the existing budgetary and policy framework) or by the Council (if the recommendations involve a change to the agreed budget and policy framework).
- 8.2 Any such reports will be considered by the appropriate policy committee or the Council, as appropriate, within the next following cycle of meetings and the outcome of their deliberations and response to the recommendations made will be published within two months.
- 8.3 Nothing in Rule 8.1 above prevents more detailed liaison between the Scrutiny Committee and the Leader of the Council or the chairman of a policy committee as appropriate depending upon the particular matter under consideration.

## **9. Rights of Scrutiny Committee members to documents**

- 9.1 In addition to their rights as Councillors, members of the Scrutiny Committee have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Parts 4 and 5 of this constitution.

## **10. Members and Officers giving account**

- 10.1 The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions and shall do so if a petition has been received, within the Council's Petition Scheme, calling for a senior officer to attend to answer questions on the delivery of a service. As well as reviewing documentation, in fulfilling the scrutiny role it may require any member of a policy committee and/or the Chief Officers or Heads of Service to attend before it to explain in relation to matters within their remit:-
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy;  
and/or
  - (c) their actions;

Updated by Council – 10 October 2011 – minute 152

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

- 10.2 A policy committee member may ask the relevant chief officer or Head of Service to attend with him or her to provide advice.
- 10.3 Where any Member or officer is required to attend a Scrutiny Committee meeting under this provision, at least 7 working days notice of the meeting at which he/she is required to attend will be given. The notice to attend will state the nature of the item for which attendance is required and whether any papers are required to be produced for the committee. Where the production of any report is required, the Member or officer concerned will be given due and reasonable notice to allow documentation to be prepared. Where the Member or officer is unable to attend on the required date, the Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance within a maximum of two months from the date of the original request.
- 10.4 The powers of the Scrutiny Committee to review decisions do not extend to the scrutiny of individual decisions made by the Council or any committee or sub committee in respect of development control, licensing, or registration matters.

#### **11. Attendance by others**

- 11.1 The Scrutiny Committee may invite other people beyond those referred to in Rule 10 above to address it, or attend a meeting to discuss issues of local concern and/or answer questions.

#### **12. Access to meetings**

- 12.1 Meetings of the Scrutiny Committee and any panels or working parties appointed by it shall comply with the provisions of Part 4.2 of the Constitution. (Access to Information Rules)

#### **13. Delaying the Implementation of Decisions (“Call-in”)**

- 13.1 Implementing the “Call-In” procedure will have the effect of delaying the implementation of a decision of a policy committee made under delegation from the full Council in accordance with the scheme of delegation in Part 3 of the constitution. Members of the Scrutiny Committee may ‘call-in’ a decision in accordance with the procedure set out in Rule 14.3 below. Members who call in a decision and propose an alternative decision should have good reason to believe that the appropriate policy committee did not take the decision in accordance with the principles set out in Article 12. The names of the Members implementing the call-in procedure and the reasons for call-in will be disclosed on the published agenda.

#### 14. Call-In Procedure

14.1 Decisions made by the appropriate policy committee will be notified to all members of the Council within three working days of the meeting at which the decision was made.

14.2 A decision will come into force and may then be implemented on the expiry of five clear working days from the date of issue of the summary of decisions, unless an objection is received which requests that the decision be 'called-in' in accordance with Rules 14.3 – 14.7.

14.3 Call-in shall only be used in exceptional cases. To prevent the procedure being abused, only three in each 3 month period in a municipal year can be called in. Call-in shall be effected by the Chief Executive, or his designated nominee in consultation with the Chairman of the Scrutiny Committee, on receipt of a written request (which may be in electronic form) for call-in of a specified decision from at least four members of the Scrutiny Committee. The members (which must not include the Chairman - because of the initial consultation on call-in and the power to exercise a casting vote at the meeting in the event of an equal number of votes for and against). The request must set out the reasons why the decision is being called in, which can only be because the decision falls into any of the following categories:

- (i) it was made without due process being followed, or
- (ii) it was not made in accordance with one or more of the general principles set out in Article 12.02 of the Constitution
- (iii) it fails to represent natural justice, or
- (iv) it falls outside the agreed budget, or
- (v) it represents a significant change in council policy

The call-in must include details of the issues which the Scrutiny Committee members believe the appropriate policy committee did not fully address.

14.4 In effecting the 'call-in' in accordance with 14.3 above, the Chief Executive will notify the members of the appropriate policy committee directly and will call a meeting of the Scrutiny Committee to be held on such date as he may determine within ten working days of the date on which he effects the decision to call-in and the decision shall not be implemented until after the recommendations of the Scrutiny Committee meeting on the matter have been considered.

14.5 The Scrutiny Committee at the meeting called in accordance with the procedure set out in paragraph 14.4 above may resolve

**Comment [SM2]:** This number will be the subject of a separate review and recommendation back to Council once the overall size of the Committee has been established by Council

(a) To recommend that the appropriate policy Committee reconsider the decision, in which case the matter shall be referred back to the policy committee for further consideration in the light of the Scrutiny Committee's concerns to amend the decision or not, before adopting a final decision;

or

(b) To refer the decision (if it is considered to be contrary to the policy framework or not in accordance with the budget), to the full Council to confirm or otherwise, in which case a meeting of the Council shall be called for the purpose within ten working days.

14.6 The chairman of the appropriate policy committee (or other committee member nominated by the chairman) shall have the right to attend the Scrutiny Committee and shall take responsibility for presenting a report on the reasons for making the decision(s) and answering questions thereon (rather than an officer of the council). The chairman of the Scrutiny Committee (or committee member nominated by the chairman) shall exercise a similar right and responsibility when the policy committee or full council reconsiders the issues.

14.7 Once the Scrutiny Committee has met to consider the call-in, the Leader, Deputy Leader and chairman of the appropriate policy committee shall be notified of the conclusions of the Scrutiny Committee at the earliest possible opportunity (which may be in the form of an agreed draft minute) and the other members of the policy committee shall also be informed.

14.8 If, following a request to call-in a decision, the Scrutiny Committee does not meet in the period set out above or does meet but does not refer the matter back to the decision making body, or to the full council, the decision shall take effect on the date of the Scrutiny Committee meeting or the expiry of that further ten working days whichever is the earlier.

14.9 If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective on the date of the Council meeting.

#### **14.10 Urgency**

The "call-in" procedure set out above will not apply where the decision taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision shall state that in the opinion of the committee, the decision is an urgent one and not subject to "call-in".

Updated by Council – 10 October 2011 – minute 152

14.11 The Chairman of the Scrutiny Committee and the Chief Executive must agree that the decision proposed is reasonable in all the circumstances and is to be treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

14.12 The operation of the provisions relating to “call-in” and urgency shall be monitored annually and a report submitted by the committee to the Council with proposals for review if necessary.

## **15. Annual Report**

~~15.1 The Committee will publish an annual report of its activities.~~

## **16. The Party Whip**

16.1 The Council views the exercise of the party whip as incompatible with the ~~overview and~~ scrutiny function and no party whip shall be applied to Scrutiny Committee members in the performance of their ~~overview and~~ scrutiny responsibilities.

16.2 For the purpose of Rule 16.1 the Council defines ‘whipping’ as

*“Any instruction given by or on behalf of a political group to any councillor who is a member of the group as to how that councillor shall speak or vote on any matter before the council or any committee, or the application or intention to apply any sanction by the group in respect of that councillor should he or she vote in any particular manner”.*

## Appendix G: Terms of Reference

### Policy and Resources Committee

- 1 The Policy & Resources Committee is a policy committee within the meaning of Article 8.01 of the Constitution.
- 2 The Policy & Resources Committee comprises 15 members appointed by the full Council at the Annual meeting, in accordance with the statutory political balance requirements, to be responsible for the formulation and development of the Council's overall strategic policy (with the exception of the strategies and plans which together comprise the Local Development Framework), the formulation and development of its budgetary and financial management framework and its capital and revenue programme.
- 3 The Policy & Resources Committee coordinates the implementation of policy and strategic objectives across the Council and implements strategy in respect of the social, economic and environmental well-being of the citizens of East Northamptonshire, and the functions and services not otherwise the responsibility of the full Council or the Planning Policy Committee. In doing so, the Committee is responsible for formulating and resourcing the capital programme and for ensuring that the policies and strategic objectives of the Council support the Community Plan and take account of crime and disorder matters pursuant to the Police & Justice Act 2006.
- 4 Functions which are delegated on, for example to a standing Sub Committee or an Officer, and the limits of that delegation, are defined in [Table 4Part 3](#) of the Constitution.
- 5 The Committee's terms of reference are
  - (i) To consider and make recommendations to the Council on all questions of major policy in accordance with the Budget and Policy Framework Procedure Rules and the Financial Rules in Parts 4.3 and 4.5 of the Constitution, and generally to promote a corporate approach to all of the Council's functions;
  - (ii) To consider the financial impact of policy decisions, including the allocation and reallocation of resources and future levels of local taxation;
  - (iii) To develop the budget and policy framework, identifying any strategic policy or resource issues on which studies by the Scrutiny Committee may be required, in accordance with the Budget and Policy Framework Procedure Rules in Part 4.3 of the Constitution/continued
  - (iv) To oversee the finances of the Council, and the implementation of the budgetary framework and the approval and implementation of the medium term financial strategy, considering the resourcing of policy decisions and the financing of capital expenditure, in accordance with the Financial Procedure Rules set out in Part 4.5 of the Constitution;

- (v) To publish an annual programme for establishing the budget and policy framework for the following year, for Council approval, taking into account any policy studies previously undertaken by the Scrutiny Committee and the outcomes of any service reviews or customer surveys;
- (vi) To co-ordinate, on behalf of the Council, the implementation of the Council's strategic aims and priorities, determining policies to deliver the Council's objectives;
- (vii) To review the need for existing services, and the method of provision.
- (viii) To carry out the duties imposed by the Council's financial regulations and any statutory obligations, including recommending the council tax to be levied for the ensuing year;
- (ix) To oversee and monitor matters determined by a Personnel Sub Committee relating to conditions of service, health and safety and employment policies relating to all council employees, and changes to the establishment, setting up a standing Sub Committee for that purpose;
- (x) To establish a [standing](#) Finance Sub Committee to manage revenue and capital expenditure and the progress of the capital programme and undertake other specific duties as set out in the Sub-Committee's Terms of Reference.
- (xi) To deal with applications for financial assistance not otherwise delegated;
- (xii) To consider recommendations from the Finance Sub Committee in respect of the sale of the Council's land, buildings or assets or the acquisition thereof;
- (xiii) To receive an Annual Asset Management Position Statement within the agreed Council Outcome RES02 (Well Maintained Assets – measure % of assets rated as in good/satisfactory condition).
- ~~(xiv) To liaise with the Audit Commission over the appointment of the Council's external auditor~~
- ~~(xiv) To establish a Welfare Reform Sub-Committee to consider the implications of the Government's Welfare Reform Programme for this council in accordance with the duties set out in the Sub-Committee's Terms of Reference.~~
- ~~(xv) To approve the annual statement of accounts~~
- ~~(xv) To monitor and authorise debt write-offs in accordance with Part 4.6a of this Constitution~~

**Comment [SM1]:** Internal Audit Recommendation

6 Proceedings of the Committee take place in accordance with the Procedure Rules set out in Part 4 of the Constitution.

## Scrutiny Committee

Amended by Council – 1 March 2010 – Minute 385(b), 1 November 2010 – minute 245(b)

- ~~1— The Council has appointed a single Scrutiny Committee, comprising 15 members of the Council appointed at the Annual Meeting. The Committee's purpose is to manage and co-ordinate the overview and scrutiny process in accordance with the Scrutiny Procedure Rules set out in Part 4.4 of the Constitution and to monitor statutory and local performance indicators and set standards and targets for performance improvement. The Scrutiny Committee has the power to appoint time-limited working parties, review teams and panels as necessary.~~
- ~~2— The Terms of Reference of the Scrutiny Committee are set out in Article 7 of the Constitution. These were approved and adopted by the Council on 1 March 2010 in accordance with Article 4.1 (c) of the Constitution and amended as above.~~
- ~~3— The Scrutiny Committee terms of reference are to
  - ~~(i) — review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;~~
  - ~~(ii) — make reports and/or recommendations to the full Council, the Policy and Resources Committee and/or any joint or area committee in connection with the discharge of any functions;~~
  - ~~(iii) — consider any matter affecting the area or its inhabitants;~~
  - ~~(iv) — exercise the right to call in, for reconsideration, decisions made but not yet implemented by a policy committee and/or any joint committees;~~
  - ~~(v) — liaise with the Joint Standards Complaints Committee to ensure adequate arrangements for codes of conduct and behaviour;~~
  - ~~(vi) — monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy;~~
  - ~~(vii) — oversee the production of the authority's Annual Governance Statement and to recommend its adoption as part of the annual accounts;~~
  - ~~(viii) — consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice;~~
  - ~~(ix) — consider the Council's compliance with its own and other published standards and controls~~
  - ~~(x) — consider reports including the external auditor's annual letter, relevant reports, and the report to those charged with governance and consider any other specific reports as agreed with the external auditor. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee.~~~~



- ~~(xi) — consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee;~~
- ~~(xii) — consider summaries of internal audit reports produced in accordance with the Annual Internal Audit Plan;~~
- ~~(xiii) — consider and accept the Annual Internal Audit Plan. Specifically to consider whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee;~~
- ~~(xiv) — commission work from internal and external audit including value for money and efficiency reviews.~~
- ~~(xv) — receive reports on the council's performance framework, which includes monitoring of:~~
- ~~• high level risks where actions to mitigate have not been completed on time~~
  - ~~• high level internal audit recommendations that have not been implemented on time~~
  - ~~• emerging financial risks and significant budget variations~~
  - ~~• national and/or local performance indicators which are consistently not achieved~~
  - ~~• key service area achievements (see minute 323 of Scrutiny Committee 15 December 2010)~~
- ~~(xvi) — provide independent assurance of the council's risk management framework and the associated control environment;~~
- ~~(xvii) — To monitor the effective development and operation of risk management and corporate governance in the Council; to endorse the Business Continuity Plan and Risk Management Strategy; and to review the RISK Register.~~
- ~~(xviii) — assist the Council in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;~~
- ~~(xix) — conduct research, community and other consultation in the analysis of policy issues and possible options;~~
- ~~(xx) — consider and implement mechanisms to encourage and enhance community participation in the development of policy options;~~
- ~~(xxi) — question Members of the Council and the Policy & Resources Committee, and Chief Officers and Heads of Council Services, about: their views on issues and proposals affecting the area; and, in relation to particular decisions, initiatives or projects;~~
- ~~(xxii) — liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;~~

~~(xxiii) review and scrutinise the decisions made by and performance of, the Policy & Resources Committee and Chief Officers both in relation to individual decisions and over time;~~

~~(xxiv) review and scrutinise the performance of the Council in relation to its policy objectives;~~

~~(xxv) within the Council's published Petitions Scheme, consider petitions which call for a senior officer of the Council to attend the Committee to answer questions on how a particular service is being delivered; and also to review the Council's response to petitions in cases where the petition organiser feels this is inadequate;~~

~~(xxvi) make recommendations to the Council and/or appropriate policy committee arising from the outcome of the scrutiny process;~~

~~(xxvii) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;~~

~~(xxviii) question and gather evidence from any person (with their consent);~~

~~(xxix) receive reports from Council Champions.~~

~~4 The Constitution requires the Scrutiny Committee to report annually to the full Council on the operation and effectiveness of scrutiny arrangements.~~

~~5 Proceedings of the Scrutiny Committee and any Sub Committee, working party or scrutiny panel appointed by it take place in accordance with the Procedure Rules set out in Part 4.1 of the Constitution and the Scrutiny Procedure Rules set out in Part 4.4 of the Constitution.~~

1. The Council will appoint a single Scrutiny Committee, comprising  members of the Council appointed at the Annual Meeting. The Committee's purpose is to manage and coordinate the scrutiny process in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution and to monitor council performance

Comment [SM2]: To be determined by council

2. The Committee may undertake any of the following functions in relation to the review of decisions:

a) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

b) Make reports and/or recommendations to the full Council, the Policy and Resources Committee and/or any joint committee in connection with the discharge of any functions or the outcome of the scrutiny process;

c) Consider any matter affecting the area or its inhabitants;

d) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by a policy committee, sub-committee and/or any joint committees in

accordance with the procedure in Part 4 of the Constitution.

e) Review and scrutinise the decisions made by, and performance of, the Policy & Resources Committee and Chief Officers both in relation to individual decisions and over time;

3. The Committee may undertake any of the following functions in relation to the performance and efficiency of the council

a) Receive reports on the council's performance framework to enable monitoring of overall performance and achievement of the council's policy objectives

b) Review services where performance indicators are consistently not achieved, additional resources maybe required or customer satisfaction is low and make recommendations for improvement

c) Consider key service area achievements or services with above target performance where there may be transferable learning

d) Consider emerging financial risks and significant budget variations

4. The Committee may undertake any of the following functions in relation to policy development:

a) Assist the Council in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;

b) Conduct research, community and other consultation in the analysis of policy issues and possible options

c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

d) Question Members of the Council, the Policy & Resources Committee, Chief Officers and Heads of Council Services about their views on issues and proposals affecting the area and in relation to particular decisions, initiatives or projects;

e) Review and scrutinise the performance of the Council in relation to its policy objectives;

f) Consider the specific impacts of policy on young and older people

5. The Committee may undertake any of the following functions in relation to community engagement and co-operation:

a) Review and scrutinise the performance of other public bodies in the area in pursuit of the place shaping role of the Council by inviting reports from them or by requesting them to address the Scrutiny Committee and local people about their activities and performance

b) Establish clear channels of communication with the public and dealing with their concerns, including oversight and review of the Council's Corporate Complaints Policy and reports and investigations from other regulatory bodies such as the Ombudsman.

- c) Liaise with other external organisations operating in the area with a 'duty to co-operate', whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
  - d) Within the Council's published Petitions Scheme, consider petitions which call for a senior officer of the Council to attend the Committee to answer questions on how a particular service is being delivered; and also to review the Council's response to petitions in cases where the petition organiser feels this is inadequate.
6. The Scrutiny Committee may question and gather evidence from any person (with their consent).
  7. The Scrutiny Committee may establish ad hoc task and finish working parties to investigate specific topics on behalf of the full committee
  8. For the purposes of these Terms of Reference, 'Chief Officers' and 'Heads of Service' have the meanings set out in the Officer Employment Procedure Rules in Part 4 of this Constitution.
- 4.9. Proceedings of the Scrutiny Committee, and any working party appointed by it, will take place in accordance with the rules in Part 4 of the Constitution

## Governance and Audit Committee

The Council has appointed a Governance and Audit Committee, comprising 7 members of the Council appointed at the Annual Meeting

The Committee's purpose is to oversee and provide independent assurance on the council's arrangements in relation:

- Audit
- Governance
- Ethics and Probity
- Risk Management and Internal Control

### AUDIT

1. To consider the appointment of the External Auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor.

2. To receive the External Audit Annual Plan and discuss, if necessary, with the External Auditor before the audit commences the nature and scope of the audit.

3. To consider specific reports as agreed with the external auditor and review the scope and depth of external audit work and to ensure it gives value for money.

4. To review the Financial Statements and External Audit opinion. To report to Policy and Resources Committee any matters requiring their consideration, and monitor Management Action in response to any issues raised.

5. To approve the Internal Audit Annual Plan for the Council and Annual Internal Audit report, identifying areas of concern in terms of strategic risk and addressing key internal control issues as required. The Committee will also specifically to consider what level of assurance Internal Audit work gives on the council's arrangements and whether there are concerns arising that need to be brought to the attention of the Policy and Resources Committee.

7. To keep under review the effectiveness of internal control systems, to receive the External Audit Management Letter on behalf of the Council and any representations and refer any issues requiring attention to the relevant Committee and/or officer.

8. To monitor the performance of Internal Audit, including agreeing the scope of external assessment and receiving reports on the management and performance of the providers of internal audit services, including the results of the quality assurance and improvement programme which will form part of the Chief Audit Executive's annual report.

9. Agreement, and communication through the Chair, of a brief statement on the performance of Internal Audit ( for example the quality and timeliness of reports, performance against agreed indicators; and on the quality of support provided to the Committee) to the Chief Audit Executive's line manager .

10. To review summary Internal Audit reports and the main issues arising and requiring assurance that action is taken on the main issues raised in these reports.

11. To ensure that there are effective arrangements between Internal and External Audit and that the value of the audit process is actively promoted.

12. To review and approve the internal audit charter after consideration by the Corporate Management Team, including discussion with the Chief Audit Executive of the Definition of Internal Auditing, the Code of Ethics and the Standards

13. To approve the delivery of any non-audit services by the External Auditor

#### GOVERNANCE

14. To have approve the annual statement of accounts and have oversight of the publication of an Annual Report in the most appropriate format.

15. To obtain appropriate assurance that the Council's Annual Governance Statement, and any other assurance statements required of the Council, properly reflect the risk environment and any actions required to improve it.

16. To monitor the openness of the Council in its dealings, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.

17. To have oversight of the Council's management and response to the Freedom of Information Act and Data Protection Act

18. To review any issue referred to it by the council's statutory officers or any Council Committee.

#### RISK MANAGEMENT AND INTERNAL CONTROL

19. To develop and maintain robust systems for identifying and evaluating significant risks and putting in place effective Risk Management Systems, including those relating to internal control and an internal audit function.

20. Endorse the Business Continuity Plan and Risk Management Strategy; and to review the Risk Register

21. To have oversight of provisions which reflect the transparency of the Council including Whistleblowing Policy and Procedures, Fraud and Corruption Policy and Procedures, and other related matters.

22. To oversee the arrangements to introduce new regulatory legislation such as the introduction of the Anti-Bribery Act 2010.

23. Consider the Council's compliance with its own and other published standards and controls

#### ETHICS AND PROBITY

24. Promoting and maintaining high standards of conduct by councillors and co-opted members, including liaison with the Joint Standards Complaints Committee in relation to the Code of Conduct for Councillors and procedure for handling complaints against councillors,

25. The development, implementation, maintaining and review of the ethical framework, including the code of conduct for councillors and co-opted members.

26. Overseeing the provision of training, guidance and support in the context of Ethics and Probity, including promoting and maintaining the Member/Officer protocol (Part 5.3 of this Constitution)

GENERAL

27. The Governance and Audit Committee has the power to appoint time-limited working parties, review teams and panels as necessary

28. Proceedings of Governance and Audit Committee and any Sub Committee, working party or scrutiny panel appointed by it take place in accordance with the Procedure Rules set out in Part 4.1 of the Constitution

## Finance Sub Committee

Approved by Council – 1 March 2007 - Minute 391

Amended by:

- Policy & Resources Committee 21 January 2008 (Minute 291)
- Council – 21 July 2008 – (Policy & Resources Committee 16/06/08 Recommendation R2 - Minute 56)
- Council - 26 April 2010 – Minute 472(c) to replace with Working Party
- Policy and Resources Committee 12 October 2010
- Council – 1 November 2010 – minute 212

Amended by

- Council – 23 April 2012 – minute 487 to return to Sub-Committee

The Finance Sub Committee is a standing sub committee comprising 6 members of the Council's Policy & Resources Committee established to manage the financial resources of the Council. It will meet quarterly, with additional meetings as and when required.

### Terms of Reference:

1. To monitor and manage the capital programme and revenue expenditure and report to the Policy and Resources Committee accordingly (with power to vary the capital programme during the year and manage under-spending).
2. To consider the capital and revenue budgets and recommend to the Policy and Resources Committee the revenue budget, capital programme and fees and charges
3. To consider and make recommendations to the Policy and Resources Committee on the financial aspects of the long and medium term financial strategies of the Council.
4. To recommend to the Policy and Resources Committee any changes in the financial management arrangements set out in the Budget and Policy framework.
5. To review and approve Financial Regulations every three years, taking into account any recommendation by the Scrutiny Committee on de minimis figures.
6. To review and develop the detailed financial and procurement rules and recommend changes to the Policy and Resources Committee
7. To recommend, to Policy and Resources Committee, approval of the Treasury Management Policy Statement (TMPS), ~~and~~ Treasury Management Strategy Statement (TMSS) and borrowing limits; to consider the annual report on investments and borrowing; and to review and scrutinise treasury management strategy and policy.



8. To ensure the Council maintains adequate and appropriate insurance cover.
9. To be responsible for the strategic management of all Council land and property assets and co-ordinate the disposal and acquisition of any capital assets, making appropriate recommendations to the Policy and Resources Committee.

## Disabled Facilities Grants Case Review Panel

### 1. Introduction

The purpose of the case review panel is to provide a clear and equitable framework and process to consider valid applications for funding under the Disabled Facilities Grant (DFG) process that cannot be funded out of the set budget within a financial year.

The case review panel shall establish a consistent approach when assessing valid DFG applications from across the district. Only applications that have been classified as a Priority following the assessment of the Occupational Therapists will be presented at the panel for members to determine.

### 1.2 Constitution

This Group, known as the Disabled Facilities Grants Case Review Panel is established as a panel formed from members of Policy and Resources Committee.

## 2 Membership

The Case Review Panel will consist of three elected members. Meetings will only be held with representation from the following, as a minimum, in attendance as advisors:

- Community Occupational Therapist
- Environmental Protection Manager
- Care and Repair case officer – if applicable
- Any other required agency such as Social Services, support workers, representatives from Housing Associations.

Additional officers/agencies will be invited to provide information to members regarding a grant application they are involved in. Panels will be held on an as and when basis initially with two panels to be set up this financial year.

Three members and representation from the relevant agencies must be present for a panel hearing to be quorate.

### 2.1 Appointments

Appointed elected members to the panel shall be determined and approved by the Policy and Resources Committee.

## 3 Arrangement for the Conduct of Business

### 3.1 Chairing the meetings

An elected member shall chair the meetings of the Case Review Panel.

### 3.2 Quorum

For the case review panels to be quorate all representatives are required to be present. The case review panel cannot go ahead if the key representatives are not in attendance. Meetings will be arranged in as much advance as possible to ensure full attendance.

### 3.3 First meeting of the panel

At the first meeting of the panel the Terms of Reference will be approved. Members will agree the criteria to be applied when assessing valid priority disabled facilities grant applications.

### 3.4 Frequency of meetings

The Disabled Facilities Grants Case Review Panels will be held on an ad hoc basis. It is expected that there will be at least two meetings per year and that the panel will become active once the budget allocation for DFGs has been committed. Based on previous years experience this is likely to be in September/October time. The funding allocated to the panel must be committed and paid within the financial year that the panel sits, so the second panel will be in January/February time to ensure work can be completed by the end of March.

There is no intention at this time to hold emergency meetings.

### 3.5 Declaration of interests

If any member has an interest in any application to be discussed and voted on at the panel, they must declare that interest as early as possible and should not participate in the discussions. The Chair shall have the power to request that the member in question withdraw from the panel until consideration and voting has been completed.

All declarations of interest expressed at the panel shall be minuted.

## 4 Authority

Each Disabled Facilities Case Review Panel will have powers for decision making in line with the Council's Housing Grants Policy and the Procurement Policy.

## 5 Role and functions

### 5.1 Role and duties

The role of the Disabled Facilities Grants Case Review Panel is to assess the valid priority applications for grant assistance once the budget for grants has been fully committed. The panel has its own budget of £100,000 to approve grant applications. This funding must be spent within the financial year and therefore members must be satisfied as to the following:

- The priority need of the applicant
- The specified works detailed in the application are essential
- The quotes provided and timescales
- The work will be completed and paid for within the financial year

### 5.2 Management support and administration

Environmental Services will ensure the co-ordination of all grant applications, correspondence with applicants and related agencies and the organisation of panel meetings. The meeting dates will be set up in partnership with Member Services to ensure the elected members' meeting diaries are kept up to date, and minutes will be taken by the Environmental Services Administration Team.

All correspondence to grant applicants following the decision by the panel will be given in writing to the applicant.

### 5.3 Confidentiality

Every effort should be made to ensure the confidentiality of the grant applicant concerned. The minutes of the panel are not for the public domain and should not be discussed outside of the panel forum.

### 5.4 Ethical considerations

The Disabled Facilities Grant Case Review Panel shall not discriminate on the grounds of physical, sensory or learning disability, age, gender, sexual orientation, ethnicity, social position, religious beliefs, employment status, financial status, family or other personal circumstances or lifestyle in line with the Equality Act 2010, which has superseded all previous legislation.

### 5.5 Appeals process

The Disabled Facilities Grant Case Review Panel is set up in such a way that allows applications to be reconsidered by the panel. If the circumstances of the applicant and their priority need changes or further pertinent information becomes available that wasn't at the time of the initial panel the application may be reconsidered. In addition, should an application not be awarded a grant at the time due to lack of funding, it will be reconsidered in the future.

Once a decision has been made at the panel and the applicant has been made aware of the outcome, should they not be happy with the decision a formal appeal may be lodged. The appeal must be in writing and directed to the Head of Environmental Services for consideration. Whilst DFGs are mandatory the funding available is limited. It is envisaged that the only likely reason for an appeal to be sought is on the grounds that the works are urgently required and cannot be put back to the next panel or the next financial year.

Should the Head of Environmental Services determine that there are grounds for appeal a decision will be made regarding the application. If the appeal is granted the case review panel will be made aware of the decision and reasons for this decision prior to the next case review panel. Any decision must be made in line with the panel's allocated budget and any works must be completed within the financial year. If the Head of Environmental Services does not consider that there are grounds for the appeal, the appellant will be advised of this decision and the reasons why the appeal has been refused, and it will be reconsidered at a future date.

### 5.6 Complaints

If an applicant wishes to complain about the panel and how they have been dealt with they should be advised of the Council's Complaint Policy and any complaints received shall be dealt with in accordance with this policy.

## 5.7 Training

Prior to the first panel hearing all members will be required to attend a training session. This session will introduce the elected members to the officers and explain the DFG process, the terms of reference will be discussed and comments or concerns addressed wherever possible. The purpose of the training session is to ensure each member of the panel is clear on how the panel will operate to enable the first panel to operate effectively.

## 5.8 Duties

In discharging the role of the case review panel as detailed above the specific duties of the Disabled Facilities Grant Case Review Panel are as follows:

- Consider all information provided on the valid priority DFG application. This will include the applicant's requirements assessed by the Occupational Therapist and any other relevant information in the case. The Panel can defer the decision on the application to the next panel if further information is requested.
- To determine if the works listed can be reasonably completed within the financial year to ensure payment from the panel.
- To ensure that the allocation of grant funding is within the panel's allocated budget.
- To ensure that the allocation of funding meets the requirements of the Council's Housing Grants and Procurement Policies.
- To provide a report back to the Policy and Resources Committee at the end of each financial year detailing the number of grants and funding allocated and the outcomes achieved by the panel.
- To assist in any formal complaints investigation instigated by an applicant or on behalf of the applicant.

## 6 Relationships and reporting

### 6.1 Reporting Arrangements

All decisions of the Disabled Facilities Grant Case Review Panel shall be reported to the Policy and Resources Committee at the end of each financial year, detailing the panel's expenditure and the number of cases approved and those that remain on the waiting list.

## 7 Review of the terms of reference

The Terms of Reference shall be reviewed at the end of the first year of the panel prior to the first panel of the new financial year.

### **Filming, photographing and audio recording at council meetings**

East Northamptonshire Council upholds the principles of transparency and supports filming, recording and taking photographs at its meetings that are open to the public.

#### **Before the meeting**

Requests by the media to film, photograph or sound record a council meeting *from the public gallery* should be made at least 24 hours before the start of the meeting to the Communications Manager so that the necessary supporting arrangements can be put in place. The Chairman of the meeting will be advised of the request by the Communications Manager as soon as possible in advance of the meeting

Media representatives will be allowed into the meeting room 30 minutes before the start of the meeting and must have all equipment set up 15 minutes prior to the start

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the council's Communications Team in advance of the meeting to seek advice and guidance.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

Notice of any other filming, recording or photography must be given to the Chairman of the meeting at least 15 minutes before the start of the meeting. This will enable the Chairman of the meeting to make those present aware that filming will be taking place. Notices to this effect will be displayed in meeting rooms

Filming of members of the public will only be allowed with their consent. It is the responsibility of those making the recording to gain any necessary permission from the public they film during a meeting.

Filming from any other part of the meeting space is at the discretion of the Chairman.

#### **During the meeting**

The Chairman will announce the presence of cameras / sound recording equipment at the start of the meeting.

Should the filming or sound recording of any meeting disrupt the conduct of the meeting or cause interference with other electronic equipment, including facilities to improve sound for the hearing impaired, the operator of the equipment will be required to stop recording.

All photography must take place from positions approved by the Chairman to ensure the view of members, officers, public and media representatives is not obstructed.

### **When is recording not allowed?**

The Chairman of the meeting will have absolute discretion to terminate or suspend any recording activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting;
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed such as under Schedule 12A of the Local Government Act 1972;
- where it is considered that continued recording/ photography/ filming/ might infringe the rights of any individual

The council asks those recording proceedings not to edit the film/ record/ photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of East Northamptonshire Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/ filmed/ recorded.