

POLICY & RESOURCES COMMITTEE

Date: 30 June 2014

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- Richard Lewis (Chairman)
Glenvil Greenwood-Smith (Vice-Chairman)
Steven North (Leader of the Council)
Glenn Harwood MBE (Deputy Leader of the Council)

Peter Baden Sue Homer
David Brackenbury Dudley Hughes JP
Wendy Brackenbury Andy Mercer
Roger Glithero JP Rupert Reichhold
Marika Hillson

57. MINUTES OF PREVIOUS MEETING

The minutes of the Policy and Resources Committee meeting held on 2 June 2014 were approved and signed by the Chairman.

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jeremy Taylor.

59. DECLARATIONS OF INTEREST

No declarations of interest were made.

60. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions under Procedure Rule 10.3.

61. MINUTES OF SUB-COMMITTEES AND WORKING PARTIES

(a) Personnel Sub-Committee – 9 June 2014

The minutes of the meeting held on 9 June 2014 were received (see pages 46 to 47).

(b) Finance Sub-Committee – 25 June 2014

The minutes of the meeting held on 25 June 2014 were received (pages 48 to 53) and the recommendations within minute 7 were considered.

Members noted that there had been a significant underspend on the Members' Empowerment Fund (MEF) and queried whether the conditions attached to it were too stringent. It was noted that it had always been intended that the MEF would provide an uncomplicated scheme for Members to contribute to their community and the Executive Director undertook to look into the specific issue raised.

RESOLVED:

That the recommendations in minute 7, as set out below, be approved:-

Minute 7 – Budget Monitoring Quarter 4 2013/14

- i) the carry forward requests outlined in Appendix 1 to the minutes be approved
(Reason – for formal approval into the revenue budget for 2014/15)
- ii) the use of the 2013/14 underspend set out in Appendix 2 to the minutes be approved.
(Reason – for formal approval to incur expenditure in 2013/14 and strengthen reserves)
- iii) the reserves position set out in Appendix 3 to the minutes be approved
(Reason – to deliver the Council's capital expenditure plans for 2014/15)

62. INTRODUCTION OF BOAT LICENSING

The Committee considered a report of the Health Protection Manager outlining the introduction of a boat licensing scheme for the East Northamptonshire District.

The Policy and Resources Committee had agreed in November 2013 to pursue boat licensing in East Northamptonshire, subject to consultations with the trade being carried out prior to a proposed scheme being presented for adoption. The key aim of the licensing scheme was to ensure that all boats hired to the public were safe and that everyone who operated a boat hire business met the same safety standards.

It was confirmed that the Council's Licensing Panels would consider appeals against any conditions imposed by officers and the remit of the Licensing Panels in the Council's Constitution would need to reflect this role

R.2 RESOLVED TO RECOMMEND TO FULL COUNCIL: That

- i) the Public Health Acts Amendment Act 1907 be adopted
(Reason: To allow ENC to implement the boat licensing scheme)
- ii) delegated authority be given to approve and refuse applications, and revoke and suspend licences for boats for hire to the following posts:
 - a) Head of Environmental Services
 - b) Health Protection Manager
 - c) Executive Director*(Reason: To ensure the scheme of delegation allows appropriate decision making)*

- iii) delegated authority be given to the Monitoring Officer to amend the Constitution to reflect the role of Licensing Panels to consider appeals against decisions taken by officers in respect of licences for boats for hire, including conditions imposed on licences.

RESOLVED:

That subject to the Public Health Acts Amendment Act 1907 being adopted by the Council

- i) and subject to ENC receiving no further relevant consultation responses following the statutory advertisement of adoption, the licence and associated conditions as set out in Appendix 1 be approved.

(Reason: To ensure the licence is issued with appropriate conditions)

- ii) the following fees and charges be approved:

- a) New licence - £150
- b) New plaques - £50
- c) Licence renewal - £100

(Reason: To ensure full cost recovery)

- iii) and subject to statutory advertising and that current businesses being given a six month period in which to apply for a licence, the licensing requirement begin in September 2014.

(Reason: To given current businesses the opportunity to prepare for licensing requirements)

63. LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS POLICY AND FEES AND CHARGES

The Committee considered a report of the Health Protection Manager regarding the revised Licensing Policy for Hackney Carriage and Private Hire Drivers and the Disclosure and Barring Service (DBS) processing fee.

The Licensing Policy for Hackney Carriage and Private Hire Drivers (previously the Criminal Records Policy) had been adopted in 2010 and its application and content had been reviewed and the amendments proposed by a working group were considered.

It was noted that the Disclosure and Barring Service had recently withdrawn the Council's ability to undertake DBS checks directly. This had resulted in a need to introduce an alternative way of processing the checks, which had increased the cost of the service and this should be reflected in the fee charged.

R.3 RESOLVED TO RECOMMEND TO FULL COUNCIL: that

subject to Section 4.3 of the policy (Indecency Offences) being amended by the words "may be refused" being replaced with the words "will normally be refused" and other grammatical amendments being made, the revised Licensing Policy for Hackney Carriage and Private Hire Drivers set out in Appendix 2 be adopted

(Reason: To ensure that the Council complies with its legal and public safety obligations in respect to issuing taxi driver licences)

RESOLVED: That

the fee for a Disclosure and Barring Service check be increased to £53.99.

(Reason: To ensure the Council is charging in accordance with its costs for the provision of the DBS checking process)

64. AMMENDMENT TO THE DISCRETIONARY RATE RELIEF POLICY

The Revenue Manager presented a report regarding the need to update the Council's Discretionary Rate Relief Policy to include the government's 'Reoccupation Relief' scheme which granted 50% discount to businesses that moved into previously empty retail premises,

RESOLVED: That

- i) subject to the word "and" being replaced by the word "or" in paragraph 4.6.4, Section 4.6 to the Discretionary Rate Relief Policy be endorsed and adopted.
- ii) the effective date for the award of reoccupation relief be from 1 April 2014.

(Reason – To incentivise the reoccupation of unoccupied retail premises and support the businesses that do so).

65. CHANGES TO THE CONSTITUTION

The Monitoring Officer presented a report regarding proposed changes to the Constitution which had arisen from a review of the document by the Monitoring Officer and the Council's legal advisors (LGSS)

R.4 RESOLVED TO RECOMMEND TO FULL COUNCIL: That

- i) subject to the following amendments being made, the key changes to constitution as outlined in Appendix 3 be approved:
 - a) Part 3 – Responsibility for Functions. Proposed paragraph 3.4: replace "all powers" with "all delegated powers"
 - b) Part 3.2 – Scheme of Delegation. Remove proposed insertion of the words "and the request is supported by the Chair and Vice-Chair of the Committee"
 - c) Part 1 – The wording in relation to the functions of the Licensing Committee being amended as follows:

The Licensing Committee is responsible for a range of licensing activity including liquor, public entertainment and gambling licensing. The majority of licencing decisions are made through specific Panels comprising three councillors

- ii) delegated authority be given to the Monitoring Officer to make any other minor consistency changes of the type highlighted in paragraph 1.2 of the report and to make changes to the layout of Part 3.2 (Scheme of Delegation) to improve usability of this section

(Reason: to enable the proposed changes to be considered by Council and, if agreed, implemented as soon as possible to provide appropriate and up to date governance arrangements for the Council.)

Chairman



Personnel Sub-Committee

Minutes of a meeting held on 9 June 2014 at East Northamptonshire House, Thrapston

Present: Councillors Roger Glithero JP
Glenn Harwood MBE
Steven North

David Oliver Chief Executive
Katy Everitt Head of Resources and Organisational
Development
Aime Armstrong Human Resources Manager

1.0 **APPOINTMENT OF CHAIRMAN**

RESOLVED:

That Councillor Roger Glithero be appointed Chairman of the Personnel Sub-Committee for the year 2014-15.

2.0 **APPOINTMENT OF VICE CHAIRMAN**

RESOLVED:

That Councillor Jeremy Taylor be appointed Vice-Chairman of the Personnel Sub-Committee for the year 2014-15

3.0 **MINUTES**

3.1 The minutes of the meeting held on 14 April 2014 were approved and signed by the Chairman.

4.0 **APOLOGIES**

4.1 Apologies for absence were received from Councillors Wendy Brackenbury and Jeremy Taylor

5.0 **DECLARATIONS OF INTEREST**

5.1 No declarations of interest were made.

6.0 QUESTIONS UNDER PROCEDURE RULE 10.3

6.1 There were no questions submitted under Procedure Rule 10.3

7.0 WORKFORCE STATISTICS

7.1 The Sub-Committee reviewed data concerning staff sickness, turnover and the number of staff employed.

7.2 With regard to the Headcount reduction over the past few years, it was noted that some areas of work were being carried out in more efficient ways, for example, through greater use of electronic methods of working, and some areas of activity had reduced to focus the council's resources on its priorities in the context of reduced government funding. Ensuring that there were sufficient staff resources to support projects or one-off initiatives was the most problematic issue to address with the reduced numbers of staff.

8.0 VACANT POSTS UPDATE

8.1 The Sub-Committee received a report on posts currently vacant within the Council. It was noted that offers had been made, and accepted, for the Business Transformation Manager and Senior Electoral Services Officer posts shown on the list.

9.0 RECRUITMENT AND TRAINING POLICY

9.1 The Human Resources Manager presented a report and draft Recruitment and Training policy for the Sub-Committee's consideration. Staff had been consulted on the draft policy via Xchange and Unison and the Corporate Management Team had agreed the policy proposed.

9.2 Subject to the following amendments being made, the Sub-Committee expressed its support for the draft policy submitted:

- i) The Chairman of the Personnel Sub-Committee to be notified of any short-term appointments made under paragraph 4.11 of the policy.
- ii) Section 5 to be amended to ensure consistency between the timescales for probationary periods and probation meetings being held.
- iii) Qualification Courses. At the end of the first sentence in paragraph 12.17, insert the words "and be of benefit to the Council"

RESOLVED: That subject to the amendments set out above being made, the Recruitment and Training Policy be approved.

Chairman



Finance Sub-Committee

Minutes of a meeting held on Wednesday 25 June 2014 at 7.30pm, Kasen Room, East Northamptonshire House, Thrapston

Present: Councillors:

Peter Baden
Roger Glithero JP
Glenvil Greenwood-Smith
Glenn Harwood MBE
Richard Lewis
Steven North

Officers: David Oliver (Chief Executive)
Glenn Hammons (Chief Finance Officer)
Katy Everitt (Head of Resources and Organisational Development)

1.0 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Steven North be appointed Chairman of the Finance Sub-Committee for the year 2014-15.

2.0 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED:

That Councillor Richard Lewis be appointed Vice-Chairman of the Finance Sub-Committee for the year 2014-15.

3.0 APOLOGIES FOR ABSENCE

3.1 No apologies for absence had been received.

4.0 MINUTES

4.1 The minutes of the meeting of the Finance Sub-Committee held on 7 May 2014 were approved and signed by the Chairman.

5.0 DECLARATIONS OF INTEREST

5.1 No declarations of interest were made.

6.0 QUESTIONS UNDER PROCEDURE RULE 10.3

6.1 There were no questions submitted under Procedure Rule 10.3.

7.0 BUDGET MONITORING – QUARTER 4 2013/14

7.1 The Chief Finance Officer presented a report providing an overview of the Council's expenditure against the approved budget for the financial year 2013/14, highlighting significant under-spending or over-spending against the budget.

7.2 Rounded to the nearest £1,000, the revised net budget was reported at £10,165,000, with service expenditure outturn for the year being an under-spend of £933,000. This represented an increased under-spend of £259,000 since quarter three, although £95,000 of this had been identified as being needed for expenditure to take place in 2014/15 and had therefore been recommended to be carried forward.

7.3 Capital expenditure for 2013/14 was £636,000 lower than forecast within the revised budget. This comprised £169,000 under-spend and £467,000 re-profiled to future years. A summary of the schemes accounting for the majority of the variance was given to the Sub-Committee.

7.4 The estimated Capital Reserves at 31 March 2014 was £912,000, although the Council was seeking to release additional capital resources by undertaking a review of technical accounting treatment. This would need to be agreed with the Council's external auditors and was not reflected in the estimated Capital Reserve figure.

RESOLVED:

That the revenue, capital and reserves positions for 2013/14 be noted.

(Reason – this is an information / monitoring report – no decision required)

RESOLVED TO RECOMMEND TO THE POLICY AND RESOURCES COMMITTEE:

That

i) the carry forward requests outlined in Appendix 1 be approved

(Reason – for formal approval into the revenue budget for 2014/15)

ii) the use of the 2013/14 underspend set out in Appendix 2 be approved.

(Reason – for formal approval to incur expenditure in 2013/14 and strengthen reserves)

iii) the reserves position set out in Appendix 3 be approved

(Reason – for approval of the strengthened reserves to mitigate some future financial risks)

8.0 TREASURY MANAGEMENT REPORT QUARTER 4 2013/14

- 8.1 The Chief Finance Officer presented a report outlining the latest Treasury Management position for 2013/14. It was noted that interest rates were likely to rise during the 2014/15 financial year and this was likely to increase the interest received on the Council's deposits.

RESOLVED:

that the Treasury Management performance for quarter 4 2013/14 be noted.

(Reason – in accordance with CIPFA guidance and best practice in Treasury Management)

9.0 EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972, may be disclosed.

10.0 ASSET MANAGEMENT – SALE OF LAND AND BUILDINGS PROGRESS UPDATE

- 10.1 The Head of Resources and Organisational Development provided the Sub-Committee with an update on progress made in relation to the sale of Council owned land and buildings and the proposed sale of three further sites.

RESOLVED: That

- (i) the report be noted

(Reason: to note the progress of the sale of assets)

- (ii) valuations be obtained for the sale of the following sites and, provided no issues are identified which would impact on the sale proceeding, the sites be marketed.

- a) Land at North Street, Rushden (Appendix A to the report)
- b) Single garage at Oundle (Appendix B to the report)
- c) Land at Station Road, Rushden (Appendix C to the report)

(Reason: to generate income)

Chairman

Appendix 1

Revenue Budget Carry Forward Requests 2013/14

Code	Budget Description	2013/14 Budget	Proposed Carry Forward	Reason
£		£	£	
CAV002/412 1	Public Health - Repair & maintenance of equipment	2,000	800	Calibration of noise equipment was due and sent to an external company. Unfortunately due to issues outside of ENC Control the work was unable to be completed in time. The units will be back in early April rather than March as intended. The units run on a rolling calibration system. The budget carry forward is required to protect the 14-15 budget for those due in that year and any damage that may occur
CKH005/461 6	Members Empowerment Fund	73,435	49,635	Budget remaining approved carry forward as minute 476 P&R Committee 11.4.11
AKL005/475 8	Planning Business Process Review	35,000	35,000	Project Delayed into 2014/15 due to Head of Service changes
CKS105/441 6	Irthlingborough master plan	3,420	3,420	Master plan budgets project ongoing
CKS110/441 6	Thrapston master plan	1,040	1,040	Master plan budgets project ongoing
CAD001/111 1	Crime & Disorder	35,510	2,052	Business Admin Apprentice vacancy budget
CKV002/431 3	Tourism	5,000	3,500	Tourism Work for Oundle Womens' Tour in May 14
Totals		155,405	95,447	

Appendix 2

Utilisation of 2013/14 underspend	£000	£000
2013/14 Net cost of services underspend		(933)
Total		(933)
Proposed utilisation:		
BRR Reserve	350	
Future Contract Procurement	200	
Capital Financing	300	
Community Facilities Fund	83	933
Unutilised Resources		0

Appendix 3

DRAFT Reserves 2013/14

Reserve	Balance 1 April 2013	Transfer out	Transfer In	Net Movement	Balance 31 March 2014
£'000	£'000	£'000	£'000	£'000	
Council Improvement Reserve	2,174	0	134	134	2,308
Regeneration Reserve	480	0	0	0	480
BRR Reserve	0	0	350	350	350
Contract Procurement	0	0	200	200	200
Elections Reserve	120	0	0	0	120
Insurance Reserve	100	0	0	0	100
Empty Homes Reserve	24	0	0	0	24
Land Charges Reserve	200	0	0	0	200
Stock Condition Survey (HI 4 EM)Reserve	40	0	0	0	40
Planning Reserve	250	(120)	0	(120)	130
2012/13 Carry Forwards	104	(104)	0	(104)	0
2013/14 Carry Forwards	0	0	95	95	95
Leisure Facilities Reserve	885	(885)	0	0	885
Community Projects	199	(44)	448	404	603
Capital Financing Reserve	87	0	300	300	387
Total DRAFT Earmarked Reserves	4,662	(1,153)	1,527	374	5,036
Minimum Reserves	2000	0	0	0	2,000
Total DRAFT Revenue Reserves	6,662	(1,153)	1,527	374	7,036



East
Northamptonshire
Council

Appendix 1

Licensing Policy for Hackney Carriage and Private Hire Drivers



Ensuring the safety of the
public in these vehicles

If you would like to receive this publication in an alternative format (large print, tape format or other languages) please contact us on 01832 742000.

Document Version Control

Author (Post holder title)	Julia Smith
Type of document (strategy/policy/procedure)	Policy
Version Number	0.3
Document File Name	Criminal Policy – Draft May 14
Issue date	
Approval date and by who (SMT / committee)	
Document held by (name/section)	Julia Smith
For internal publication only or external also?	Internal and external
Document stored on Council website or Eunice?	Eunice / Website
Next review date	

Change History

Issue	Date	Comments
Draft 0.1	May 14	Internal comments – Rita Groves, Glenn Harwood and Glenvil Greenwood-Smith
Draft 0.2	May 14	Comments from Legal and Glenvil Greenwood-Smith

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
Commercial Health (comments)	Taxi Trade (No comments)
Licensing Committee Members (comments)	

Distribution List

Internal	External
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Links to other documents

Document	Link

Additional Comments to note

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Executive summary

Hackney Carriage and Private Hire Drivers are licensed by East Northamptonshire Council. They hold a position of responsibility and are trusted by the community to transport adults, children and vulnerable people. It is important that prior to issuing a licence East Northamptonshire Council is satisfied that the public are safe with those drivers. This policy helps us to make decisions about whether a driver is safe to be licensed as a hackney carriage and private hire driver; this is known as the 'Fit and Proper' test.

1.0 Introduction

Applicants for Hackney Carriage and Private Hire Drivers licences should be aware that, as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 all applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions. For the purposes of licensing drivers there is no such thing as a spent conviction.

All convictions and cautions including motoring convictions and fixed penalties must be declared.

The Licensing Authority will pay due care and attention to the principles of rehabilitation, so there are no unnecessary barriers for employment of ex-offenders. It will also consider any matters due before the Courts

2.0 Statement of intent

2.1 The Licensing Authority's key objective is ensuring public safety and protection from criminal activity. The policy reflects this overriding concern. This policy does recognise that employment plays an important part in preventing *ex-offenders* from reoffending; however, a licensed driver is in a position of trust which means that a pattern of offending / re-offending or, a single specific offence may render an applicant unfit to hold a licence.

2.2 Before the Licensing Authority makes any decision it will allow an opportunity for an applicant to make comment about any such convictions and cautions.

2.3 The Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be only upon the Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

2.4 The Licensing Authority will in all cases verify an applicant's identity and require an enhanced **Disclosure and Barring Service (DBS) check for Drivers (please note Operators only need a Standard DBS check)**. Where the check reveals that the applicant has a record of convictions and / or cautions and warnings, the Licensing Authority will consider these carefully on the basis of:-

- How relevant the offences are to the type of licence applied for
- The nature of the offences committed and
- How recent they were

2.5 The Licensing Authority will consider all convictions with special attention given to offences involving:

- Dishonesty
- Assault including assault, battery or GBH / ABH including any conviction of aiding and abetting or incitement for any such offence
- Drugs – to include cultivation, sale, supply or the recreational use thereof
- Alcohol

- Criminal damage
- Sexual offences
- Serious offences connected with the driving of a motor vehicle

2.6 During the term of a valid licence, the Licensing Authority may receive updates from the Police and Courts of new convictions and cautions issued to licence holders. This will allow officers to decide whether action needs to be taken as to whether the person may continue to hold a licence. It is the responsibility of each licence holder to inform the Licensing Authority of any conviction, caution or fixed penalty arising during the currency of the licence. If licence holders fail to inform the Licensing Authority of convictions, cautions or fixed penalty notices within 14 days of receiving them then this will be referred to the Licensing Panel for consideration.

3.0 Scope

3.1 When submitting an application for the grant or renewal of a Hackney Carriage/Private Hire Vehicles Driver's Licence, applicants must declare any convictions, cautions, Anti Social Behaviour Orders, Criminal Anti Social Behaviour Orders or Fixed Penalty Notices (FPN's) they may have, regardless of age. In addition they must disclose any matters currently under investigation.

3.2 An enhanced **check** is required upon application and renewal of licences, **and at any other time if requested. For applications from those who have previously lived outside of the UK, a certificate of good conduct (or equivalent) from the relevant embassy will be required in addition to a DBS check.**

3.3 A DVLA mandate is required upon application and at renewal.

3.4 Applications with **offences recorded** and / or **are** cause for concern will be referred to the Licensing Panel for determination.

3.5 Drivers who are convicted of a relevant offence or where the applicants fitness to hold a licence requires adjudication will be referred to the Licensing Panel in order that their licence be reviewed

3.6 Cautions will be treated as convictions for the purposes of this policy as they are admissions of guilt of an offence.

3.7 Applicants whose licences are refused, revoked or suspended on the ground that they are not a 'fit and proper' person to hold a licence have the right of appeal to a Magistrates Court within 21 days of the decision being notified to them.

3.8 **Applicants must bring their copy of the DBS check to a Licensing Panel, otherwise the hearing will not take place.**

3.9 **The Licensing Authority has the power to refuse, revoke, suspend or attach conditions to a licence**

4.0 Consideration of Licence Applications

All of the matters in this section will be determined by the Licensing Panel unless stated otherwise. Officers will determine applications that have previously been considered by the Licensing Panel. If an officer is minded to refuse an application it will be referred to the Licensing Panel.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction

4.1 Traffic Offences

4.1.1 Isolated convictions for minor traffic offences should not normally prevent a person from being granted a licence eg:

- Obstruction of the highway;
- Waiting in a restricted street;
- Speeding offences which have resulted only in a fixed penalty which has not resulted in the applicant losing their licence or which has not resulted in formal proceedings being taken against the applicant at Magistrates Court;
- Jumping a red light.

Officers may make the decision relating to this type of offences.

4.1.2 If an applicant has received more than six points within the last two years for speeding or other minor offences, or has failed to inform the Licensing Authority within 14 working days of the points being notified, the application will be considered by the Licensing Panel to determine their suitability to hold a licence

4.1.3 Convictions relating to driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered more seriously.

4.1.4 An application showing conviction(s) for driving without due care and attention, causing death by dangerous driving or similar offence within the last two years will not be entertained due to public safety. The applicant may in such circumstances request consideration by a Licensing Panel

4.1.5 If an applicant has been disqualified from driving, for any reason whether due to a single conviction or an accumulation of penalty points, a period of at least 12 months after the restoration of the driving licence will be required before an application will be considered.

4.1.6 Convictions with regard to invalid or no insurance will always be relevant and all applications will be determined by the Licensing Panel.

4.2 Drunkenness & Drugs

Whilst in charge of a motor vehicle.

4.2.1 A serious view is likely to be taken of convictions of driving or being charge of a vehicle whilst unfit, due to drink or drugs. A conviction for these offences will raise serious doubts as to the applicant's suitability to hold a licence. A period of 3 years (after restoration of the driving licence) would be required before a licence application is considered.

4.2.2 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire will be considered in a potentially more serious light and a longer period of rehabilitation will need to be demonstrated compared to 4.2.1 above before a licence application is considered.

In this instance confirmation may be sought from a doctor nominated by the Council that the rehabilitation programme has been effective (the costs of which will be borne by the applicant).

Not in a motor vehicle

4.2.3 An isolated conviction for drunken behaviour or any isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a licence, although further consideration of the application will be required having regard to the circumstances of the offence. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from convictions has elapsed or 5 years after detoxification if the applicant was an addict.

4.2.4 If there is any indication that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by the Licensing Authority will be arranged (the costs of which will be borne by the applicant) before an application is considered.

If the applicant is found to be an alcoholic or a drug addict, normally a period of at least five years will need to elapse after successful completion of treatment before a further licence application is considered.

4.3 Indecency Offences

4.3.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for sexual offences will normally be refused.

4.3.2 Applications will normally be refused in cases where the applicant remains on the Sex Offenders Register.

4.4 Violence and Abusive Behaviour

4.4.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.

4.4.2 At least 5 years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.

4.4.3 Convictions for offences relating to violence committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light and a longer period of rehabilitation compared to 4.4.2 above will need to be demonstrated before a licence application will be considered

4.5 Dishonesty (including theft)

4.5.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for

a dishonest driver to defraud the public by demanding more than the legal fare, etc. Foreign visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.

4.5.2 For these reasons a serious view may be taken of any conviction involving dishonesty. Normally, a period of three to five years free of convictions will be required before entertaining an application.

4.5.3 Convictions for offences relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a longer period of rehabilitation compared to 4.5.2 above will need to be demonstrated before a licence application will be considered

4.6 Other

The licensing authority is also entitled to use any other records and information which may be available to it in determining applications, or an entitlement to continue holding a licence. This may include information held by other licensing authorities and information disclosed by the police under the Home Office scheme for reporting offences committed by people in notifiable occupations.

4.6.1 Anti Social Behaviour Orders (ASBOs) and Criminal Anti Social Behaviour Orders (CRASBOs)

Hackney Carriage and Private Hire Vehicle drivers should conduct themselves in a responsible manner and have a record of good behaviour. For these reasons the issuing of an ASBO or CRASBO may be taken seriously. Normally a period of two years free of an ASBO or CRASBO and a subsequent record of good behaviour would be required before an application would be considered.

4.6.2 Fixed Penalty Notices (FPN)

Hackney Carriage and Private Hire Vehicle drivers should conduct themselves in a responsible manner and have a record of good behaviour. The nature and circumstances involved with the issuing of a FPN will be considered prior to issuing a drivers licence, it may be appropriate in some circumstances for this to be referred to the Licensing Panel for consideration. Officers may make the decision relating to FPNs.

4.6.3 Notes on the Enhanced DBS check

There are circumstances in which notes may appear on the enhanced CRB check received by the authority. These notes must not be discussed with the applicant directly but may contain information that may affect the fit and proper test. This creates a difficult situation as licences may be refused with no detail as to why being made available to the applicant. These applications should be considered without the presence of the applicant, if refused the applicant would be informed in writing of the outcome, referring to the decision relating to undisclosed material supplied to the authority about the applicant. It would then be up to the applicant to appeal the decision and / or make any Freedom of Information or other requests for disclosure to the holders of the relevant data

4.6.4 Substantiated Complaints

Any substantiated complaint made by a member of the public, or any complaints made by Council employees, enforcement officers, Police Officers or traffic/parking officers for any other reasonable cause may also be referred to a Licensing Panel. A serious view may be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officer or employee of the Council, Police Officer or Traffic Warden whilst in the course of their duty.

4.6.5 Other Matters

Any other matters that are considered relevant to the assessment of the fit and proper person test will be drawn to the attention of the Licensing Panel. This may include statements from officers who have dealt with applicant. **Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will in the absence of a reasonable explanation will normally be refused.**

4.6.6 Medical Matters

In order to drive a hackney carriage and private hire vehicle the driver must pass a medical. The medical requires that they meet the class 2 entitlement as specified by the DVLA. This has to be signed off by a doctor who has access to their medical records. Any areas of concern will be referred to the Licensing Panel for determination. Further medicals or specialist information may be asked for by the Licensing Panel, the cost of which will be borne by the applicant. Where medical concerns are evident the Licensing Authority can request a medical is undertaken. Drivers must inform the council of any new relevant medical conditions that may affect their licence as soon as practicable.

4.6.7 Penalty Points Scheme

The Council operates a penalty point's scheme. Any penalty points on a driver's licence will be brought to the attention of the Licensing Panel when they are considering relevant applications/renewals/ reviews of licences. When a driver accumulates 12 penalty points their licence will be referred to a Licensing Panel for review.

4.7 Offences Under:

- **The Town Police Clauses Act 1847**
- **Part II Of The Local Government (Miscellaneous Provisions) Act 1976**
- **The Hackney Carriage Byelaws**

4.7.1 One of the main purposes of the licensing regime is set out in the above Acts and Byelaws is to ensure the protection of the public. For this reason, a serious view may be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire when deciding if a person is a fit and proper person to hold a licence.

4.7.2 In particular, an application may be refused where an applicant has more than one conviction for an offence under the above Acts and Byelaws in the five years prior to the date of the application.

4.7.3 Convictions for offences relating to the above Acts and Byelaws committed while licensed as a Hackney Carriage or Private Hire Driver, Proprietor or Operator will be

considered in a more serious light and a revocation of the appropriate licences may be through Officers under delegated powers or by referral to the Licensing Panel

5.0 Policy outcomes

5.1 Outcomes and links to the corporate outcomes

The policy contributes to the following corporate outcomes:

- Good reputation with customers and regulators
- Good quality of life in East Northamptonshire – cleaner, safer, prosperous, healthier and sustainable

6.0 References

Home Office Circular 2/92

Home Office Circular 13/92

Department of Transport best practice guidance for taxis



East
Northamptonshire
Council

Appendix 2

Business Rates Discretionary Relief Policy



This policy sets out this Council's scheme for charities, institutions, clubs and rural businesses.

If you would like to receive this publication in an alternative format (large print, tape format or other languages) please contact us on 01832 742000.

Document Version Control

Author (Post holder title)	Revenue Manager
Type of document	Policy
Version Number	V 1.3
Document File Name	Business Rates Discretionary Relief Policy 2014
Issue date	
Approval date and by who (SMT / committee)	
Document held by (name/section)	Sue Wadlow
For internal publication only or external also?	internal and external
Document stored on Council website or Eunice?	Eunice / Website
Next review date	2015

Change History

Issue	Date	Comments
V0.2	12062012	Includes CMT comments
V0.3	05072012	Includes P & R amendment to appeal process
V0.4.1	04102012	Includes consultation feedback
V 1.0	04102012	First published version
V 1.1	20022014	Included Clause 69 and section 47 relief
V 1.2	10032014	Includes P & R amendments re 1.6, 4.4 and 4.5
V 1.3		

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
Business Rates Officer	Business rate customers
S151 Officer	
Head of Customer & Community Services	

Distribution List

Internal	External
Business Rates Officer	Business rate customers
Members	
Head of Customer & Community Services	

Links to other documents

Document	Link
Rural rate Relief - Guidance notes	
Equality Impact Assessment	

Additional Comments to note

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- 1.0 Introduction
- 1.1 Discretionary Rate relief is available to a variety of organisations. It can be granted in its own right or as a supplement to Mandatory Rate Relief. This policy sets out this Council's scheme for charities, institutions, clubs and rural businesses.
- 1.2 The policy has been written in such a way as to allow ratepayers to identify how they can maximise their rate relief and see that relief has been granted in a fair and transparent manner.
- 1.3 Mandatory relief is granted to institutions, organisations or trusts established for charitable purposes in respect of property used wholly or mainly for charitable purposes. Mandatory relief is 80% of the rates chargeable.
- 1.4 Discretionary relief can be given to charitable bodies in addition to mandatory relief. Thus, up to 100% relief can be achieved.
- 1.5 Non-profit making bodies (ineligible for mandatory relief) can be granted up to 100% discretionary relief of rates.
- 1.6 From 1/4/2013, where the billing authority grants discretionary rate relief, the cost of relief will be split through the local and central share under the Non Domestic Rating (Rate Retention) Regulations 2013

*** The maximum amount that the Council will contribute in any financial year to an individual ratepayer is £10,000.** This will be reviewed periodically. This limit allows the Council to make more accurate budgetary provision for Discretionary Rate Relief whilst maintaining equality and continuing to support local businesses.

- 2.0 Scope
- 2.1 This policy relates to the rate relief that the Council has a discretionary power to award under S47 (as amended by S69 of the Localism Act 2011) and S49 of the Local Government Finance Act 1988 and S42A & S42B of the Local Government & Rating Act 1997. The Council cannot grant discretionary relief in respect of 'excepted hereditaments'. An 'excepted hereditament' is one where the Council or another precepting authority would be liable to pay the Rates.

3.0 Policy outcomes

3.1 The outcomes to be delivered by this policy are:

Policy outcomes	Links to corporate outcomes
<ul style="list-style-type: none">• Will ensure ratepayers are treated in a fair, consistent and equal manner.• Will establish a framework to ensure applications are determined in an efficient manner.• Will ensure relief is granted to organisations which contribute to the Council's corporate priorities.• Safeguards the interests of local council tax payers by ensuring funds allocated for the award of discretionary relief are used in the most effective, efficient and economical way.	<ul style="list-style-type: none">• Good value for money.

4.0 Discretionary Rate Relief Policy

4.1 Hardship Relief

The Council will grant rate relief in respect of rates on both occupied and unoccupied properties where it is satisfied that the ratepayer would sustain hardship if it did not do so, and it is reasonable for the council to do so having regard to the interests of its council tax payers.

- 4.1.1 The 'test' of hardship need not be confined to financial hardship; all relevant factors affecting the ability of a business to meet its liabilities for rates will be taken into account. Likewise, the 'interests' of council tax payers may go wider than direct financial interests. For example, the prospects of an area might be affected by a company going out of business, or an area's amenities might be reduced by the loss of the only village shop.
- 4.1.2 The levels of relief that the Council will grant to institutions and organisations within East Northamptonshire are detailed below. ***Note** - these are all subject to the financial limit set out in 1.6 above.
- 4.1.3 The Council has a duty to consider the cost to its' council tax payers of granting discretionary rate relief. Thus, where there is income from a bar, the relief is restricted. This recognises the potential for a club with a bar to raise its own funds via bar surplus rather than being reliant upon public funds.

Category	Notes	Relief Amount
Halls and Rooms (Including Village shops, Community Halls, Women's Institutions)	Where the principal form of income is from lettings or charitable sources	100%
Youth Organisations	Including Scouts and Guides, Youth Clubs and Sports Clubs provided solely for young people	100%
Voluntary Organisations, associations and bureaux	St Johns Ambulance Brigade, British Legion and W.R.V.S including day centres for the elderly or disabled and hostels. Serve, CAB, Volunteer Centre. Organisations providing Social Welfare	100%
Educational	Colleges and Universities and Academies Where the organisation supports local industry and the wellbeing of the community through training facilities to the locality	100%
Charity Shops	Shops that are operated by local charities to raise funds which are used for the benefit of the people in the council's district (The shop must sell wholly or mainly donated goods and the proceeds of the sale must be applied for the purposes of a charity.)	20%

Sporting Organisations	Includes sporting organisations apart from those purely for the young	
	Where at least 50% of the membership is drawn from the council's district and there is no bar income	100%
	Where under 50% of the membership is from the council's district or where the organisation is supported by bar income	25%
	Where organisations have youth involvement, rateable value under £16,500 and a bar run on a self financing basis	50%
	Note: the supply of drinks after a match/game is not classed as bar income	
Theatrical Societies and Preservation Societies	Premises used for theatrical productions and storage of theatrical scenery. Organisations concerned with preserving the past.	50%
	Where supported by bar income	25%
Community Amateur Sports Clubs	Registered CASCs will receive 80% Mandatory relief supplemented by discretionary relief	20%

4.2 Rural rate relief

4.2.1 Where the Ratepayer is the occupier of a post office, general store, public house, petrol filling station or food shop, they must, subject to the application of rateable value thresholds, be granted 50% mandatory rate relief. The council will increase the level of rate relief in these cases by allowing discretionary rate relief as detailed in the following tables (Subject to the financial limit set out in 1.6 above).

Property Description	Rateable Value	Mandatory Relief	Discretionary Relief
Sole Village Post Office	£8,500 or less	50%	50%
Sole General Store	£8,500 or less	50%	50%
Sole Public House	£12,500 or less	50%	25%
Sole Petrol Filling Station	£12,500 or less	50%	25%
Sole Rural Food Shop	£8,500 or less	50%	50%

- 4.2.2 Where there is no entitlement to Mandatory relief because the property is in a higher rateable value band, the Council will grant Discretionary Relief as detailed in the following table, and subject to the financial limit set out in 1.6 above.

Property Description	Rateable Value	Discretionary Relief
Sole Post office	£8,501 to £16,500	100% Discretionary
Sole General Store	£8,501 to £16,500	100% Discretionary
Sole Public House	£12,501 to £16,500	50% Discretionary
Sole Petrol Filling Station	£12,501 to £16,500	50% Discretionary
Sole Rural Food Shop	£8,500 to £16,500	100% Discretionary

- 4.3 Section 47 of the Local Government Finance Act 1988, as amended by the Local Government and Rating Act 1997 allows Councils to grant Discretionary Rate Relief to other businesses situated in rural settlements, provided the council is satisfied that a) the property is used for purposes which benefit the local community and b) that it would be reasonable for the council to grant relief, having regard to the interests of the council tax payers of the District. The maximum amount of Discretionary relief that can be granted in these cases is 100% and this is subject to the financial limit set out in 1.6 above.

- 4.3.1 If the Council receives an application under S47, and the application satisfies the criteria in 4.3 above, the application will be determined by the Chief Financial Officer.

4.4 Local Business Rates Discount under Clause 69 of the Localism Act 2011

- 4.4.1 Clause 69 of the localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to supplement the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances.

- 4.4.2 From 1 April 2012, authorities can grant local discounts entirely as they see fit within the limits of the primary legislation and European rules on state aid. However, the following conditions must be met.

- 4.4.3 Each application must be made in writing and will be considered on its own merit.

- 4.4.4 The council's finances must allow for a reduction to be made. ***Note-** This is subject to the financial limit set out in 1.6 and the full amount will be financed by the council taxpayers

- 4.4.5 It must be in the interests of the council tax payers for the local authority to apply a local discount.

- 4.4.6 All other eligible discounts/ reliefs have been identified and awarded to the ratepayer.
- 4.4.7 Discounts will be granted for a fixed period not exceeding 12 months.
- 4.4.8 If the Council receives an application under S47, and the application satisfies the criteria in 4.4 above, the application will be determined by the Chief Financial Officer in consultation with the Chairman of the Policy and Resources Committee or, if the Chairman is unavailable, the Leader of the Council.

4.5 Relief for Retail premises

- 4.5.1 The Government announced in the Autumn Statement on 5 December 2013 that it will provide a relief of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16.
- 4.5.2 This relief will be granted under section 47 and central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003).
- 4.5.3 The government guidelines define 'retail properties' as 'Hereditaments that are being used for the sale of goods to visiting members of the public', including shops, restaurants, cafes and drinking establishments. Further detailed definition can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275589/Business_Rates_Retail_Relief_guidance.pdf
- 4.5.4 Although this is a discretionary relief, the Government has stated that it expects local government to grant relief to qualifying ratepayers. As the cost of granting the relief is fully funded by central government, East Northamptonshire Council will grant the relief to any ratepayer who fulfils the government's suggested qualification criteria.

4.6 Reoccupation Relief

- 4.6.1 The government announced in the Autumn Statement on 5 December 2013 that it would provide a 50% business rates discount for 18 months for businesses moving into previously empty retail premises between 1 April 2014 and 31 March 2016, up to State Aid De Minimis limits.
- 4.6.2 Properties that will benefit from the relief will be occupied hereditaments that, when previously in use, were wholly or mainly used for retail, were empty for 12 months or more immediately before their reoccupation and which become reoccupied between 1 April 2014 and 31 March 2016. Further detailed definition can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297995/210314_Business_Rates_Reoccupation_Relief_Guidance1.pdf
- 4.6.3 There is no rateable value limit for the hereditament in respect of either the previous or reoccupied use. However, State Aid De Minimis limits may limit the amount of relief given.
- 4.6.4 The new use of the reoccupied premises can be for any use (i.e. not just retail uses) except for hereditaments wholly or mainly being used as betting shops, payday loan shops, or pawnbrokers.
- 4.6.5 Although this is a discretionary relief, the Government has stated that it expects local government to grant relief to qualifying ratepayers. As the cost of granting the relief is

fully funded by central government, East Northamptonshire Council will grant the relief to any ratepayer who fulfils the government's suggested qualification criteria.

4.7 Appeals

- 4.7.1 There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However the Council recognises that ratepayers should be entitled to have a decision reviewed objectively if they are dissatisfied with the outcome of their application.
- 4.7.2 An applicant wishing to appeal must write to the Revenue Manager within four weeks of being notified of the outcome of their application.
- 4.7.3 The applicant's letter must state clearly why the applicant feels the decision should be reviewed. It should also include any additional information that the applicant believes is relevant or helpful to the reviewer.
- 4.7.4 The appeal, and any additional information, will be reviewed by a panel of members who will be appointed by the Leader of the Council.
- 4.7.5 Notification of the panel's decision will be sent to the customer within four weeks of receipt of their letter of appeal.

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	<p data-bbox="427 264 730 296">Scrutiny Arrangements</p> <p data-bbox="427 328 1541 600">There is one Scrutiny Committee which manages the overview and scrutiny process and focuses on the performance of the Council against national and local targets to ensure the effective delivery of high quality services. The Scrutiny Committee operates in its own right and through the creation of time limited working parties (as needed) for the purpose of conducting effective overview and scrutiny of decisions and to support the work of the policy committee and the full Council. These working parties are not decision making bodies, but make recommendations to the Scrutiny Committee.</p> <p data-bbox="427 632 1570 1038">The Scrutiny Committee takes the lead on investigating issues of local concern in response to representations from citizens or at the request of the Policy and Resources Committee or the Council. These investigations lead to reports and recommendations which advise the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions made by the policy committees Policy and Resources Committee (including sub-committees) and Planning Policy Committee. In this way the Scrutiny Committee is involved in the development of new policy. It can ‘call-in’ a decision which has been made by a policy committee but not yet implemented. This enables the Scrutiny Committee to consider whether the decision is appropriate. The Scrutiny Committee cannot reverse a decision. It may recommend that the committee reconsiders the decision or that the matter be referred to the full Council.</p> <p data-bbox="427 1070 1570 1246">High standards for the management of the council are overseen by the Governance and Audit Committee. This committee approves the annual statement of accounts for the Council (including the Annual Governance Statement), It also reviews the internal and external auditors reports on the Council and also looks at the strategic risks to the Council’s operations to ensure appropriate mitigation is in place.</p> <p data-bbox="427 1278 1525 1377">The Council has also established a Joint Standards Complaints Committee. This considers the operation of the standards framework set out in the Localism Act 2011, including monitoring of the Code of Conduct for Councillors at this Council and local</p>	<p data-bbox="1592 392 1984 464"><i>Not relevant to how decisions made</i></p> <p data-bbox="1592 600 2007 735"><i>Duplicates information in Part 2 and is not necessary to understand how a decision is made.</i></p> <p data-bbox="1592 1070 2029 1174"><i>New sections to indicate how the council maintains high standards in its decision making.</i></p>

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	Town and Parish Councils.	
Part 1	<p>Citizens' Rights (last paragraph) The Council welcomes participation by its citizens in its work through the Residents Panel; the comments, compliments and complaints procedure and through the various consultation exercises that take place throughout the year. For more information or to register interest in the Residents Panel contact the Customer Contact Centre at the Council Offices in Thrapston on 01832 742000. More information on current consultations and opportunities to participate can be found on the council's website www.east-northamptonshire.gov.uk .</p>	<p><i>The council is proposing to replace its Residents Panel with a wider range of consultation method.</i></p>
Part 2 - Articles	<p>4.01 Functions of the full Council</p> <p>Only the full Council will exercise the following functions:</p> <ul style="list-style-type: none"> (e) approving the annual programme of the Policy Committees <i>calendar of meetings</i>; (f) appointing representatives to outside bodies unless the appointment has been delegated by <i>(full)</i> the Council; (i) approving the appointment of the Head of the Paid Service; (l) deciding whether or not to <i>delegate a function to another council</i> or accept a delegation of function from another local authority under <i>Part Article 10</i> 4.04 of this Constitution; (n) <i>the Council's Pay Policy</i> and (o) all other matters which, by law, must be reserved to the <i>(full)</i> Council. 	<p><i>Change the provisions shown only – all other provisions unchanged</i></p> <p><i>This council does not have to provide a Forward Plan of decisions . However Council does approve the Calendar of meetings Correct reference and recognise delegation to other councils</i></p>
	<p>4.02 Meanings</p> <ul style="list-style-type: none"> (a) Policy Framework. The 'policy framework' means the following plans and strategies: <ul style="list-style-type: none"> (i) those required by the Local Authorities (Functions and Responsibilities) 	<p><i>Add the following item to the Policy Framework – all other provisions unchanged</i></p>

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	<p>(England) Regulations 2000 and the Local Authorities (Alternative Arrangements) (England) Regulations 2001 to be adopted by the Council and other specific legislation</p> <ul style="list-style-type: none"> • Local Code of Governance 	
Part 2 Cont.	<p>5.03 Chairing the Council Meeting</p> <p>The Chairman is a member of the Council elected by majority vote of the (full) Council annually and presides at (full) Council meetings. He/she will have the following responsibilities:</p> <ol style="list-style-type: none"> 1. to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary; 2. to preside over meetings of the (full) Council so that its business can be carried out efficiently and with regard to the rights of Ccouncillors and the interests of the community; 3. to ensure that the (full) Council meeting is a forum for the debate of matters of concern to the local community, and the place at which Members who do not sit on the policy committees or hold office as chairman of a committee are able to hold the members and Chairmen of the policy committees to account; 4. to promote public involvement in the Council's activities; and 5. to attend such civic and ceremonial functions as the Council and he/she determines appropriate. 	<p><i>Change the wording of this section:</i></p> <p><i>This is not relevant in a Committee Structured Council with Scrutiny and Governance and Audit Committees</i></p>
	<p>6.01 The Leader of the Council</p> <p>The Leader is a ccouncillor elected by the Council to the position of Leader. The term of office for the elected Leader is one year. The Leader is elected at the Annual Meeting of the Council and holds office until the next following Annual Meeting or:</p>	<p><i>Change the wording of this section:</i></p>

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	<p>(a) s/he resigns from the office; or (b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or (c) s/he is no longer a Councillor; or (d) s/he is removed from office by resolution of the (full) Council (see 6.05)</p> <p>in which case a new Leader shall be elected at the next appropriate (full) Council meeting.</p>	No longer relevant following the Localism Act 2011
Part 2 Cont.	<p>6.03 Role of the elected Leader</p> <p>The Leader of the Council may not be the Chairman of the Council, a member of the Scrutiny Committee (or any sub committee, working party, or panel set up by the Scrutiny Committee) <i>or the Governance and Audit Committee.</i></p> <p>6.04 Deputy Leader of the Council</p> <p>The (full) Council will, at the Annual Meeting, elect a Deputy Leader to act in the notified absence of the Leader, such notice to be given in writing by the Leader to the Chief Executive. Subject to political balance rules, the Deputy Leader shall serve as an ex-officio member of the policy committees and their sub-committees (with voting rights) <i>other than the Scrutiny Committee (or sub-committee, working party of panel thereof) or the Governance and Audit Committee unless otherwise signified.</i> The post holder holds office until the next Annual Council Meeting unless that person is unable to complete the term for any reason <i>the reasons outlined in paragraph 6.01</i>, in which case a new Deputy Leader shall be elected at the next appropriate meeting in accordance with the above <i>above</i> provisions <i>in paragraph 6.05</i>.</p> <p>6.05 Motion to remove the Leader or Deputy Leader</p> <p>Any motion submitted to any (full) Council meeting to remove the Leader and/or Deputy Leader from office under 6.01(d) above must follow the rule for Motions on Notice outlined in part 4.1 Section 11, with the additional provision that the motion must be signed by X councillors.</p>	<p>Change the wording of this section</p> <p><i>To clarify agreed position</i></p> <p><i>Change the wording of this section</i></p> <p><i>These changes bring the provisions for the Deputy leader into line with those for the Leader</i></p> <p><i>New provision suggested by LGSS as there is no process at present to show how the leader could be removed by Council. This means at present the Leader could be removed following a motion proposed and seconded</i></p>

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	<p>If the motion is passed, it will be followed immediately by an item to appoint a new Leader of the Council. If the (full) Council resolves to remove the Leader but fails to appoint a successor then an item to appoint a new Leader must be included on the next and successive (full) Council agendas until a replacement Leader has been appointed.</p>	<p><i>by 2 councillors. Councillors are asked to consider if they wish to increase the number of councillors required to propose the motion under the Motion on Notice rules.</i></p>
Part 2 cont.	<p>8.02 Regulatory Committees</p> <p>The (full) 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 regulatory functions described in column 3 of that table.</p> <p>8.03 Scrutiny and Governance & Audit Committees</p> <p>The (full) Council will appoint councillors to 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.</p> <p>The (full) Council will appoint councillors to a Governance and Audit Committee, the purpose of which is to oversee and provide independent assurance on the council's arrangements in relation to audit and governance arrangements; standards of ethics and probity and systems for risk management and internal control. The committee has the power to appoint time-limited working parties and panels as necessary.</p> <p>No councillor may be involved in scrutinising a decision in which he/she has been directly involved. Membership of the Scrutiny Committee (and of any working party or panel established by the Scrutiny Committee) is therefore reserved to councillors not on the Policy and Resources Committee or the Governance and Audit Committee. Members of other committees may serve on the Scrutiny Committee.</p>	<p><i>Changes to recognise the role of Governance and Audit Committee and simplify this part of the constitution.</i></p> <p><i>Scrutiny Committee does not set performance targets</i></p> <p><i>Omitted at last change</i></p> <p><i>These two paragraphs have been moved from Part 4.4 and expanded to cover Governance and Audit.</i></p>

Constitution Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted text is proposed for removal	Comments
	<p>In order to preserve the independence of the Governance and Audit Committee, membership of the Governance and Audit Committee is reserved to councillors not on the Policy and Resources Committee or the Scrutiny Committee. Members of other committees may serve on the Governance and Audit Committee.</p> <p>Membership of the both committees will be determined in accordance with the statutory political balance requirements</p> <p>8.04 Other Committees</p> <p>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.</p>	
Part 2 Cont.	<p>11.04 Functions of the Monitoring Officer</p> <p>(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 councillors Members, officers staff and the public citizens. <i>councillors</i> Members, officers staff and the public citizens.</p> <p>(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. <i>councillors , including those representing</i></p> <p>(f) Granting of Dispensations. The Monitoring Officer is the Proper Officer for the purposes of receiving applications for dispensations from councillors in relation to Discloseable Pecuniary Interests pursuant to section 33(1) of the Localism Act 2011.</p> <p>(h) Advising whether policy decisions are within the Budget and Policy Policy and Budget Framework. The Monitoring Officer, in consultation with the Chief Finance Officer, will advise whether decisions of committees (and sub committees where delegated) of the policy committee <i>committees (and sub committees where delegated)</i> are in accordance with the policy</p>	<p><i>Change the following provisions only</i></p> <p><i>New provision suggested by LGSS</i></p>

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	<p>framework and budget. <i>policy and budget framework.</i></p> <p>12.04 Decision making by the (full) Council and Committees</p> <p>Subject to Article 12.075, all meetings including (full) Council will follow the Council Procedures Rules set out in Part 4 of this constitution when considering any matter.</p> <p>12.05 Decision making by the Scrutiny Committee The Scrutiny Committee will follow the Scrutiny Procedures Rules set out in Part 4 of this constitution when considering any matter.</p> <p>12.06 Decision making by Policy and Regulatory Committees and sub-committees established by the Council</p> <p>Subject to Article 12.07, Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this constitution as apply to them.</p>	<p><i>Changes to simply this part of the constitution</i></p>
Part 2 Cont.	<p>13.04 Authentication of documents</p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, <i>the Executive Director</i> or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.</p>	<p><i>To make provision to ensure unavoidable absence doesn't hinder key actions.</i></p>
	<p>13.05 Common Seal of the Council</p> <p>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) should be sealed. <i>(See Part 4.6 paragraph 4.3.6 for guidance) or if the total value is over £500,000</i> . The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by him/her.</p>	<p><i>Inclusion of guidance in relation to when seal should be applied to contracts recommended by LGSS</i></p>
	<p>14.02 Protocol for monitoring and review of constitution by Monitoring Officer</p>	<p><i>To reflect an internal audit recommendation previously</i></p>

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	<p>The Monitoring Officer will review this constitution annually to assess its is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may</p> <ol style="list-style-type: none"> 1. observe meetings of different parts of the Member councillor and officer structure; 2. undertake an audit trail of a sample of decisions; 3. record and analyse issues raised with him/her by Members-councillors , Officers, the public and other relevant stakeholders; 4. compare practices in this authority with those in other comparable authorities, or national examples of best practice; and 5. report such findings to the Council. 	<p><i>reported provide for more regular review.</i></p>
Part 2 Cont.	<p>14.03 Changes to the Constitution</p> <p>(a) Approval. Changes to the constitution will only be approved by the (full) Council at the Annual Meeting. , Changes may be proposed by the Monitoring Officer (usually after changes in legislation or the annual review, or by resolution or after consideration of the proposal of a committee of the Council or by a working party set up for the purpose.</p>	<p><i>Change this provision only - To avoid the need to clutter the annual council agenda and enable reports to be taken direct to council if appropriate.</i></p>
	<p>15.03 Publication</p> <p>(a) The Chief Executive will give a printed copy of this constitution to each Member of the Council councillor on request upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.</p> <p>(a)</p> <p>(b) The Chief Executive will ensure that copies are available for inspection on the council's website, and in paper form at council offices, libraries and other appropriate locations, Copies and can be purchased by members of the local press and the public on payment of a reasonable fee.</p>	<p><i>Changes these provisions to reflect that the fact that an up to date version of the Constitution is available on the council's website for consultation as required and to reduce printing costs.</i></p>
Part 3 – Responsibility	Delegation to Officers	<p><i>New Introductory section to explain need to delegation and</i></p>

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for Functions	<p>3.1 The council has to make numerous decisions on a daily basis. As it would be impossible for all of those decisions to be made by (full) Council or a committee it is necessary for the responsibility for making many of those decisions to be delegated to officers as outlined below.</p> <p>3.2 The exercise of such delegated powers by officers:</p> <p>a) shall comply with the Council's budget and policy framework and this Constitution</p> <p>b) shall not authorise expenditure except:</p> <p>I. where it is in accordance with approved provision within the budget;</p> <p>II. Is to such an extent as may be permitted by rules of procedure and other codes of practice;</p> <p>III. Or where other further approval is required, such approval has been given</p> <p>c) shall not authorise the making, creation or revocation of proposals, schemes or plans for the development or administration of the services which, by law, require the approval of a Minister of the Crown</p> <p>d) shall be the subject of prior consultation with an appropriate professional or technical advisor to the council in any case involving professional or technical considerations not within the province of the officer concerned</p> <p>3.3 The delegation of functions, powers and duties to officers shall be deemed to include in a reference to any Act of Parliament a reference to any statutory extension, amendments, modification or re-enactment thereof for the time being in force and to any Regulation, Order or Direction made under any such Act, amendment, modification or re-enactment.</p> <p>3.4 In the absence of a delegated officer all <u>delegated</u> powers may be exercised by the Chief Executive or Executive Director unless a specific qualification is required or the delegation is to a specific named officer</p>	<i>limits.</i>
Part 3.2 Scheme of Delegation	Town & Country Planning Act 1990, as amended and related legislation Planning applications 1(a) To determine applications with the exception of those applications falling within	<i>Changes to wording in this section</i> <i>See paragraph 2.6 of report</i>

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	categories A to J below:- I. Any application which a Member requests to be determined by Development Control Committee within the agreed 21 day time scale and the request is supported by the Chair or Vice-Chair of the Committee. H.L.	
Part 4.1 Council Procedure Rules	<p>1.1 Timing and business</p> <p>In a year when there is an ordinary election of councillors the Annual Meeting of Council meeting will take place within 21 days of the retirement of the outgoing councillors. <i>Otherwise the (full) Council meeting</i> , and will normally be held on the third Wednesday in May of each year at 7.30 in the evening, unless (full) Council at the last ordinary meeting preceding such Annual Meeting directs that the meeting shall be held at some other time of the day</p> <p>The Annual Meeting will:</p> <ul style="list-style-type: none"> i. elect a person to preside if the chairman of council is not present; ii. elect the chairman of council; iii. elect the vice-chairman of council; iv. approve the minutes of the last meeting; v. receive any announcements or reports from the Chairman and/or Chief Executive vi. elect the Leader (and Deputy Leader); vii. appoint the Scrutiny Committee, the elected members of the East Northamptonshire Joint Standards Complaints Committee and such other policy, regulatory and other committees as the Council considers appropriate to deal with matters which are not reserved to the Council (as set out in Article 4 of this constitution); vii. approve a programme of ordinary meetings of the Council <i>and its committees</i> for the year; and viii. consider any business set out in the notice convening the meeting. <p>1.2 Selection of Councillors to serve on Committees and Outside Bodies</p> <p>At the annual meeting, the Council meeting will:</p>	<p>Clarification of timing in different circumstances</p> <p><i>To be deleted as duplicates the provision of paragraph 1.2</i></p>

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	i. decide which committees to establish for the municipal year; ii. decide the size and terms of reference for those committees; iii. receive nominations of Councillors to serve on (a) each committee in accordance with the wishes of the political groups, and (b) on outside bodies; iv. decide the allocation of seats in accordance with the political balance rules iv appoint to those committees and outside bodies as the Council deems necessary for the coming year.	<i>Additional explicit provision advised by LGSS</i>
Part 4.1 Cont.	2.3 Order of proceedings at meetings unless otherwise provided by law or directed by the (full) Council:- Ordinary meetings will: ii. receive and, if appropriate within the Council's published Petitions Scheme (which can be found on the council's website www.east-northamptonshire.gov.uk), debate, petitions and hear from members of the public citizens of which notice has been given in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting; v. receive any new or existing declarations of interest from Members councillors and Officers under the provisions of the Localism Act 2011 or the Councillors Codes of Conduct for Councillors or Officers relevant to the matters under discussion; viii. receive the minutes and related comments reports from the chairmen of the Council's policy committees and receive questions and answers on any of those reports minutes , subject to the agreement of the Chairman; xv. consider matters where confidential or exempt information may be revealed;	<i>Change only provisions shown</i> <i>The council's petition scheme does not form part of the constitution</i> <i>Provision inserted at suggestion of LGSS</i>
Part 4.1 Cont.	9(b) Development Control Committee and Policy and Resources Committee The Chairman of these Committees may, as they think fit, modify this Rule to enable speakers on issues to be heard immediately before the matter to be considered, rather than at the start of the meeting. The Chairman may also extend the time allowed to a maximum of 30 minutes.	<i>Change to reflect practice</i>
	12. MOTIONS WITHOUT NOTICE	

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	<p>12.1 The following motions may be moved without notice:</p> <ul style="list-style-type: none"> (a) to appoint a Chairman of the meeting; (b) in relation to the accuracy of the minutes; (c) to change the order of business in the agenda; (d) to refer something to an appropriate body or individual; (e) to appoint a committee <i>or working party</i> or <i>nominated</i> member arising from an item on the summons for the meeting; (f) motions for the proper transaction of business included on the agenda for the meeting; (g) to receive reports or adoption of recommendations of committees or Oofficers and any resolutions following from them; (h) to withdraw a motion; (i) to amend a motion; (j) to proceed to the next business; (k) that the question be now put; (l) to adjourn a debate; (m) to adjourn a meeting; (n) that the meeting continue beyond 2 hours in duration; (o) to suspend a particular Council Procedure Rule where legal to do so; (p) to exclude the public and press in accordance with the Access to Information Rules; (q) to not hear further a Member<i>councillor</i> named under Rule 20.4 or to exclude them from the meeting under Rule 20.5; (r) to give the consent of the Council where its consent is required by this constitution; (s) to invite a Member <i>councillor</i> to remain <i>(subject to the provisions on Disclosable Pecuniary Interests)</i>; (t) to record a vote in accordance with Rule 16.5 (u) to extend the time limit for speeches. 	<p><i>Clarification to reflect the provisions of the Localism Act 2011</i></p>
Part 4.1 cont	14.1 Calling of debate	

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	The Leader has the right to call a debate about East Northamptonshire issues on a date and in a form to be agreed with the Chairman. Notice of the debate will follow the rules for a (full) Council meeting.	<i>To formalise existing practice</i>
	<p>16.3 Show of hands</p> <p>Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.</p> <p>16.4 Ballots</p> <p>The vote will take place by written ballot (using papers supplied by the Committee Officer) if one quarter of the Members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known. The voting direction of each Member will remain secret</p> <p>16.5 Recorded vote</p> <p>If, before any vote is taken, any Member councillor present at the meeting requests it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A request for a recorded vote will override a request for a ballot.</p>	<i>See paragraph 2.3 of report – this provision has not been used for at least 5 years</i>
Part 4.1 cont	<p>22.1 Suspension</p> <p>All of these Council Rules of Procedure may be suspended in accordance with the provisions of Article 15. except Rule 3.3 and 16.6 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present and vote in favour. Suspension can only be for the duration of the meeting.</p>	<i>Duplicates provisions of Article 15</i>
	<p>22.2 Amendment</p> <p>Amendments to these Rules of Procedure will only take effect at the next (full) Council or committee meeting following agreement of the amendment. will be proposed via a</p>	<i>To ensure consistency with Article 14 (as amended)</i>

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	<p>report from a Working Party set up for the purpose or from the Monitoring Officer and be clearly set out in the papers for the meeting. Therefore, any motion made at any Council meeting unconnected with such reports to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.</p>	
Part 4.2 Access to Information Procedure Rules	<p>10.4 Meaning of “public”</p> <p>(a) The definition does not include Members of the Council councillors who do not serve on a particular committee or sub-committee. Rule 26 in Part 4.1 allows such councillors Members to remain in meetings after the exclusion of the public provided that they -</p> <ul style="list-style-type: none"> Do not have a discloseable pecuniary prejudicial interest in the matter to be discussed, and the councillor has considered the implications of the Code of Conduct in relation to interests and Fully observe Parts 5.3 - Paragraph 5 (Member & Officer Relations – Confidentiality) and 5.6 of the constitution (Protocol for Members on Confidentiality). 	<i>To reflect the changes in the Localism Act 2011</i>
Part 4.2 Cont.	<p>12 Information for Councillors</p> <p>12.2 Committee agenda will be issued, for information, to all Members of the Council, whether or not Members of the relevant committee. A report of decisions for policy committees will be made available to all councillors servicing on Scrutiny Committee within three working days of the meeting.</p>	<i>To reflect current practice – all reports and agendas now available on council’s website. Cllrs can request to be sent full hard copy set of papers for any meetings at any point</i>
Part 4.4 – Scrutiny Procedure Rules	<p>7. Agenda items</p> <p>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 Scrutiny eCommittee 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. The councillor proposing the item is expected to attend the meeting and speak on the item</p>	<i>Formalisation of previous practice</i>
Part 8 Terms of	Policy and Resources Committee	<i>Changes to this section only to</i>

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Reference	<p>(ix) To establish a standing Personnel Sub-Committee <i>To establish a standing Personnel Sub-Committee</i> 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 <i>officers</i>, and changes to the establishment <i>as set out in that Sub-Committee's Terms of Reference</i>, setting up a standing Sub-Committee for that purpose;</p> <p>(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.</p>	<i>make wording consistent with Finance Sub-Committee</i>
	<p>Personnel Sub-Committee</p> <p>4. To consider and make recommendations to the Policy and Resources Committee (full) Council on the appointment of the Chief Officers (CMT) and on any matter relating to the conditions of employment of the Chief Executive and Chief Officers</p>	<i>To be consistent with Parts 2 and 5 of the Constitution</i>
	<p>Waste and Recycling Working Party</p> <p>1.0 The Waste and Recycling Working Party is a working party comprising 10 members of the Council established by (but not confined to members of) the Policy and Resources Committee to consider waste management arrangements in East Northamptonshire. The formation of the Working Party recognises</p> <ul style="list-style-type: none"> • the importance and complexity of waste management and recycling matters, • the requirement for in-depth examination of waste and recycling arrangements; • the <i>periodic</i> need to renew the waste management contracts in August 2014, <p>and</p> <ul style="list-style-type: none"> • the need for effective partnership working in Northamptonshire on waste issues. <p>2.0 In particular, the Working Party will</p> <ul style="list-style-type: none"> • review the Council's priorities for waste collection and recycling in East Northamptonshire; • consider the implications of the Landfill Allowance Trading Scheme for East Northamptonshire; • consider and prepare a response to the Joint Waste Management Strategy for 	<i>Changes to reflect the ongoing nature of this working party and the need to oversee the arrangements for the next letting of contract</i>

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	<p>Northamptonshire;</p> <ul style="list-style-type: none"> • consider arrangements for the introduction of kitchen waste collection; • examine the options for recycling centres; • have five members of the Working Party act as the Project Board in relation to the periodic renewal of the waste management contract, and; • consider any other issues in respect of waste and recycling that are of relevance to the District; <p>and make recommendations to the Policy and Resources Committee for consideration.</p> <p>3.0 In acting as the Project Board in respect of the renewal of the waste management contract, the Working Party is delegated by the Policy and Resources Committee to</p> <ul style="list-style-type: none"> • determine the tender evaluation process, operating within the Council’s Financial Regulations, Procurement Procedures and relevant European Union requirements; • agree the shortlist of bidders following a pre-qualification process; • consider the outcomes of the competitive dialogue; • consider and approve the draft tender documents; • contribute to the tender evaluation process; • identify a preferred contractor, and • make a recommendation to the Policy and Resources Committee for approval on the award of the any periodic contract commencing 1 August 2011. <p>4.0 The Working Party will also</p> <ul style="list-style-type: none"> • keep abreast of waste management developments and trends both in Northamptonshire and nationally (through DEFRA) and inform and advise the Policy and Resources Committee and the Council through the minutes of its meetings; • encourage and foster continual dialogue with Northamptonshire Waste Partnership in the spirit of partnership working. <p>5.0 The Terms of Reference of the Working Party will be reviewed prior to the start</p>	

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	of any arrangement to let a new contract at the meeting of the Policy and Resources Committee in June 2011.	