



Council – 22 June 2019

Annual Review of the Constitution

Purpose of report

This report proposes a number of amendments to the Constitution, mainly to reflect changes in the staff structure and to clarify statements where there has been ambiguity of interpretation.

Attachment(s)

Appendix A – Proposed Changes to the Constitution

1.0 Background

1.1 The Monitoring Officer has a responsibility to regularly review the Constitution in the light of the changing context in which the council operates, including changes in legislation. A full review of the Constitution was undertaken in 2015 by Internal Audit and the council's legal advisors, LGSS, and a significant number of changes were implemented as a result. A smaller number of changes have been approved since: some via recommendation from the Governance and Audit Committee; some by direct report to Council; and some minor administrative changes via the Monitoring Officer under delegated powers. The most up to date version of the Constitution can always be found on the council's website. This report proposes a number of further changes as outlined in the next sections.

2.0 Proposed changes to the Constitution

2.1 The major driver for the most significant proposed changes is to clarify and separate responsibilities and duties of the statutory officer roles of Chief Finance Officer and Monitoring Officer from that of the Executive Directors and reflect the creation of two new shared service posts (with Kettering and Wellingborough Councils):

- Executive Director of Growth and Infrastructure, to be employed by this council
- Head of Legal Services Group for North Northamptonshire - employed by Kettering Borough Council but who will be the Monitoring Officer for this council.

2.2 Changes to Part 3.2 lines 1- 6 and the general comments in relation to delegations to deal with Planning applications have been discussed with members of the Planning Management Committee before being proposed here.

2.3 The other changes have been proposed are of a minor administrative or clarification type. These include clarification that councillors not serving on a particular committee may speak during public speaking in the same way that any other member of the public may do so, provided they register their intention in accordance with the council's procedures for public speaking.

2.4 Full details of the proposed changes, together with the reason for the proposed change, are set out in Appendix A

3.0 Privacy Implications

3.1 There are no privacy implications as a result of this report.

4.0 Equality and Diversity Implications

4.1 There are no equality or diversity implications arising from this report.

5.0 Legal Implications

5.1 There are no known legal implications arising from the changes proposed in this report other than those noted against some proposed changes.

6.0 Risk Management

6.1 This report seeks to minimise the risks of legal non-compliance by updating the constitution in line with the latest staff structure and legislation.

7.0 Constitutional Implications

7.1 The proposed change to the Constitution will take effect immediately after the Council approves the amendments.

8.0 Resource and Financial Implications

8.1 There are no financial implications associated with this report.

9.0 Customer Services Implications

9.1 There are no direct customer services implications arising from this report.

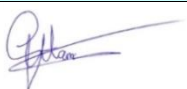
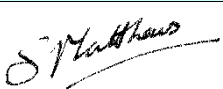
10.0 Corporate Outcomes

10.1 The proposed amendments to the Constitution will contribute to the corporate outcome of Effective Management by ensuring transparency in decision making

11.0 Recommendation

11.1 It is recommended that Council approves the amendments to the Constitution, as set out in Appendix A of this report.

[Reason: To ensure that the Constitution continues to provide appropriate guidance on council decision making]

Legal	Power: Various – as noted in the report					
	Other considerations:					
Background Papers: Constitution of East Northamptonshire Council.						
Person Originating Report: Sharn Matthews, Monitoring Officer ✉ smatthews@east-northamptonshire.gov.uk ☎ 01832 742108						
Date: 10 July 2019						
CFO			MO		CX	
11/07/19			11/07/19			

Proposed Changes to Constitution – Red is proposed new text, strike-through indicates text to be removed

Constitution Part and Paragraph Reference	Track Change Version of Changes – red text is proposed <i>insertion</i> whilst deleted-text is proposed for removal	Reason for Proposed Change
Part 1 – Summary and Explanation		
How the Council Operates	The Council is made up of 40 councillors elected every four years. (Councillors are sometimes referred to as Members, particularly in legislation). All councillors.....	Clarification
Committee Structure Diagram	Include Grievance Committee and change number of councillors on Transformation Committee from 12 to 15	To reflect changes made at Annual Council.
Citizens' Rights	<p>Citizens have the right to:</p> <ul style="list-style-type: none"> • vote at local elections if they are registered; • contact their local councillor and the Leader of the council about any matters of concern to them; • obtain a copy of the constitution; • participate in the public time (petitions and speaking) at (full) Council and committee meetings in accordance with the council's published procedures. • attend meetings of the (full) Council and its committees except where, for example, personal, confidential or otherwise exempt matters are being discussed; • petition to request a referendum on a mayoral form of Executive; • see reports and background papers, and the published record of decisions made by the (full) Council and its committees, if these are not exempt from publication; • complain to the council if they are unhappy about a decision. The council will consider the complaint in accordance with its published complaints procedure; • Find out from agendas published on the council's website 5 working days in advance what major decisions are proposed, when they are to be discussed and by whom; • complain to the Local Government Ombudsman if they think the council has not followed its procedures properly. However, they should only do this after using the council's own complaints process; 	To reflect duties under the Data Protection Act 2018

	<ul style="list-style-type: none"> complain to the council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the council's Code of Conduct for councillors; contact the council's Data Protection Officer if they wish to exercise one of their data rights (arising from the Data Protection Act 2018) or they wish to complain about the use of their personal information. use the council's Complaint Procedure if they are unhappy about the actions or conduct of an officer, and inspect the Council's accounts and make their views known to the external auditor. <p>The Council welcomes participation by its citizens in its work. More information on current consultations and opportunities to participate can be found on the council's website www.east-northamptonshire.gov.uk</p>	
PART 2 – Articles		
Table of Contents	Include reference to being no Article 7 at this time and renumber detail for Article 8	Clarification and to reflect changes below
Article 1 - The Constitution	<p>1.04 Interpretation and Review of the Constitution</p> <p>Where the constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above. The (full) Council will monitor and evaluate the operation of the constitution as set out in Article 14.</p> <p>All references requiring written notice shall, unless specifically noted otherwise, include written notice by e-mail.</p>	Clarification to reflect working practices.
Article 2 – members of the Council	<p>2.02 Election and terms of Councillors</p> <p>The ordinary election of all councillors will be held on the first Thursday in May every four years beginning in 2003, unless specified otherwise by legislation. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the next election.</p>	To reflect current situation

Article 3 – Citizens and the Council	<p>3.01 (e) Complaints. Citizens have the right to complain to:</p> <p>(i) the Council itself under its complaints procedures;(see Council’s Customer Feedback and Complaints – Policy on - https://www.east-northamptonshire.gov.uk/downloads/file/10333/customer-feedback-and-complaints-policy-2017)</p> <p>(ii) the Local Government Ombudsman after using the Council’s own complaints procedure; (for further details see http://www.lgo.org.uk/make-a-complaint) or</p> <p>(iii) the council’s Monitoring Officer about an alleged breach of the Councillor’s Code of Conduct. (See https://www.east-northamptonshire.gov.uk/info/200033/councillors-democracy-and-elections/1395/complaints-about-councillors-and-part-9-of-this-constitution)</p> <p>(iv) the council’s Data Protection Officer (see https://www.east-northamptonshire.gov.uk/site/scripts/home_info.php?homepageID=326) or the Information Commissioners Office (for further details see https://ico.org.uk/) if they wish to complain about the use of their personal information.</p>	To reflect rights under the Data Protection Act 2018
Article 4 – The Full Council	<p>4.01 Functions of the full Council Only the full Council will exercise the following functions:</p> <p>(a) adopting and changing the Constitution;.....</p> <p>(d) debating issues which are the subject of petitions signed by a specified number of people (as laid down in the Council’s published Petitions Scheme);.....</p> <p>(j) appointing the Leader and Deputy Leader of the Council;.....</p>	Clarification
	<p>4.02 Meanings (a) Policy Framework. The ‘policy framework’ means the following plans and strategies:</p> <p>(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</p> <ul style="list-style-type: none"> • The Crime and Disorder Reduction Strategy; • Food Law Enforcement Safety Service Plan..... 	Updated to reflect change in legislation for title

Article 6 – The Council Leader	<p>6.03 Role of the elected Leader The Leader of the Council will have the following roles, rights and responsibilities, in addition to those set out in Article 2.03....</p> <p>and, subject to political balance rules,</p> <p>(f) to serve as an ex-officio member of Policy and Resources, Transformation and Planning Policy Committees and their sub-committees (with voting rights)</p>	Clarification and consistency with provision for Deputy Leader
	<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, under the same arrangements as apply to the Leader and outlined on 6.03 above such notice to be given in writing by the Leader to the Chief Executive.</p> <p>Subject to political balance rules, the Deputy Leader shall serve as an ex-officio member of Policy & Resources, Transformation and Planning Policy committees and their sub-committees (with voting rights) other than the Governance and Audit Committee.</p> <p>The post holder holds office until the next Annual Council Meeting unless that person is unable to complete the term for the reasons outlined in paragraph 6.01, in which case a new Deputy Leader shall be elected at the next appropriate meeting in accordance with the provisions in paragraph 6.02</p>	
Article 8 - Policy, Regulatory and Other Committees	<p>8.01 Policy and Regulatory Committees 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 functions described in column 3 of that table. Membership of the committees will be determined in accordance with the statutory political balance requirements.</p> <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>	Simplification

	<p>8.03 Governance & Audit Committees The (full) Council will appoint councillors to a Governance and Audit Committee, the purpose of which is to:</p> <ul style="list-style-type: none"> • 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. <p>The committee has the power to appoint time-limited working parties and panels as necessary.</p> <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. Members of other committees may serve on the Governance and Audit Committee.</p> <p>Membership of both Governance and Audit Committees will be determined in accordance with the statutory political balance requirements</p> <p>Renumber 8.04 Proceedings of the Committee to 8:03 – no other changes</p>	<p>Update to reflect removal of Scrutiny Committee and reformatted</p>
<p>Article 9 – Joint Standards Complaints Committee and Independent Persons</p>	<p>9.04 The Role of the Independent Person...</p> <p>e) The 'call to action' of the reserve Independent Person will be made by the Monitoring Officer and will be reported in their Quarterly Activity Report to the Joint Standards Complaints Committee.</p> <p>9.06 Remuneration of the Independent Person....</p> <p>a) As the Independent Person is not a member of the authority or of its committees or sub-committees, the remuneration of the Independent Person does not fall within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.</p> <p>b) In comparison to the current Chairman of the previous Standards Committee, the role of Independent</p>	<p>To reflect current practice resulting from higher than expected use of Reserve due to initial level of appeals.</p> <p>See below re inclusion in Members Allowances Scheme following the decision by Council in</p>

	<p>Person is likely to be less onerous. The key activities of the Independent Person will be are:</p> <ul style="list-style-type: none"> • being available for consultation by the Monitoring Officer at the following stages of a complaint <ul style="list-style-type: none"> ○ initial assessment ○ after production of an Investigation Report where the Monitoring Officer is considering 'other action'. • Attendance by invitation at Hearing Panels in order to present their views (they will not be voting or co-opted members) • Being available for consultation by members against whom a complaint has been made. <p>c) The Independent Person will be paid a special responsibility allowance, as set out in Part 6 of the Constitution 'Members' Allowances Scheme' at 25% of the basic councillor's allowance (plus mileage) to reflect the above responsibilities. The reserve will also be paid a special responsibility allowance at half the rate of the Independent Person a retainer of 10% which would include:</p> <ul style="list-style-type: none"> • attendance by invitation at the quarterly meetings of the Joint Standards Complaints Committee (for training purposes only).... 	<p>October 2018 To reflect the actual experience of the post following five years of implementation</p> <p>As agreed by Council in October 18</p> <p>To reflect previously agreed reduction in meetings to 3 per year.</p>				
<p>Article 11 – Officers</p>	<p>11.01 Management structure</p> <p>(a) Chief Officers. The (full) Council will engage persons for the following posts, who will be designated Chief Officers:</p> <table border="1" data-bbox="436 1008 1657 1385"> <thead> <tr> <th data-bbox="436 1008 772 1077"><i>POST</i></th> <th data-bbox="772 1008 1657 1077"><i>Area of Responsibility</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="436 1077 772 1385">Chief Executive</td> <td data-bbox="772 1077 1657 1385"> <p>Overall corporate management and operational responsibility (including overall management responsibility for all Officers and leadership of the Corporate Strategic Management Team).....</p> <p>With the Executive Chief Officer posts to share between them the line management of the Heads of Service for:</p> <ul style="list-style-type: none"> • Resources and Organisational Development including ICT; </td> </tr> </tbody> </table>	<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 Corporate Strategic Management Team).....</p> <p>With the Executive Chief Officer posts to share between them the line management of the Heads of Service for:</p> <ul style="list-style-type: none"> • Resources and Organisational Development including ICT; 	<p>Changed to reflect revised structure agreed at Personnel Sub Committee June 2019</p>
<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 Corporate Strategic Management Team).....</p> <p>With the Executive Chief Officer posts to share between them the line management of the Heads of Service for:</p> <ul style="list-style-type: none"> • Resources and Organisational Development including ICT; 					

	<ul style="list-style-type: none"> • Customer and Community Services including Communications and Revenues and Benefits • Planning Services • Environmental Services • Economic and Commercial Development <p>As a member of the Corporate Management Team to contribute to the corporate management of the Council.</p>										
<p>Executive Director Officer posts:</p> <ul style="list-style-type: none"> • Executive Director Resources and Commercial • Executive Director for Growth and Infrastructure 	<p>With the Chief Executive to share between them the line management of the Heads of Service for:</p> <ul style="list-style-type: none"> • Resources and Organisational Development ICT • Customer and Community Services including Communications and Revenues and Benefits • Planning Services • Environmental Services • Economic and Commercial Development <p>As a member of the Corporate Management Team to contribute to the corporate management of the Council.</p>										
<p>(b) Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) The Council will designate the following posts as shown:</p>											
<table border="1"> <thead> <tr> <th data-bbox="434 1061 1003 1098"><i>Post</i></th> <th data-bbox="1003 1061 1570 1098"><i>Designation</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="434 1098 1003 1134">Chief Executive</td> <td data-bbox="1003 1098 1570 1134">Head of Paid Service</td> </tr> <tr> <td data-bbox="434 1134 1003 1203">External Appointment Executive Director Resources and Commercial</td> <td data-bbox="1003 1134 1570 1203">Chief Finance Officer</td> </tr> <tr> <td data-bbox="434 1203 1003 1272">Executive Director Head of Legal Services Group (External Appointment)</td> <td data-bbox="1003 1203 1570 1272">Monitoring Officer</td> </tr> </tbody> </table>				<i>Post</i>	<i>Designation</i>	Chief Executive	Head of Paid Service	External Appointment Executive Director Resources and Commercial	Chief Finance Officer	Executive Director Head of Legal Services Group (External Appointment)	Monitoring Officer
<i>Post</i>	<i>Designation</i>										
Chief Executive	Head of Paid Service										
External Appointment Executive Director Resources and Commercial	Chief Finance Officer										
Executive Director Head of Legal Services Group (External Appointment)	Monitoring Officer										

	<p>11:08 Data Protection Officer (DPO)</p> <p>Under the GDPR, it is mandatory for this council to designate a DPO. In addition to facilitating compliance, DPOs act as intermediaries between relevant stakeholders (e.g. supervisory authorities, data subjects, and business units within an organisation).</p> <p>It should be noted that the designation of a DPO does not take away the responsibility of the council to ensure, and to be able to demonstrate, that the processing of data is performed in accordance with its provisions. (The DPO is not personally responsible in case of non-compliance with the GDPR)</p> <p>The regulations also require that the DPO must also be given sufficient autonomy and resources to carry out their tasks effectively.</p>	To reflect the requirements under the General Data Protections Regulations
Article 13 – Finance, Contracts and Legal Matters	<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, the Monitoring Officer or Chief Finance Officer, Executive Director- or other person authorised by the Chief Executive him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.</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, the Monitoring Officer , the Chief Finance Officer, or the Council’s Legal Adviser should be sealed or if the total value is over £500,000. The affixing of the Common Seal will be attested by the Chief Executive, the Executive Director, the Monitoring Officer or Chief Finance Officer, or some other person authorised by the Chief Executive him/her.</p>	To provide flexibility in the absence of the CEX
Part 3 – Responsibility for Functions		
1 Responsibility for Council Functions	Remove from Policy and Resources Committee Delegations reference to Housing Sub Committee	To reflect changes made at Annual Council
	Change reference from CRB check to DBS check under Licensing (Taxi and Miscellaneous Panels)	To reflect change in title of document

<p>2 Responsibility for Joint Functions</p>	<p>2.1 In accordance with Article 10, Paragraph 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.</p> <p>2.2 In accordance with Article 10, Paragraph 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.</p> <p>2.3 In accordance with Article 10, Paragraph 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:-</p> <ul style="list-style-type: none"> (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 Law and District Law) (f) Health and Safety and Business Continuity (with the Borough Councils of Kettering and Corby). (g) Procurement (with several other District and Borough Councils and hosted by Melton Borough Council) (h) Internal Audit (with several other Councils and hosted by Local Government Shared Services) <p>and to explore the scope for further joint working.</p> <p>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 9 of this constitution.</p>	
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3 Delegation to Officers	In the absence of a delegated officer all delegated powers in Part 3.2 or other policies may be exercised by the Chief Executive or Executive Director Chief Officers unless a specific qualification is required or the delegation is to a specific named officer or statutory officer role.		Clarification to reflect new structure and simplification of Part 3.2
PART 3.2 – Scheme of Delegation to Officers			
References 1-201	Remove reference to Chief Executive or Executive Director from Lines 1-200		Covered by changes in Part 3.1 (3) above
1(a) Planning Applications (including applications for listed building consent and advertisement consent)	To determine applications with the exception of those applications falling within categories A to J below:-	<p>Head of Planning Services, Planning Development Manager, Executive Director with the ability of any of these to specify other officers (in addition to those below above) within Planning Services to act under the scheme Head of Planning Services (HoPS) Planning Development Manager (PDM)</p> <p>SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION</p> <p>Development Control Committee UNDER SECTION 1(a), PROPOSALS FAILING TO COMPLY WITH DEVELOPMENT PLAN POLICY WILL BE REFERRED TO THE PLANNING MANAGEMENT COMMITTEE</p>	Change in order of delegation and ability to specify other officers to reflect use of delegated powers and anticipated higher than usual staff turnover Proposed to delete reference to 'proposals failing to comply with the development plan policy' as ambiguous and does not allow for the 'planning balance' to be carried out as required by legislation

	<p>A. Outline or full applications for residential development involving 10 or more units in Towns or 0.5 hectares or more site area. A. Applications for ‘major’ residential development (as defined by the Development Management Procedure Order 2015 i.e. 10 dwellings or 0.5ha where the number of dwellings is unclear)</p> <p>B. Outline or full applications relating to properties which have been designated as Assets of Community Value. Applications for change of use or total demolition or demolition of a significant portion of properties covered by Assets of Community Value</p> <p>C. Total or partial demolition or demolition of a significant portion of Listed Buildings</p> <p>D. Non-residential development involving more than 1,000 square metres of additional floorspace, unless upon land allocated for commercial development in the development plan or other development document.</p> <p>E. District Council applications under Article 3 or 4 of the Town & Country Planning (General Regulations) 1992</p>		<p>A – Amended to a more simple definition to avoid confusion</p> <p>B – To avoid minor changes which don’t affect current use having to come to Committee</p> <p>C – Clarified this relates to significant demolition. Current wording unclear whether it includes small scale works such as removal of partition walls / creation of window and door openings etc.</p> <p>E – Amended for clarity, to accord with part 5.4, paragraph</p>
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	<p>Applications by East Northamptonshire Council (with the exception of non-material amendments and discharge of condition applications).</p> <p>F. Applications affecting property owned or controlled by an officer or Member of the Council.</p> <p>G. Observations on proposals referred by adjoining Planning Authorities, Government Departments ,crown bodies and statutory undertakers in those cases where such proposals are likely to significantly affect this District.</p> <p>H. Any application at the discretion of the Head of Planning Services</p> <p>I. Any application which a Member requests to be determined by Planning Management Committee within the agreed 21 day time scale.</p> <p>J. Any application for renewal where the Planning Management Committee considered the original application.</p>		<p>6.1.2 of the constitution</p> <p>G – reference to crown bodies added (see below regarding paragraph 3 of the Scheme of Delegation)</p> <p>J proposed to be deleted as there is no longer legislative provisions for renewal of applications.</p>
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<p>1(c)</p> <p>Agreement of materials Conditions for Planning Applications</p> <p>Discharge of planning conditions</p>	<p>To agree materials conditions (for roofs or walls) which differ from those in the applications and which significantly impact on the appearance of the development where the determination was made by Planning Management Committee</p> <p>To determine applications / determine the suitability of details submitted pursuant to planning conditions (including conditions attached to applications for listed building consent and advertisement consent)</p>	<p>Executive Director; HoPs; or PDM in consultation with the Chairman or Vice Chairman of Planning Management Committee and the relevant ward councillor(s)</p> <p>Executive Director; HoPs; PDM, Development Management Officers, Senior Conservation Officer, Enforcement Officers</p>	<p>Proposed to delete due to legislative changes and new text proposed to formalise existing process regarding discharge of conditions generally</p> <p>Paragraph 1(c) as currently worded does not support the timely determination of such applications in accordance with current legislation and government guidance. It is also confusing as the Scheme of Delegation is otherwise currently silent regarding planning conditions</p>
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2 Environmental Impact Assessment	Under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 1999 as amended, to form a view as to whether an Environmental Statement is considered necessary in connection with a particular development proposal and to respond to scoping requests.	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	Updated to refer to current legislation and to clarify that scoping requests are included
3 Adjoining Authority Consultations	To make formal observations on applications relating to proposals submitted by other local authorities, Crown bodies or Government Departments, where it is considered that the proposals are unlikely to significantly affect this District.	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	It is suggested that this can be deleted as it falls under paragraph 1(a) of the Scheme of Delegation (criterion G relates) Subsequent paragraphs would require renumbering
4 (a) Minor Non-Material Amendments	Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved. Determination of applications for non-material amendments, after notification to relevant Ward Cllr(s).	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	Corrected to refer to 'non-material amendments' rather than 'minor non-material amendments' to accord with the relevant legislation Amended to clarify the provision relates to determination

			rather than solely approval
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	Proposed to be deleted These applications are section 73 (Town and Country Planning Act) applications, i.e. formal planning applications for variation of condition. Such applications are already captured by section 1(a) of the Scheme of Delegation where there is provision for Member call in
4b . Certificates of Lawfulness	To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council	HoPS, PDM, Executive Director, in consultation with the LGSS Legal Service (if required); 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	Moved from 30 as sits better with planning applications but no changes proposed

5(a) Enforcement	Issue of Cautions for Planning Related minor offences	Chief Executive, Executive Director, HoPS, PDM and Senior Principal Planning Enforcement Officer with the ability to specify other officers (in addition to those shown) to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION	To reflect changes in staff structure
6 Enforcement	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 the Council's legal advisor (as required) ; with the ability to specify other officers (in addition to those shown) 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 to Ward Members	Minor clarification
12A	<u>The Planning (Hazardous Substances) Regulations 2015</u> To determine applications for Hazardous Substance Consent.	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	Clarification Hazardous substance consent is different from notification
29	To determine high hedge complaints and associated appeals under the High Hedges (Appeals) (England) (Regulations) 2005 and Part 8 of the Anti-social Behaviour Act 2003 and the issuing of remedial notices	HoPS, PDM, Planning Policy & Conservation Manager; with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICER SO AUTHORISED AND THE DATE OF AUTHORISATION. SUBJECT TO RIGHT OF REFERRAL, TO THE PLANNING MANAGEMENT COMMITTEE OF ANY APPLICATION BY MEMBERS, WHERE THEY CONSIDER APPLICATION GIVES RISE TO MORE SIGNIFICANT ISSUES	

30.	To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council	HoPS, PDM, Executive Director, in consultation with the LGSS Legal Service (if required); 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	Moved to 4 b as sits better with planning applications but no changes proposed
General Operational Arrangements relating to Planning applications	<p>1. No application* is determined before the expiration of the 21 day period allowed for public comment.</p> <p>2. Delegated decisions are made on a daily basis.</p> <p>3. Applications in the delegated categories are identified in weekly list notifications to Councillors.</p> <p>4. All applications received are included on a weekly list circulated to all Members and Parish/Town Councils. The list is also available to view on the Council's web site at www.east-northamptonshire.gov.uk.</p> <p>5. Members wishing to refer an application to Planning Management Committee for determination must do so before the "earliest decision" date identified against each application on the Weekly List by notifying expiration of 21 days from the date of publication of the relevant weekly list, by notifying – in writing – the appropriate Development Control Planning Management Officer (via the Planning Admin e-mail address - planning@east-northamptonshire.gov.uk) stating the reason for the call in.</p> <p>* For the avoidance of doubt, the following application types are excluded as they do not require public consultation:</p> <ul style="list-style-type: none"> • Applications for lawful development certificates • Applications for discharge of condition • Applications for non-material amendments • Consultations from other authorities/bodies etc. 	<p>Clarification for point 1 added for the avoidance of doubt</p> <p>For clarification, notification of the outcome of applications, including withdrawals and those determined under delegated powers is included in a separate report.</p> <p>Amendments to point 5 to ensure consistency with Part 5.4 paragraph 5.2.1 of the constitution A Member</p>	

	<ul style="list-style-type: none"> • Certain applications for prior notification/approval (as specified in legislation) • Requests for screening opinions 		Briefing Note will be sent to all Councillors outlining this change if agreed by Council.
201.	<u>Administration of Estates Acts, 1925 & 1971</u> To make application, in all appropriate cases, to administer the estates:	The Monitoring Officer, the council's legal advisors Legal Service , Head of Environmental Services	Drafting error and reflect new staffing structure
203.	<u>Local Government Act 1972</u> Section 91 To make an order appointing temporary parish councillors until new elections are held (cases where the council is inquorate and not able to comply with its legal obligations) :	Chief Executive, Monitoring Officer and the council's legal advisors Legal Service	To reflect new staffing structure
204.	Section 91 Section 112(2) (Staff Benefits and Actions) To approve or decline applications for car loans from staff	Chief Finance Officer or Head of Resources & OD and either Chief Executive or Executive Director Monitoring Officer	To reflect new staffing structure
206.	To appoint, discipline and dismiss staff below the grade of Senior Officer and to initiate action for the discipline/dismissal of staff at/above that rank:	Chief Executive; Executive Directors and Heads of Service.	To reflect new staffing structure
207.	Sections 120 - 123 (Land Transactions & Council Assets) To select valuer (etc):	Head of the Paid Service or Executive Directors or Head of Resources and OD	To reflect new staffing structure
208.	To deal with leases - (1) implementation of options to renew on terms specified in lease or to be negotiated by valuer (2) approve licences to assign existing leases	Head of the Paid Service or Executive Directors	To reflect new staffing structure

209.	To approve the submission of responses to government consultations where a) the time frame is too short to permit consideration by an appropriate council committee OR b) the level of technical detail is high and political approval is considered appropriate because of the thrust of the response OR c) the consultation response is a joint response by a number of authorities so the opportunity for changing the response is limited and the issue is whether East Northamptonshire Council should endorse the proposed response or not	Chief Executive and Executive Directors IN CONSULTATION WITH LEADER AND/OR DEPUTY AND CHAIRMAN OR VICE CHAIRMAN OF RELEVANT COMMITTEE AS APPROPRIATE	To reflect new staffing structure
210.	<u>Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990; County Courts Act 1984; Rights of Audience Order 1999</u> To institute or defend proceedings in the Magistrates/County/High Court:	Head of the Paid Service or Executive Director Monitoring Officer -, or The council's legal advisors Legal Service SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER	Drafting error and reflect new staffing structure
211.	To authorise staff under the above provisions:	Head of the Paid Service or Executive Director , Monitoring Officer in consultation with the council's legal advisors Legal Service	Drafting error and reflect new staffing structure
212.	To take Counsel's opinion when he they deems it in the Council's interest	Head of the Paid Service or Executive Director , Monitoring Officer or the council's legal advisors Legal Service CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE AND THE LEADER TO BE NOTIFIED	Drafting error and reflect new staffing structure
213.	<u>Local Government Act 2000 – Section 92</u> To make payments in cases of maladministration:	Chief Executive; Executive Directors s SUBJECT TO REPORTING TO THE POLICY & RESOURCES COMMITTEE	To reflect new staffing structure
216.	<u>Local Government Finance Acts 1988 and 1992 (Council Tax etc)</u> To impose or quash penalties:	Head of Customer and Community-Services; Chief Finance Officer; Executive Director , Chief Executive	To reflect new staffing structure

217.	To administer the legislation including various control, management and relief functions:	Head of Customer and Community Services; Executive Director ; Revenues Manager, Chief Executive	To reflect new staffing structure
218.	To approve applications for rate relief for partial occupation of non-domestic properties:	Head of Customer and Community Services; or Chief Finance Officer; or Executive Director , Chief Executive	To reflect new staffing structure
219.	To approve applications for discretionary relief:	Head of Customer and Community Services; Executive Director, Chief Executive	
220.	<u>Local Government Finance Act 1992 and Council Tax Benefit Regulations</u> To implement and operate the Act and its supporting regulations	Head of Customer and Community Services; Chief Finance Officer; Executive Director , Chief Executive	To reflect new staffing structure
222.	To conduct internal reviews:	Chief Finance Officer and Head of Customer and Community Services; Executive Director Monitoring Officer	To reflect new staffing structure
223.	To operate the Council's scheme on discretionary payments:	Chief Finance Officer; Head of Customer and Community Services; Executive Director , Monitoring Officer Chief Executive	To reflect new staffing structure
227.	<u>Local Government (Miscellaneous Provisions) Act 1976</u> To approve Member Empowerment Grants	Executive Director s ; Head of Customer & Community Services	To reflect new staffing structure
229.	<u>Public Health Act 1936 - Section 291</u> To enter into repayment agreements and make Charging Orders (expenses recoverable from owners):	Executive Director s , with power to delegate to specific officers	To reflect new staffing structure
251.	<u>Community Right to Bid</u> Responsibility for decision whether to list a nomination as an asset of community value	Executive Director Monitoring Officer (or Corporate Support Manager Head of Resources and Organisational Development if the Executive Director Monitoring Officer has a conflict of interest). The decision will be taken after consultation with the Chairman of the Policy & Resources Committee and the ward member(s) for the location of the asset.	To reflect new staffing structure

252.	If the asset is listed by the Council and the owner contests the listing, he or she can ask the Council to review the decision.	Chief Executive (or Executive Director Monitoring Officer if Chief Executive has a conflict of interest and they did not make original decision).	To reflect new staffing structure
Proper Officers	The Executive Director for Growth and Infrastructure is the Proper Officer for:- Section 191 Functions relating to Ordnance Survey		To reflect new staffing structure
	The Executive Director Monitoring Officer is the Proper Officer for:- Section 212 Local Land Charges Register		To reflect new staffing structure
Part 4.1 Council Procedure Rules			
1. Annual Meeting of Council	<p>1.1 Timing and business In a year when there is an ordinary election of councillors the Annual Meeting of Council will take place within 21 days of the retirement of the outgoing councillors. Otherwise the (full) Annual Council meeting 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 the council is not present; ii. elect the Chairman of council; iii. elect the Vice-chairman of council; 		Drafting errors
	<p>1.,2 Selection of Councillors to serve on Committees and Outside Bodies At The Annual Meeting, the Council meeting will:</p> <ul style="list-style-type: none"> 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 : <ul style="list-style-type: none"> (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 v. appoint to those committees and outside bodies as the Council- meeting deems necessary for the coming year. 		Drafting errors and clearer format

	1.3 Urgent items cannot be considered at the Annual Meeting	Clarification of Legal Position
2. Ordinary Meetings	2.2 A time limit of two hours applies for consideration of business (including time allowed for the public to speak)-	Duplicated provision under section 8 of articles
Insert new 2.4 (and renumber remainder of section)	2.4 An item of business may not be considered at a meeting of council unless either:- (a) a copy of the agenda including the item is open to inspection by members of the public for at least five clear working days before the meeting or; where the meeting is convened at shorter notice, from the time the meeting is convened; or (b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.'	To comply with the provisions of the s.100B(4) of LGA 1972, as amended by LG Access to Information Act 1985
3 Extraordinary meetings	3.1 Calling extraordinary meetings The following may require the Chief Executive to call Council meetings in addition to ordinary meetings: i. the Council, by resolution; ii. the Chairman of the Council iii. the Chief Executive; iv. the Monitoring Officer; v. the Chief Finance Officer vi. the Leader vii. any five councillors if they have signed a requisition presented to the Chairman and the Chairman has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.	Obvious omission
9 Public Time at Meetings	9.1.a General Citizens 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 citizens may speak for up to 3 minutes on a matter due for consideration at the meeting. A "citizen" includes: <ul style="list-style-type: none"> • a local resident, • an objector 	Reformatted for greater clarity and clarification in relation to ability of Cllrs not on a particular Committee to

	<ul style="list-style-type: none"> • a Parish or Town Council representative, • an East Northamptonshire Councillor servicing on that Committee with a Disclosable Pecuniary Interest (with a Dispensation) or an 'other interest' as a result of which they have withdrawn from the debate or decision on a related matter • an East Northamptonshire Council Councillor not servicing on that Committee who wishes to speak on a matter on the agenda • an applicant (in the case of the Development Control Committee, this can be an agent). <p>This right reflects Articles 6 and 10 of the European Convention of Human Rights (Right to be heard and Freedom of Expression).</p> <p>Please note there is no right to a reply by the Committee to any specific questions that may be asked during public speaking.</p>	<p>speak</p>
	<p>9.1 (c) Development Control Committee and Policy and Resources Committee</p> <p>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 overall time allowed for public speaking to a maximum of 30 minutes.</p>	<p>Consistency with Part 5.3</p>
	<p>9.3 Scope of public speaking</p> <p>Public speaking will be allowed at the discretion of the Chairman and speakers may be rejected or stopped if the subject of their speech:</p> <ul style="list-style-type: none"> • is not about a matter for which the local authority has a responsibility or which affects the district (or in the case of a Committee or Sub Committee is not within the scope of their functions) • is defamatory, frivolous or offensive;.... 	<p>Clarification</p>
<p>10 Questions by Members</p>	<p>Supplementary question</p> <p>At the discretion of the chairman of the meeting, a councillor asking a question under Rule 10.2 or 10.3 may ask one supplementary question, without notice, of the councillor to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The councillor to whom the question is asked may decline to answer the supplementary question.</p>	<p>Clarification</p>
<p>20 Councillors' Conduct</p>	<p>20.1 Councillors and officers will stand on the entrance and departure of the Chairman from the council Chamber at Annual or full Council meetings. Councillors may sit while speaking.</p> <p>When councillors speak at a meeting of the Council or committee, they must address the meeting through the Chairman. If councillors wish to speak on a matter, they must signal and wait to be asked by the</p>	<p>Clarification to reflect current practice</p>

	Chairman to speak.	
26 Items on Committee Agenda	<p>26.3 Requests from Members Any member of the Committee/body concerned wishing to have an item placed on the agenda for a meeting of the Council, or Policy, or Scrutiny committee (other than by way of notice of motion in accordance with Rule 11) shall contact the Chief Executive (or in his absence the Executive Director (Monitoring Officer) requesting that an item be placed on the next available agenda for that body.</p> <p>For the purposes of this rule, an item could be, but is not restricted to, a motion, topic for discussion, or request for information.</p> <p>The decision of the Chief Executive, or in his absence, the Executive Director Monitoring Officer shall be final as to whether the item falls within the terms of reference of that body. 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.</p>	To reflect change in staff Structures
27 Attendance at Committees at which they are no members	Councillors have the rights to attend meetings of committees and sub-committees of the Council, of which they are not members. When exercising this right , Councillors attend as observers and must sit separately from the committee or sub-committee and may not participate or vote in such meetings. This rule allows Councillors to remain after the press and public have been excluded from the meeting (provided that certain conditions are met -see paragraph 10.4 of Part 4.2 of this constitution).	Clarification
Part 4.2 Access to Information Procedure Rules		
8. Background Papers	<p>8.2 Public inspection of background papers The Council will make available on request for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.</p>	For clarification and to reflect low level of take up
10. Exclusion of Access by the Public to Meetings	<p>10.3 Meaning of “public” (a) The definition does not include councillors who do not serve on a particular committee or sub-committee. Rule 27 in Part 4.1 allows such councillors 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 interest or an ‘other’ interest in the matter to be discussed, and the councilor has considered the implications of the Code of Conduct in relation to interests Fully observe Parts 5.3 - Paragraph 5 (Member & Officer Relations – Confidentiality) and 5.6 of 	For clarification

	the constitution (Protocol for Members on Confidentiality).									
13. Scrutiny Committee Rights	Scrutiny Committee councillors have no automatic entitlement to any document that is in draft form but, in accordance with Part 5.3 of the Constitution, they are entitled to receive reports containing exempt or confidential information (“pink papers”), especially since that information may be relevant to an action or decision they are taking, reviewing or scrutinising, or intend to scrutinise.	To be removed at Scrutiny Committee no longer exists								
Part 4.3 Financial Procedure Rules										
Urgency Procedure	3.70 For sums between £100,000 & £500,000 the Leader of Council and Chair of Policy and Resources (or in their absence their deputies) shall be authorised to approve such urgent expenditure after written report from another Chief Officer Chief Executive/Executive Director countersigned by Chief Finance Officer. These decisions will be reported to next Policy and Resources Committee	To reflect changes in staff structure								
Stores and Inventories	5.65 Each Chief Officer The Executive Director, Chief Finance Officer or Head of Service of each department shall be responsible for the care and custody of stores in his their department and shall have all such stores checked independently of the storekeeper at least on one occasion in each financial year	To reflect changes in staff structure								
Statement of Accounts	5.70 As soon as practicable after the close of each financial year, the Chief Finance Officer shall submit to the Governance and Audit Committee a statement of its finances for the last financial year for approval in accordance with statutory timescales. The Financial Services Manager (ENCOR) will make appropriate arrangements to prepare the accounts and Executive Directors Chief Officers and Heads of Service must forward the appropriate information within the agreed time-scales.	To reflect changes in staff structure								
Chairman's Account	8.11 iii) Two signatories will be required to sign any documents authorising transactions on the account. The following officers will be mandated to sign such documents on behalf of the Council: <table border="1" data-bbox="600 1054 1641 1297"> <tr> <td>First signatory – any one of</td> <td>Counter signatory – any one of</td> </tr> <tr> <td>Personal Assistant to the Chairman of the Council</td> <td>Executive Director Monitoring Officer</td> </tr> <tr> <td>Senior Democratic Services Officer</td> <td>Head of Resources and Organisational Development</td> </tr> <tr> <td>Democratic Services Manager</td> <td>Finance Manager</td> </tr> </table>	First signatory – any one of	Counter signatory – any one of	Personal Assistant to the Chairman of the Council	Executive Director Monitoring Officer	Senior Democratic Services Officer	Head of Resources and Organisational Development	Democratic Services Manager	Finance Manager	To reflect changes in staff structure
First signatory – any one of	Counter signatory – any one of									
Personal Assistant to the Chairman of the Council	Executive Director Monitoring Officer									
Senior Democratic Services Officer	Head of Resources and Organisational Development									
Democratic Services Manager	Finance Manager									
	8.11 v) the Executive Director, in consultation with the Finance Manager, be authorised to close down the existing Chairman's Account with HSBC Bank and to transfer any balance to a new account with Barclays Bank established in accordance with the protocol above.	No longer required because of the								

		closure of the Barclays Bank in Thrapston
Part 4.6 Contract Procurement Rules		
Others matters to consider New 10.7 and subsequent renumbering	10.7 Health and Safety Officers shall ensure that the contracts include adequate provision for the monitoring of health and safety arrangements within the contract and appropriate reporting of incidents to this council.	To ensure that appropriate arrangements are considered
Extensions	11.3 c) Where a business need has been identified which means that a contract is required to be extended beyond the term permissible in the original contract documents, advice must be sought from Welland Council's Procurement Service in the first instance and authority sought from the Monitoring Officer or the S151 Officer if such an extension is proposed. And also in Table in Appendix D	To reflect change in shared service arrangements
Appendix E	Delete Appendix – Contact Details for Council's Procurement Advisors	These are best kept up to date on the Council Intranet.
Part 4.7 Officer Employment Procedure Rules		
2	Recruitment of Head of Paid Service, Chief Officers , Statutory Officers and Heads of Service¹ Where the Council proposes to appoint a Chief Officer, Statutory Officer or Head of Service and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will	Change to reflect new staff structure
5.	Definition of “Chief Officer” For the purposes of this Procedure Rule, the term “Chief Officer” includes:- (a) The Head of the Council's Paid Service ie the Chief Executive, designated under Section 4(1) of the Local Government and Housing Act 1989. (b) The Monitoring Officer as designated under Section 5 of the Local Government and Housing Act 1989. (c) The Chief Finance Officer having responsibility under Section 151 of the Local Government Act 1972 and Section 112 of the Local Government Finance Act 1988; and (d) Executive Director of Growth and Infrastructure	To reflect new staff structures

¹ This process is subject to the Local Authorities (Standing Orders)(England) Regulations 2001

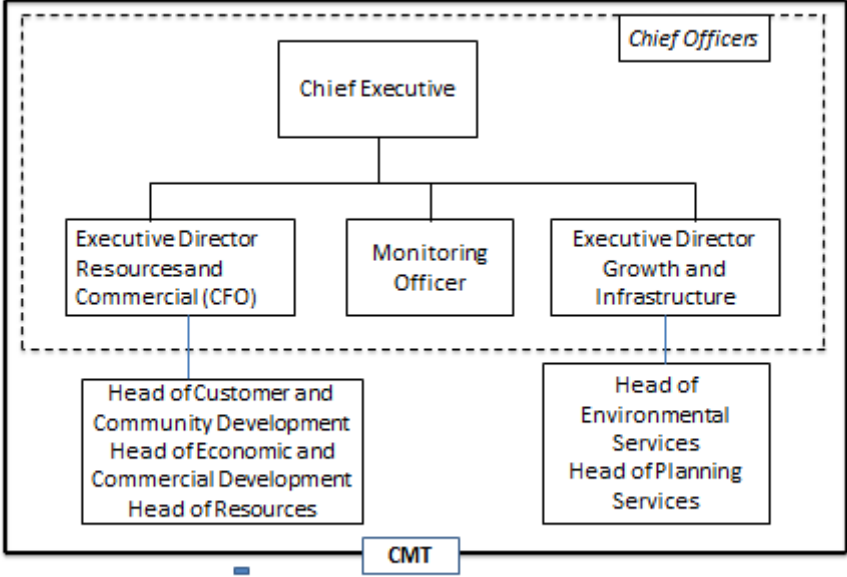
	The above includes any posts which include the above Statutory Officer roles	
6 Appointment of Heads of Service	<p>Insert Details of the successful applicant, once they have accepted the post, will be reported by the Chief executive to the next Personnel Committee</p> <p>Delete The starting salary for Heads of Service will be agreed by the Chief Executive in consultation with the Chairman or Vice Chairman of the Personnel Sub-Committee .</p>	<p>Clarification</p> <p>For consistency with the Pay Policy</p>
Part 5.3 Protocol for Councillor and Officer Relations		
4.6 Members access to documents	<p>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”). Members of the Scrutiny Committee do not have an automatic entitlement to any document that is in draft form. 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 provided that they do not have a Disclosable Pecuniary Interest or ‘other’ interest in the subject matter of the report.</p>	<p>Clarification and to reflect removal of Scrutiny Committee</p>
10 Correspondence	<p>10.1 Correspondence between an individual Councillor and an Officer on a matter relating to a single constituent should not normally be copied by the Officer to any other councillor. Where circumstances make it necessary to copy the correspondence to another councillor, this should be made clear to the original councillor and any personal data redacted in line with the provisions of the Council’s Data Protection Policy . In other words, A system of “silent or blind copies” should not be employed.</p> <p>10.2 In some cases issues are raised by, or with, individual councillors relating to a matter of general interest in a District Council Ward or particular Parish or Town. Recognising that it is in the best interests of the Council to ensure that all councillors are properly informed of general issues in their Ward/Parish or Town, copies of correspondence will normally be sent to all councillors for the particular area unless the councillor specifically requests that correspondence is not copied to other councillors, or there is a political, data protection or other reason, why this is not appropriate. Where correspondence is copied to other councillors this will be made clear to the original councillor.</p>	<p>To reflect the provisions of the Data Protection Act 2018</p>

11 Public relations and Press Releases	<p>11.3 Councillors of the Council are free to deal direct with the media on their own behalf in matters relating to their role as a ward councillor. Councillors attending or representing the Council at meetings of outside bodies may not issue statements to the press on behalf of the Council in advance of any consideration of the matter by the council or the outside body.</p> <p>11.4 Council Officers will advise and assist councillors in responding to the press or media in carrying out their role as councillors.</p> <p>11.5 The Council's Media Policy is appended to this Constitution</p>	<p>Clarification</p> <p>Clarification that the Media Policy forms part of the Constitution</p>
Part 5.6 Protocol for Members on Confidentiality (with particular reference to the General Data Protection Regulations and Data Protection Act 2018)		
1	<p>The categories of information are as follows:-</p> <ul style="list-style-type: none"> (a) “confidential” information within the meaning of Part 4:2 (Paragraph 10.1) of the Constitution - i.e. information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. (b) “exempt” information within the meaning of Part 4.2 (Paragraph 10.24) of the Constitution – i.e. information which falls under any one of 10 categories specified in Paragraph 10.3 (c) personal data within the meaning of the Data Protection Act 2018 (d) other information given in confidence (covered by paragraph 4 3c of the Members’ Code of Conduct – Part 5.1 of the Constitution). 	To reflect later amendments
Personal data under the Data Protection Act 1998 2018	<p>4. Personal data is information that relates to a living individual who can be identified from that data. Such data can only be processed (including being collected) or disclosed if at least one condition defined by legislation has been met.</p>	To reflected updated legislation
	<p>7. Examples of personal data which might be- disclosed to Councillors in the past are given below:- <i>Data relating to Staff</i> - salary levels, additional remuneration, pension, sickness levels (Not details of reasons for individual absences), details of training; disciplinary action (usually disclosed in reports to the Personnel Sub Committee or the Policy and Resources Committee). The minutes of meetings will always refer to the holder of a specific post number and not the named employee.....</p> <p><i>Rate relief applications</i> – personal data is disclosed in reports to the Personnel Finance and Performance-Sub Committee or the Policy and Resources Committee.....</p>	Clarification

	8. The Council is required by law to supply, on request, copies of the Electoral Register to ward councillors and political parties. Councillors should bear in mind that the information contained in the Register is personal data within the meaning of the Data Protection Act and as such, cannot be passed on to third parties for any other purpose without the consent of data subjects. Disclosure of information on the Electoral Roll is also covered by other legislation	Clarification
	9 Personal data has to be processed fairly and lawfully. The word “processed” covers the collection, use, sharing, storage and destruction of the data. Personal data must be kept for no longer than is necessary, and it must also be kept secure. Always ensure that any printed personal data supplied to you in any format is not accessible to third parties. Once decisions have been taken, or information has been read and noted, you must return any paper pink papers to the Council Offices. or otherwise ensure their secure disposal by other means	To reflect increased of e-mails etc.
Part 5.8 Protocol for the Monitoring Officer		
2. d	Members of the Corporate Management Team (The Chief Executive, Executive Director and Heads of Service) will be responsible for alerting the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.	Simplification – defined elsewhere
2. f	The Monitoring Officer is expected to develop good liaison and working relations with the Governance and Audit Committee , Joint Standards Complaints Committee, the District Auditor and the Local Government Ombudsman, to ensure that the council’s duty to uphold promote and maintain high standards of conduct by members is discharged and ensure high standards of good governance and transparency in the way the council operates. This will include giving and receiving relevant information, whether confidential or otherwise , whether requested or not, within the parameters of the council’s Data Protection Policy and data protection legislation .	To reflect the Governance responsibilities of both the MO and G&A Committee Updated to reflected GDPR
2.g	The Monitoring Officer will develop effective relationships with all Members of the Council councillors , and will ensure that the Head of the Paid Service and the Chief Financial Officer have up-to-date information regarding emerging issues	Consistency with other parts of the Constitution
2.i	The Monitoring Officer will be responsible for preparing a training programme for Members of the Council on the Code of Conduct and other matters relating to the governance and ethical framework, for approval by the Scrutiny Committee Governance and Audit Committee . A similar programme will be prepared for Town and Parish Councillors for consideration by the East Northamptonshire Joint Standards Complaints Committee.	To reflect deletion of Scrutiny Committee and transfer of responsibility to the G&A Committee

2. o	The Monitoring Officer will appoint a deputy to act in his/her absence or where there is a conflict of interest and will ensure that he/she is briefed on emerging issues.	Clarification
Part 6 Members's Councillors Allowances Scheme 2018/19-2019/20		
1 Summary of Main Features	<p>1.1 Members Councillors are entitled to -</p> <ul style="list-style-type: none"> • Basic allowance of £5,185 £5366 per annum • Special Responsibility Allowance (for Chairman and Vice Chairman of Policy, & Resources, Regulatory, Governance and Audit and Scrutiny Committees; the Leader of the Council, Deputy Leader; Leader of the Opposition Group; Chairman of Licensing Committee; see Schedule 1). These are annual sums..... <p><i>Schedule 1 Basic Allowance figures also to be updated</i></p>	Consistency and to allow for annual inflation as below (para 1.13)
	1.2 Basic allowance is payable from date of declaration of acceptance of office to 4 days after an election or the effective date of formal notification of the resignation of office	Clarification
	1.3 Where entitlement to all or any part of the allowances is renounced, notice must be given in writing to the Executive Director/ Chief Finance Officer or Head of Resources	To reflect staff structure change
	1.7 Members Councillors are eligible to receive more than one Special Responsibility Allowance but their total entitlement of SRA payments is capped at £5,000 (Leader and Deputy excluded).	Consistency of terminology
	1.8 Where a Member, elected or not, Councillor is entitled to an allowance from this Council, but is also a member of another authority (e.g. county, police or parish) the Member Councillor may only receive the allowance from one authority in respect of the same duties, including membership of outside bodies. This also applies to claiming travelling and subsistence payments. Members Councillors have the responsibility to ensure they receive one allowance or make one expense claim.	Consistency of terminology
	1.9 Where a Member is suspended or partially suspended from his responsibilities or duties as a Member of an authority in accordance with Part III of the Local Government Act 2000, all allowances in respect of the suspension period or partial suspension period will be withheld	Legislative changes mean there is no longer any power to suspend Cllrs.
	1.10 No Members will be able to have access to the pensions scheme but this will be kept under review for consideration in future years	Removed in the light of LGR proposals

	1.13 The Basic Allowance will be increased annually from the date of the Annual Council Meeting to reflect the percentage increase received by staff on point 49 44 of the Council's payscale.	Changed to the equivalent scale point on the national scheme now adopted by the Council.
Part 7 Management Structure		
A Guide to the Council's Officer Structure	The senior management structure of the Council is made up of the Chief Executive, Monitoring Officer , and Executive Director Resources and Commercial (Chief Finance Officer), Executive Director of Growth and Infrastructure who, together with five Heads of Service, comprise the Corporate Management Team (CMT).	To reflect mew staff structure
Chief Executive	The Chief Executive oversees the Executive Directors and Chief Finance Officer Monitoring Officer	To reflect mew staff structure
Other Chief Officers	The Monitoring Officer is required to ensure the lawfulness and fairness of the Council's decision-making processes. They will be supported in this role by the Democratic Services role who will be appointed a Deputy Monitoring Officer The appointment of any other Deputy Monitoring Officer(s) to meet specific circumstances will be are personal appointments of the Monitoring Officer but any such appointments must be reported to full council The Chief Finance Officers is also known as the Section 151 Officer and is required to ensure the lawfulness and financial prudence of decision-making. The Monitoring Officer and Chief Finance Officer also have The two Executive Director roles and are responsible for a number of functions, each of which is managed by a Head of Service.....	To reflect mew staff structure
Heads of Services	Move responsibility for Land Charges from Head of Planning to Head of Customer and Community Services	
Management Structure (Corporate Management Team	To be replaced as follows:	

	 <p>The diagram is an organizational chart. At the top is a box labeled 'Chief Executive'. Below it are three boxes: 'Executive Director Resources and Commercial (CFO)', 'Monitoring Officer', and 'Executive Director Growth and Infrastructure'. A dashed box labeled 'Chief Officers' encloses the Chief Executive and these three boxes. Below the 'Executive Director Resources and Commercial (CFO)' box are three boxes: 'Head of Customer and Community Development', 'Head of Economic and Commercial Development', and 'Head of Resources'. Below the 'Executive Director Growth and Infrastructure' box are two boxes: 'Head of Environmental Services' and 'Head of Planning Services'. At the bottom center is a box labeled 'CMT' with a line connecting it to the dashed box above.</p>	
Part 8 – Terms of Reference of Committees, Sub Committees, Panels and Working Parties		
	Delete Terms of Reference for Housing Sub Committee and insert Terms of Reference for Grievance Committee	To reflect changes agreed at Annual Council
Terms of Reference for Policy and Resources Committee	xvii) To receive minutes from the Destination Nene Valley and Greenway Boards.	To provide reporting provisions for these Boards