DAVENTRY DISTRICT COUNCIL

CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019 – November 2019)
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<thead>
<tr>
<th>Revision No.</th>
<th>Date Amended</th>
<th>Sections Amended</th>
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<td>Complete Reprint</td>
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<td>4th June 2014</td>
<td>Complete Reprint</td>
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<td>27th July 2017</td>
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<td>Complete Reprint</td>
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<td>25 (2019)</td>
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<td>Updated job titles and Part 5D</td>
</tr>
</tbody>
</table>
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

(Revision No 26/2019 – November 2019)

CONTENTS

PART 1 – SUMMARY AND EXPLANATION........................................................................................................... 1
GLOSSARY OF TERMS........................................................................................................................................ 1
Acquisition ................................................................................................................................................... 1
Advance Account ........................................................................................................................................ 1
Amendment ................................................................................................................................................ 1
Article ....................................................................................................................................................... 1
Call-in ......................................................................................................................................................... 1
Chief Financial Officer ............................................................................................................................... 1
Chief Officers ................................................................................................................................................ 1
“Clear Days” ........................................................................................................................................... 1
Code of Conduct ...................................................................................................................................... 1
Dispensation ........................................................................................................................................... 1
Executive Director ................................................................................................................................. 2
Head of Paid Service (Chief Executive) ................................................................................................... 2
Maladministration ................................................................................................................................... 2
Monitoring Officer ................................................................................................................................. 2
Motion Officers .......................................................................................................................................... 2
Ombudsman ........................................................................................................................................... 2
Proper Officer ......................................................................................................................................... 2
Protocol ................................................................................................................................................... 2
Regulatory Committees ............................................................................................................................. 2
Quorum .................................................................................................................................................... 3
Section 151 Officer (Chief Financial Officer) ........................................................................................... 3
Senior Management Team (SMT) ............................................................................................................... 3
Statutory Chief Officers ............................................................................................................................. 3
Substantive Motion ................................................................................................................................ 3
Tendering ................................................................................................................................................ 3
Virement .................................................................................................................................................. 3
SUMMARY AND EXPLANATION .................................................................................................................. 4
The Council’s Constitution .......................................................................................................................... 4
What’s in the Constitution? .......................................................................................................................... 4
How the Council operates .......................................................................................................................... 4
Scrutiny and Improvement .......................................................................................................................... 5
The Council’s Staff ..................................................................................................................................... 5
Citizens’ Rights ....................................................................................................................................... 5
PART 2 - ARTICLES OF THE CONSTITUTION .............................................................................................. 1
ARTICLE 1 – THE CONSTITUTION ........................................................................................................... 1
1.01 Powers of the Council ....................................................................................................................... 1
1.02 The Constitution .............................................................................................................................. 1
1.03 Purpose of the Constitution .............................................................................................................. 1
1.04 Interpretation and Review of the Constitution .............................................................................. 1
1.05 Suspension of the Constitution ........................................................................................................ 2
1.06 Interpretation at Full Council .......................................................................................................... 2
1.07 Publication ....................................................................................................................................... 2
ARTICLE 2 – MEMBERS OF THE COUNCIL.............................................................................................. 3
2.01 Composition and Eligibility ............................................................................................................ 3
2.02 Election and terms of councillors .................................................................................................... 3
2.03 Roles and functions of all councillors .............................................................................................. 3
2.04 Conduct .......................................................................................................................................... 3
2.05 Allowances ...................................................................................................................................... 3
ARTICLE 3 – CITIZENS AND THE COUNCIL .......................................................................................... 4
3.01 Citizens’ rights .................................................................................................................................. 4
3.02 Citizens’ responsibilities ................................................................................................................... 4
ARTICLE 4 – THE FULL COUNCIL ........................................................................................................... 5
4.01 Meanings ......................................................................................................................................... 5
4.02 Functions of the full Council ............................................................................................................ 5
4.03 Council meetings .............................................................................................................................. 6
ARTICLE 5 – CHAIRING THE COUNCIL .................................................................................................... 7
5.01 Role and Function of the Chairman ............................................................................................... 7
ARTICLE 6 – SCRUTINY AND IMPROVEMENT COMMITTEE ............................................................. 8
6.01 Appointment of Scrutiny and Improvement Committee ............................................................... 8
6.02 General role .................................................................................................................................... 8
6.03 Specific functions ............................................................................................................................. 8
6.04 Proceedings of the Scrutiny and Improvement Committee........................................................... 8
ARTICLE 7 – STRATEGY GROUP AND OTHER COMMITTEES ............................................................. 10
7.01 Strategy Group and other committees ........................................................................................... 10
ARTICLE 8 – APPEALS AND STANDARDS COMMITTEE ....................................................................... 11
8.01 Appeals and Standards Committee ............................................................................................... 11
8.02 Composition .................................................................................................................................... 11
8.03 Role and Function ........................................................................................................................... 11
ARTICLE 9 – AREA COMMITTEES .................................................................................................................. 13
9.01 Area Committees................................................................................................................................. 13
9.02 Form, Composition and Function of Area Committees ....................................................................... 13
9.03 Conflicts of Interest – Membership of Area Committees and Scrutiny and Audit Committees ........... 13
9.04 Area Committees – Access To Information ....................................................................................... 13
ARTICLE 10 – JOINT ARRANGEMENTS .................................................................................................. 14
10.01 Arrangements to secure improvements ............................................................................................ 14
10.02 Joint Arrangements .......................................................................................................................... 14
10.03 Access To Information ....................................................................................................................... 14
10.04 Delegation To And From Other Local Authorities ........................................................................... 14
10.05 Contracting Out ............................................................................................................................... 14
ARTICLE 11 - OFFICERS .......................................................................................................................... 15
11.01 Management structure ....................................................................................................................... 15
11.02 Functions of the Head of Paid Service ............................................................................................... 15
11.03 Functions of the Monitoring Officer .................................................................................................. 15
11.04 Functions of the Chief Financial Officer (Section 151 Officer) ........................................................... 17
11.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Financial Officer ......... 18
11.06 Conduct ............................................................................................................................................ 18
11.07 Employment ..................................................................................................................................... 18
ARTICLE 12 – DECISION MAKING ......................................................................................................... 19
12.01 Responsibility for decision-making ................................................................................................. 19
12.02 Principles of decision-making ......................................................................................................... 19
12.03 Decision making by the full Council ................................................................................................. 19
12.04 Decision Making By and Deliberations of Scrutiny and Improvement Committee ......................... 19
12.05 Decision Making By Other Committees and Sub-Committees Establishing Committees ................. 19
12.06 Decision Making by Council Bodies Acting as Tribunals ................................................................. 19
ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS .......................................................... 20
13.01 Financial management ....................................................................................................................... 20
13.02 Contracts ......................................................................................................................................... 20
13.03 Land and Real Property .................................................................................................................... 20
13.04 Legal Proceedings ............................................................................................................................ 20
13.05 Authentication of Documents .......................................................................................................... 20
13.06 Common Seal of the Council ........................................................................................................... 20
ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION ...................................................... 21
14.01 Duty to Monitor and Review the Constitution ................................................................................. 21
14.02 Protocol For Monitoring and Review of Constitution by Monitoring Officer ................................. 21
14.03 Changes to the Constitution ............................................................................................................ 21
SCHEDULE 1: DESCRIPTION OF ARRANGEMENTS ........................................................................... 22
PART 3 - CODES AND PROTOCOLS ....................................................................................................... 1
Part 3A GUIDING PRINCIPLES FOR THE CONDUCT OF MEMBERS AND EMPLOYEES ............... 1
1. Guiding Principles .................................................................................................................................. 1
2. Roles and Duties of Members ............................................................................................................... 2
3. Conduct and Complaints ....................................................................................................................... 2
Part 3B LOCAL CODE OF CONDUCT FOR MEMBERS (July 2015) ......................................................... 1
Part 1 – General Provisions ..................................................................................................................... 1
Part 2 – General Obligations .................................................................................................................... 1
Part 3 – Interests ...................................................................................................................................... 3
PART 3C SUPPLEMENTARY LOCAL CODES OF CONDUCT FOR MEMBERS .................................. 1
(A) Supplementary Local Code Of Conduct For Dealing With Planning Matters ..................................... 1
(B) Supplementary Local Code Of Conduct For Dealing With Licensing Matters ................................. 6
(C) Supplementary Local Code Of Conduct For Dealing With Housing Matters ................................... 13
(D) Supplementary Local Code Of Conduct For Dealing with Gifts and Hospitality .............................. 13
Part 3D PROTOCOL ON THE CONDUCT OF MEMBERS ................................................................ 1
Part 3E LOCAL CODE OF CONDUCT FOR EMPLOYEES (June 2017) ................................................ 1
1. Introduction and Interpretation ............................................................................................................. 1
2. Scope .................................................................................................................................................. 1
3. General Responsibilities ....................................................................................................................... 1
4. Political Neutrality ............................................................................................................................... 2
5. Relationships ....................................................................................................................................... 2
6. Appointment and other employment matters ....................................................................................... 3
7. Outside commitments and interests .................................................................................................... 3
8. Gifts and hospitality ............................................................................................................................. 4
9. Sponsorship ........................................................................................................................................ 4
10. Procurement ...................................................................................................................................... 5
11. Corruption ......................................................................................................................................... 5
12. Use of resources ............................................................................................................................... 5
13. Use of information .............................................................................................................................. 6
14. Copyright and patents ....................................................................................................................... 6
Part 3F PROTOCOL ON OFFICER/MEMBER RELATIONS ................................................................. 1
1. Purpose ............................................................................................................................................... 1
2. The Role of Members .......................................................................................................................... 1
3. The Role of Officers ............................................................................................................................ 1
4. The Performance of Officers ............................................................................................................... 2
5. Meetings .............................................................................................................................................. 2
6. Political Neutrality ............................................................................................................................. 2
7. Personal Relationships ....................................................................................................................... 3
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

8. Relations between Officers and Leader, Deputy Leader, Portfolio Holding Members and Committee Chairmen…4
9. Alleged Fraud, Bribery or Corruption, or Misconduct………………………………………..4
10. Whistleblowing .............................................................................................................5

PART 4 - MEMBERS’ ALLOWANCES SCHEME ................................................................1
MEMBERS’ ALLOWANCES SCHEME .............................................................................1
1.0 Introduction.................................................................................................................1
2.0 Chairman’s Allowance ............................................................................................1
3.0 Basic Allowance ........................................................................................................1
4.0 Special Responsibility Allowance............................................................................1
5.0 Travelling Allowance ..............................................................................................1
6.0 Subsistence Allowance ............................................................................................2
7.0 Carers/Dependants Allowance ................................................................................3
8.0 Administrative Procedures .......................................................................................3
9.0 General Notes ...........................................................................................................3

PART 5 - RESPONSIBILITY FOR FUNCTIONS ................................................................1
RESPONSIBILITY FOR FUNCTIONS...............................................................................1
Section A Introduction......................................................................................................1
Section B Council, Strategy Group and Other Committees ...........................................2
Section C Chief Officers and Statutory Chief Officers ..................................................9
Section D Scheme of Delegation to Officers ................................................................10
Section E Proper Officer Functions .............................................................................29

PART 6 - RULES OF PROCEDURE AND REGULATIONS ...........................................1
Part 6A COUNCIL AND COMMITTEE PROCEDURE RULES ....................................1
1. Annual Meeting of the Council ..................................................................................1
2. Ordinary Meetings of the Council .............................................................................2
3. Special Meetings of the Council ................................................................................2
4. Time and Place of Meetings .......................................................................................3
5. Notice of and Summons to Meetings .........................................................................3
6. Chair of Meeting .........................................................................................................3
7. Quorum .......................................................................................................................3
8. Remaining Business ....................................................................................................3
9. Duration Of Meeting ...................................................................................................4
10. Questions by the Public ............................................................................................4
11. Questions by Members..............................................................................................5
12. Motions on Notice .....................................................................................................7
13. Motions Without Notice ..........................................................................................8
14. Rules of Debate .........................................................................................................8
15. Previous Decisions and Motions ...............................................................................11
16. Voting .......................................................................................................................12
17. Minutes ....................................................................................................................13
18. Record of Attendance ..............................................................................................13
19. Exclusion of Public ..................................................................................................13
20. Members’ Conduct ...................................................................................................13
21. Disturbance By Public .............................................................................................14
22. Method of Service of Notices ................................................................................14
23. Correspondence with Members ............................................................................14
24. Suspension and Amendment of Council Procedure Rules .................................15
25. Application to Committees and Sub-Committees ....................................................15
26. Public Participation at Meetings .............................................................................15

Part 6B ACCESS TO INFORMATION PROCEDURE RULES ......................................1
1. Scope ..........................................................................................................................1
2. Additional Rights To Information .............................................................................1
3. Rights To Attend Meetings .......................................................................................1
4. Notices Of Meeting ...................................................................................................1
4A. Notices of Officer decisions ....................................................................................1
5. Access to Agenda and Reports before the Meeting ...................................................1
6. Supply of Copies .......................................................................................................1
7. Access to Minutes Etc. after the Meeting .................................................................2
7A. Access to written records of officer decisions .......................................................2
8. Background Papers ..................................................................................................2
9. Summary of Public’s Rights .....................................................................................2
10. Exclusion Of Access By The Public .........................................................................2
11. Exclusion Of Access By The Public To Reports at meetings ..................................5

Part 6C BUDGET AND POLICY FRAMEWORK PROCEDURE RULES ......................1
1. The framework for Decision Making .........................................................................1

Part 6D SCRUTINY AND IMPROVEMENT PROCEDURE RULES ...............................1
1. Number of and arrangements for Scrutiny and Improvement Committees ...............1
2. Participants in Scrutiny and Improvement ................................................................1
3. Co-optees...................................................................................................................1
4. Meetings of the Scrutiny and Improvement Committee .........................................1
5. Quorum .....................................................................................................................1
6. Chairing of Scrutiny and Improvement Committee meetings ..................................1
7. Work programme .....................................................................................................1
8. Agenda Items ............................................................................................................1

Page IV
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

9. Policy review and development ......................................................... 2
10. Reports from Scrutiny and Improvement Committee ...................... 2
11. Making sure that Scrutiny and Improvement reports are considered by Strategy Group ................................................................. 3
12. Rights of Scrutiny and Improvement Committee members to documents ........................................................................................................ 3
13. Members and officers giving account ............................................. 3
14. Attendance by others ...................................................................... 4
15. Call-In Arrangements ..................................................................... 4
16. The Party Whip ............................................................................. 6

Part 6F  FINANCIAL REGULATIONS ................................................... 6
1. Interpretation ................................................................................. 1
2. Financial Administration ............................................................... 1
3. Financial Planning ........................................................................ 2
4. Budgetary Control ........................................................................ 2
5. Budget .......................................................................................... 5
6. Accounting ..................................................................................... 6
7. Advance Accounts ........................................................................ 6
8. Audit .............................................................................................. 7
9. Banking Arrangements And Cheques ............................................ 8
10. Income ......................................................................................... 8
11. Insurances .................................................................................... 9
12. Inventories And Assets .................................................................. 9
13. Investments, Borrowings And Trust Funds ..................................... 10
14. Payment Of Accounts .................................................................. 11
15. Salaries, Wages And Pensions ..................................................... 12
16. Security ....................................................................................... 13
17. Stocks And Stores ....................................................................... 13
18. Travelling, Subsistence And Other Allowances ............................... 13
19. Purchasing Cards ........................................................................ 14

Part 6F  CONTRACT AND PROCUREMENT REGULATIONS ................ 1
1. Introduction .................................................................................... 1
2. Interpretation ................................................................................. 1
3. Compliance ................................................................................... 2
4. Delegated Authority ....................................................................... 4
5. Pre-Procurement Procedure ........................................................... 4
6. selection of procurement process .................................................. 5
7. Low Value Procurement ................................................................ 6
8. High Value Procurement ................................................................ 7
9. Prequalification ............................................................................ 8
10. Tenders ......................................................................................... 9
11. Letters of Intent .......................................................................... 12
12. Acceptance of Tenders ................................................................ 13
13. Contract Records ......................................................................... 13
14. Contract Management .................................................................. 14
15. Particular Forms of Procurement .................................................. 15
16. Procurement Returns ................................................................... 16

Part 6G  LAND AND PROPERTY REGULATIONS .................................. 1
1. Interpretation ................................................................................ 1
2. General ......................................................................................... 2
3. Acquisition And Appropriation ....................................................... 2
4. Management ................................................................................. 3
5. Disposals ...................................................................................... 3
6. Tenders ......................................................................................... 4

Part 6H  OFFICER EMPLOYMENT PROCEDURE RULES ......................... 1
1. Recruitment and appointment ....................................................... 1
2. Recruitment of Chief Officers ...................................................... 1
3. Appointment of Chief Officers and Statutory Chief Officers ......... 1
4. Other appointments ..................................................................... 1
5. Disciplinary action ....................................................................... 2
6. Dismissal ..................................................................................... 2

Part 6I  REPORTING OF PROCEEDINGS AT MEETINGS RULES ............ 1
1. Introduction .................................................................................. 1
2. Reporting of Proceedings ............................................................. 1
3. Minutes ....................................................................................... 1

PART 7 - APPENDICES ........................................................................ 1
APPENDIX – PUBLIC COMPLAINTS PROCEDURE .................................. 1
APPENDIX – ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF THE LOCAL CODE OF CONDUCT FOR MEMBERS ................................................ 3
APPENDIX - PUBLIC PARTICIPATION AT MEETINGS OF COMMITTEES (INCLUDING PLANNING COMMITTEES) .......... 9
APPENDIX - GUIDING PRINCIPLES FOR THE COUNCIL’S RECORDING OF DECISIONS MADE AT MEETINGS 11
APPENDIX - ALLOWANCE RATES .................................................... 13
APPENDIX - SUPPLEMENTARY SITE VIEWING PROTOCOL AND PROCEDURE ....................................................... 15
APPENDIX - SUMMARY OF RIGHTS .................................................. 16
Summary of Rights to Attend Meetings of a Principal Council and to Inspect and Copy Documents under Part VA and Part XI Local Government Act 1972 (As Amended) . 16

Page V
APPENDIX – FUNCTIONS OF A COUNCILLOR ................................................................. 19
Councillor Role Description ....................................................................................... 19
Leader of the Council ................................................................................................. 22
Deputy Leader Role Description ................................................................................ 25
Portfolio Holder Role Description .............................................................................. 26
Chair of Scrutiny and Improvement (& Deputy) ......................................................... 29
Leader of the Opposition (& Deputy Leader) ............................................................ 32
APPENDIX - STRATEGIC OBJECTIVES OF THE COUNCIL .................................... 34
APPENDIX - EXPECTATIONS OF DDC HEAD OF PAID SERVICE ............................ 35
DDC HEAD OF PAID SERVICE PROTOCOL .......................................................... 36
KEY COMPETENCIES FOR HEAD OF PAID SERVICE ........................................... 38
APPENDIX - OVERALL MANAGEMENT STRUCTURE ............................................ 39
CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019– November 2019)

PART 1 – SUMMARY AND EXPLANATION
GLOSSARY OF TERMS

ACQUISITION
This means to buy something.

ADVANCE ACCOUNT
The method by which petty cash and change floats are accounted for.

AMENDMENT
An amendment is an alternative proposal to the motion which is ‘moved’ and ‘seconded’ by other Councillors.

ARTICLE
Explains the rights of citizens and how the Council operates.

CALL-IN
This means a decision which has been made, but Councillors feel needs to be reconsidered, and is subject to a time limit.

CHIEF FINANCIAL OFFICER
(See Section 151 Officer below).

CHIEF OFFICERS
These Officers (the Chief Executive and Deputy Chief Executive) are the most senior management of the Council.

"CLEAR DAYS"
The Agenda for meetings of the Council and Committees need to be published a specified number of working days before the meeting is held. These days cannot include the day the agenda is published or the day that the meeting is held.

CODE OF CONDUCT
This sets out the rules of behaviour which Councillors or Officers agree to abide by.

DISPENSATION
Where Councillors have a disclosable interest in a matter being decided by the Council (or one of its Committees) they are required to declare that interest and not take part in making the decision on the item. In some circumstances it may be appropriate to allow a Councillor to take part, depending upon the nature of the interest, and a dispensation to speak and vote may be granted by the Monitoring Officer.
EXECDUTIVE DIRECTOR

These Officers (the Executive Director (Business), Executive Director (Community) and Executive Director (Resources), unless as specified in the Regulations) are responsible for operational management of services.

HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

This Officer is responsible for all staff of the authority, the way the Council’s functions are discharged and day-to-day management of the Council within its policies and budgets.

MALADMINISTRATION

This is a general term covering anything the Council may not have done correctly in reaching a decision or taking action.

MONITORING OFFICER

This is the Officer who is responsible for maintaining and advising on the Constitution. This Officer ensures that the Council’s decision making is lawful and fair and he supports the promotion of high ethical standards and compliance with Codes of Conduct.

MOTION

This is when a proposal is put forward at a Council meeting i.e. ‘moved’ by a Councillor and supported or ‘seconded’ by another Councillor.

OFFICERS

These are the staff engaged by the Council to plan and deliver services. Some are authorised or appointed to undertake particular roles or responsibilities.

OMBUDSMAN

The Local Government and Social Care Ombudsman considers complaints of maladministration against local authorities where a complaint through the Council's own procedure has not satisfactorily resolved the problem. Details of how to contact the Ombudsman may be obtained from the Lodge Road reception at Daventry District Council. An explanatory leaflet is also available on request.

PROPER OFFICER

This is the Officer of the Council who has legal responsibility to carry out a particular function. The designation of the Officer will vary depending upon the function concerned and are set out in Part 5 Section E of the Constitution.

PROTOCOL

This is a set of guidance to follow in dealing with a particular matter.

REGULATORY COMMITTEES

Those committees that are established by the Council to discharge specific responsibilities under legislation relating to planning and licensing.
QUORUM

The minimum number of Members of the Council, a Committee or Panel or Group that must be present to carry out business.

SECTION 151 OFFICER (CHIEF FINANCIAL OFFICER)

This Officer is responsible for ensuring the lawfulness and financial prudence of decision-making. The Officer is also responsible for administration of the financial affairs of the Council.

SENIOR MANAGEMENT TEAM (SMT)

This is the team of Officers that act corporately to guide the development and delivery of the Council’s services and the exercise of its functions.

STATUTORY CHIEF OFFICERS

These are the Officers appointed by Council to the statutory offices of Head of Paid Service, Monitoring Officer and Chief Financial Officer.

SUBSTANTIVE MOTION

If an amendment has a majority of Councillors voting for it, it then becomes the substantive motion which means that it replaces the motion originally put forward. Amendments can then be put forward in respect of the substantive motion.

TENDERING

This is an exercise where businesses are invited by the Council to put in a written bid to undertake a specific function/provide certain goods. The tender is not known to the other parties also submitting tenders as it is a competitive process. The tenders are then all opened at the same time with a view to awarding work to the best bidder.

VIREMENT

This means to move money between budgets, within set limits.
SUMMARY AND EXPLANATION

THE COUNCIL’S CONSTITUTION

The Daventry District Council has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 Articles, which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate Rules, Regulations, Codes and Protocols.

WHAT’S IN THE CONSTITUTION?

- Article 1 in the Constitution commits the Council to community leadership, local democratic self-government and improvement of quality and equality in service delivery and to open and transparent decision-making. It also provides a framework for dealing with possible future changes to the structure of the Council and suspension, interpretation and publication of the Constitution.

Articles 2-14 explain the rights of citizens and how the key parts of the Council operate. These are:-

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny of decisions via the Scrutiny and Improvement Committee (Article 6).
- The Strategy Group and other committees (Article 7).
- The Appeals and Standards Committee (Article 8).
- Area Committees (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).
- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).

HOW THE COUNCIL OPERATES

The Council is composed of 36 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Appeals and Standards Committee trains and advises them on the Code of Conduct and can establish Hearing Panels if necessary.

All Councillors meet together as the Council. The Council is the forum for political debate on policy and strategic matters. Meetings of the Council are normally open to the public. Here, Councillors decide the Council’s overall policies and set the budget each year.
The Council is the decision making body for all matters other than those matters delegated to Strategy Group, Committees and Officers. It will particularly receive recommendations from both the Strategy Group and the Scrutiny and Improvement Committee.

Daventry District Council operates committee style arrangements and has a non-executive body, called the Strategy Group, which has limited direct powers such as approving consultation responses. Its primary role is to give initial consideration to potential strategies and policies and to make recommendations to the Council for decision.

Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Task Panels may be convened by the Council, Strategy Group or the Scrutiny and Improvement Committee from time to time to deal with specific business.

Meetings of the Council, its Strategy Group, Scrutiny and Improvement Committee, Corporate Governance Committee, Appeals and Standards Committee and other regulatory committees are open to the public except where exempt or confidential matters are being discussed.

**SCRUTINY AND IMPROVEMENT**

There is a Scrutiny and Improvement Committee which may appoint Task Panels who support the work of the Strategy Group and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations, which advise the Strategy Group and the Council as a whole on its policies, budget and service delivery.

The Scrutiny and Improvement Committee also monitors the recommendations of the Strategy Group. This enables them to consider whether the recommendation is appropriate. They may recommend that Strategy Group reconsiders its recommendation. They may also be consulted by the Strategy Group on the development of policy.

**THE COUNCIL’S STAFF**

The Council has people working for it (called ‘Officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Officers and Members of the Council.

**CITIZENS’ RIGHTS**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes. The local Citizens’ Advice Bureau can advise on individuals’ legal rights.

Where members of the public use specific council services, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution (fee payable);
attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;

- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time (see Council and Committee Procedure Rule 10) and contribute to investigations by the Scrutiny and Improvement Committee;
- complain to the Council; (A copy of the Council's complaints procedure is attached at 'Appendix – Public Complaints Procedure')
- complain to the 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;
- 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; and
- inspect the Council’s accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Monitoring Officer, Daventry District Council, Lodge Road, Daventry.

A summary of rights to attend meetings of a principal council and to inspect and copy documents is attached at 'Appendix – Summary of Rights'.
CONSTITUTION

Originally adopted by Council – 13\textsuperscript{th} December 2001

(Revision No 26/2019– November 2019)

PART 2 - ARTICLES OF THE CONSTITUTION
ARTICLE 1 – THE CONSTITUTION

1.01 POWERS OF THE COUNCIL

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 THE CONSTITUTION

This Constitution, and all its appendices, is the Constitution of the Daventry District Council.

1.03 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

2. support the active involvement of citizens in the process of local authority decision-making;

3. help Councillors represent their constituents more effectively;

4. enable decisions to be taken efficiently and effectively;

5. create a powerful and effective means of holding decision-makers to public account for the decisions they have made;

6. ensure that no Member will review or scrutinise a recommendation by the Strategy Group in which they were directly involved;

7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

8. provide a means of improving the delivery of services to the community.

1.04 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action the Council will always choose that option which it thinks is closest to the purposes stated above.

Any question as to interpretation of the Rules and Regulations of the Constitution should be referred to the Monitoring Officer whose ruling shall be final except in respect of meetings of Council where the Chairman’s ruling is final as per Article 1.06.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

The Interpretation Act 1978 shall apply, so far as applicable and unless the contrary intention appears, to this Constitution and to any policy, decision or document of the Council as it applies to an Act of Parliament.
1.05 **Suspension of the Constitution**

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified in the Constitution may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Members is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** Any Rules which may be suspended in accordance with Article 1.05, are specified in each set of Rules under the heading ‘Suspension of Rules’.

1.06 **Interpretation at Full Council**

The ruling of the Chairman of Council on the advice of the Monitoring Officer as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.03.

1.07 **Publication**

(a) The Monitoring Officer will make copies of this Constitution available to each Member of the authority upon delivery to him/her of that individual’s Declaration of Acceptance of Office on the Member first being elected or being re-elected to the Council and also make it available on the Council’s internal website (intranet). Printed copies of the Constitution are available to all Members on request.

(b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the media and the public on payment of a reasonable fee.

(c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and on its external website and is updated as necessary.
ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 COMPOSITION AND ELIGIBILITY

(a) Composition. The Council will comprise 36 Members (otherwise called Councillors). Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England.

(b) Eligibility. Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 ELECTION AND TERMS OF COUNCILLORS

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year. The term of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the day of election. In 2017 and every fourth year after there will be no regular election other than that for the election of Councillors to the Northamptonshire County Council.

2.03 ROLES AND FUNCTIONS OF ALL COUNCILLORS

(a) Key roles of all Councillors are set out in Appendix – Functions of a Councillor:

(b) Rights and duties

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it or until it becomes public in the ordinary course of the Council’s business.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 6B of this Constitution.

2.04 CONDUCT

Councillors will at all times observe the Local Code of Conduct for Members (which for the purposes of this Constitution shall be deemed to include any Code of Conduct which may from time to time be approved by the Council), the Guiding Principles for the Conduct of Members and Employees, the Protocol on the Conduct of Members, and the Protocol on Member/Officer Relations set out in Part 3 of this Constitution.

2.05 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 4 of this Constitution.
ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 CITIZENS’ RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution:

(a) Information. Citizens have the right to:

(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) see reports and background papers and any records of decisions made by the Council; and

(iii) inspect the Council’s accounts and make their views known to the external auditor.

(b) Participation. Citizens have the right to participate in the Council’s question time and contribute to investigations by Scrutiny and Improvement Committees and participate in the proceedings of regulatory committees in accordance with the Council’s Rules.

(c) Complaints. Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council’s own complaints scheme;

(iii) the Council’s Appeals and Standards Committee/Monitoring Officer about a breach of the Local Code of Conduct for Members.

(d) Voting and petitions.

(i) Legislation provides for alternative forms of decision-making structures which may be instigated by the Council or by citizens of the District. In the latter circumstances citizens on the electoral roll for the area can petition for a referendum for an alternative form of Constitution and vote in any such referendum.

(ii) Citizens may also petition the Council about any matter over which the Council has responsibility or over which it has influence.

3.02 CITIZENS’ RESPONSIBILITIES

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.
ARTICLE 4 – THE FULL COUNCIL

4.01 MEANINGS

(a) **Policy Framework.** The policy framework means the statutory and locally determined plans and strategies.

(b) **Budget.** The budget process includes the allocation of revenue and capital resources to individual services, projects, proposed contingency funds, approving the council tax base and setting the council tax, and taking decisions relating to the control of the Council’s borrowing requirement, monitoring and control of both revenue and capital expenditure and the setting of budget virement limits.

4.02 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution (including amendment of the Rules unless delegated by the Council);

(b) approving or adopting the policy framework and the budget (the annual budget by recorded vote);

(c) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(d) appointing representatives to outside bodies unless the appointment has been delegated by the Council;

(e) adopting a scheme for Members’ allowances under Article 2.05;

(g) confirming the appointment of the Chief Executive;

(h) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;

(i) strategic and policy making decisions in respect of all areas of the Council’s activity. Any major variation of any policy decision previously taken by the Council and the declaration of any new policy;

Note: The formulation of such policy or policy variations may be dealt with by the Strategy Group. The decision as to whether or not a matter is one of Policy within this paragraph shall rest with the Monitoring Officer.

(j) the determination of the Council Tax (by recorded vote);

(k) the making of any Compulsory Purchase Order;

(l) the purchase, sale or leasing of land or real property, unless otherwise provided for in the Land and Property Regulations in Part 6 of the Constitution;

Provided that the Chief Executive (or in his absence the Deputy Chief Executive) shall be empowered to deal with specific land or real property transactions within an agreed programme previously approved by the Council.
(m) the appointments to the designations of ‘Head of Paid Service’ or ‘Monitoring Officer’ or ‘Chief Financial Officer’ and their dismissal;

(n) the dismissal of the Chief Executive or Deputy Chief Executive;

(o) the incurring of expenditure for which no provision or insufficient provision has been made in revenue or capital estimates approved by the Council or otherwise provided for in the Financial Regulations in Part 6 of the Constitution;

Provided that the virements between budget heads may be made as permitted in the Financial Regulations.

(p) the appointment of co-opted Members to Committees, taking into account the recommendations of those Committees;

(q) to debate any petitions; and

(r) all other matters which by law must be reserved to Council.

The following matters shall be dealt with by the Council without the necessity of the matter being first considered by a Committee.

1. The authorisation of the sealing of documents where no standing or specific authorisation exists.

2. The receipt of the Certificate and Return of the Returning Officer in relation to District Council elections.

4.03 COUNCIL MEETINGS

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings;

(c) special meetings (an extraordinary meeting or a meeting convened for a specific purpose).

Council meetings will be conducted in accordance with the Council Procedure Rules in Part 6 of this Constitution.
ARTICLE 5 – CHAIRING THE COUNCIL

5.01 ROLE AND FUNCTION OF THE CHAIRMAN

The Chairman of the Council and in their absence the Vice-Chairman; will have the following roles and functions:

(A) CEREMONIAL ROLE

To be the First Citizen of the District.

(B) CHAIRING THE COUNCIL MEETING

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution and, in consultation with the Monitoring Officer, to interpret the Constitution when necessary;

2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

3. to ensure that the 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 Strategy Group or hold committee chairs are able to hold the Members of the Strategy Group and committee chairmen 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 determine appropriate.
ARTICLE 6 –SCRUTINY AND IMPROVEMENT COMMITTEE

6.01 APPOINTMENT OF SCRUTINY AND IMPROVEMENT COMMITTEE

The Council will appoint a Scrutiny and Improvement Committee as set out in the left hand column of the table in Section B of Part 5 of this Constitution to discharge the functions set out in the right hand column of the same table.

6.02 GENERAL ROLE

Within its terms of reference, the Scrutiny and Improvement Committee will:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

(ii) make reports and/or recommendations to the full Council, Strategy Group and/or any policy, joint or area committee in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any area committees if appointed.

6.03 SPECIFIC FUNCTIONS

(a) Policy development and review. The Scrutiny and Improvement Committee may:

(i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question Members of the Strategy Group, Chairmen of Committees (excluding Scrutiny and Improvement Committee) and Chief Officers or Executive Directors about their views on issues and proposals affecting the area; and

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny. The Scrutiny and Improvement Committee may:

(i) review and scrutinise the recommendations and performance of the Strategy Group and decisions made by and performance of any committees (excluding quasi judicial decisions made by the Council’s regulatory committees) and Officers both in relation to individual decisions and over time;
(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question Members of the Strategy Group, Chairmen of Committees (excluding the Scrutiny and Improvement and regulatory committees) and Chief Officers or Executive Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;

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

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

(vi) question and gather evidence from any person (with their consent).

(c) **Finance.** The Scrutiny and Improvement Committee may exercise overall responsibility for the finances made available to them to carry out their business effectively.

(d) **Annual report.** The Scrutiny and Improvement Committee must report annually to full Council on their workings and future work programmes (and working methods if appropriate).

(e) **Officers.** The Scrutiny and Improvement Committees may exercise overall responsibility for the work programme of the Officers employed to support their work.

**6.04 PROCEEDINGS OF THE SCRUTINY AND IMPROVEMENT COMMITTEE**

The Scrutiny and Improvement Committee will conduct their proceedings in accordance with the **Scrutiny and Improvement Procedure Rules** set out in **Part 6** of this Constitution.
ARTICLE 7 – STRATEGY GROUP AND OTHER COMMITTEES

7.01 STRATEGY GROUP AND OTHER COMMITTEES

The Council will appoint the committees set out in the left hand column of the table in Section B (Responsibility for Functions) of Part 5 of this Constitution to discharge the functions set out in that table.
ARTICLE 8 – APPEALS AND STANDARDS COMMITTEE

8.01 APPEALS AND STANDARDS COMMITTEE

The Council will establish an Appeals and Standards Committee as allowed by statute.

8.02 COMPOSITION

(a) The membership of the Appeals and Standards Committee shall be in accordance with the provisions set out in the table in Section B in Part 5 of this Constitution.

(b) Independent Members. Co-opted Independent Members will be entitled to participate and, where the decision is to be an advisory one, vote at meetings in respect of standards matters;

(c) Parish Members. Co-opted Parish Members will be entitled to participate and, where the decision is to be an advisory one, vote at meetings in respect of standards matters.

8.03 ROLE AND FUNCTION

The Appeals and Standards Committee will have the following roles and functions:

(a) Promoting and maintaining high standards of conduct by Councillors and co-opted Members;

(b) Develop, advise on, monitor and review local Codes of Conduct, protocols or procedures relating to the conduct of Members of Daventry District Council, members of Parish Councils within Daventry District and employees of Daventry District Council.

(c) Provision of advice, guidance and training to Members, employees, Parish Councils and Parish Councillors on matters within the Terms of Reference of the Committee.

(d) Prepare an Annual Report to full Council on their workings and performance.

(e) Establish and determine the membership of Sub-Committees or Hearing Panels as it considers necessary to undertake any or all of its functions.

(f) Establish Hearing Panels to consider and determine complaints of misconduct referred to the Monitoring Officer and apply any statutory sanctions or those contained within the Council's procedure for dealing with complaints.

(g) Consider applications from local authority employees for exemption from political restriction in respect of their posts.

(h) Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.

(i) To give general advice, following consultation with appropriate parties on the application of criteria for designation of a politically restricted post.
(j) Liaison between the Council and external agencies in connection with any matter within the Terms of Reference of the Committee.

(k) To consider recommendations submitted by any Appeals and Standards Sub-Committee or Hearing Panel.

(l) To advise and make recommendations to the Council on any policy issues within its remit and the appointment of Independent Members of the Committee and Parish representatives.

(m) To determine on behalf of the Council any matters within the Committee’s remit which do not involve policy or strategic considerations.

(n) To deal with appeals resulting from the operation of the Council’s Grievance and Disciplinary Procedures for Staff.
ARTICLE 9 – AREA COMMITTEES

9.01 AREA COMMITTEES

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish Area Committees.

9.02 FORM, COMPOSITION AND FUNCTION OF AREA COMMITTEES

Should the Council appoint Area Committees, details of the delegations to those Area Committees will be included in Part 5 of this Constitution, including the functions delegated, the composition and membership of the committees, budgets and any limitations on delegation.

If appointed, the Council will ensure that the composition of Area Committees is appropriate to reflect the law on co-optees and political balance according to their terms of reference.

9.03 CONFLICTS OF INTEREST – MEMBERSHIP OF AREA COMMITTEES AND SCRUTINY AND IMPROVEMENT COMMITTEES

(a) Conflict of interest. If the Scrutiny and Improvement Committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee of which the Member concerned is a member then the Member should not participate at the Scrutiny and Improvement Committee meeting, except in accordance with the Local Code of Conduct and the Council's rules on Public Participation at Committees.

(b) General policy reviews. Where the Scrutiny and Improvement Committee is reviewing policy generally the Member must declare their interest before the relevant agenda item is reached, but need not withdraw.

9.04 AREA COMMITTEES – ACCESS TO INFORMATION

Area Committees will comply with the Access to Information Procedure Rules, in Part 6 of this Constitution.
ARTICLE 10 – JOINT ARRANGEMENTS

10.01 ARRANGEMENTS TO SECURE IMPROVEMENTS

The Council, in order to secure economic, social or environmental improvement for its area, may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

10.02 JOINT ARRANGEMENTS

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions or activities in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other persons.

10.03 ACCESS TO INFORMATION

The Access to Information Procedure Rules, in Part 6 of this Constitution apply.

10.04 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

(a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

(b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.05 CONTRACTING OUT

The Council may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, provided there is no delegation of the Council’s discretionary decision making.
ARTICLE 11 - OFFICERS

11.01 MANAGEMENT STRUCTURE

(a) **General.** The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) **Chief Officers.** The Council will engage persons for the posts identified in [Section C of Part 5 of this Constitution](#) who will be designated Chief Officers:

(c) **Statutory Chief Officers i.e. Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate these posts to Officers.

Such posts will have the functions described in Articles 11.02, 11.03 and 11.04 below.

(d) **Structure.** As Head of Paid Service the Chief Executive will determine and publicise a description of the overall staffing structure of the Council showing the management structure and deployment of Officers. This is set out at 'Appendix – Overall Management Structure'.

11.02 FUNCTIONS OF THE HEAD OF PAID SERVICE

(a) **Discharge of Functions by the Council.**

As Head of Paid Service the Chief Executive will report from time to time to the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of Officers, and the appointment and proper management of Officers.

(b) **Contributing to corporate management.**

As Head of Paid Service, the Chief Executive will contribute to the corporate management of the Council in accordance with the prescribed expectations of the Head of Paid Service and the Head of Paid Service Protocol (see 'Appendix – Expectations of DDC Head of Paid Service').

(c) **Restrictions on posts.**

As Head of Paid Service, the Chief Executive can not be the Monitoring Officer.

(d) **Role of Head of Paid Service.**

As Head of Paid Service the Chief Executive will meet the statutory responsibilities, expectations and key competencies as specified in 'Appendix – Expectations of DDC Head of Paid Service'.

11.03 FUNCTIONS OF THE MONITORING OFFICER

(a) **Maintaining the Constitution.**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, staff and the public.
(b) **Ensuring lawfulness and fairness of decision-making.**

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council at the earliest possible opportunity if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by the Council.

(c) **Promoting good governance and conduct.**

(i) The Monitoring Officer will promote good governance in the Council, including review of the Local Code of Corporate Governance.

(ii) The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Appeals and Standards Committee, Members in general and to parish councils.

(iii) The Monitoring Officer will be the Proper Officer for receiving written allegations of the Code of Conduct.

(iv) The Monitoring Officer will arrange for investigations or other action in respect of matters relating to the Appeals and Standards Committee. The Monitoring Officer will make reports or recommendations in respect of Members or the Council to the Appeals and Standards Committee or Corporate Governance Committee as appropriate.

(v) The Monitoring Officer is authorised to grant dispensations to District Councillors.

(d) **Proper Officer for Access to Information.**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

(e) **Providing advice.**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Members.

(f) **Contributing to corporate management.**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of appropriate professional advice.

(g) **Restrictions on posts.**

The Monitoring Officer cannot be the Head of Paid Service or Chief Financial Officer.

(h) **Regulation of Investigatory Powers**

(i) **Breaches of Procedure Rules and Regulations**

The Monitoring Officer will evaluate the severity of each breach of Council Procedure Rules and Regulations and where required instruct management to submit a report to the Chief Executive detailing the breach and any corrective action.

In conjunction with the Chief Financial Officer, the Monitoring Officer will also monitor any breaches of the Procedure Rules and Regulations within this Constitution and shall submit to the Corporate Governance Committee an annual report summarising significant breaches (whether individually or cumulatively) and of action taken in relation thereto.

11.04 **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER (SECTION 151 OFFICER)**

(a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council and the Council’s external auditor at the earliest possible opportunity if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all Members and will support and advise Members and Officers in their respective roles. He /she will also provide advice on the optimum use of available resources and on the management of capital and revenue budgets.

(e) **Providing financial information.** The Chief Financial Officer will provide financial information to Members and Officers, the media, members of the public and the community.

(f) **Internal Audit.** The Chief Financial Officer will maintain an adequate and effective system of internal audit of the Authority's accounting records and control systems.

(g) **Restriction on Post.** The Chief Financial Officer cannot be the Monitoring Officer.

(h) **Breaches of Procedure Rules and Regulations**

In conjunction with the Monitoring Officer the Chief Financial Officer will monitor any breaches of the Procedure Rules and Regulations within this Constitution and shall submit to the Corporate Governance Committee an
annual report summarising significant breaches (whether individually or cumulatively) and of action taken in relation thereto.

11.05 **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

11.06 **CONDUCT**

Officers will comply with the *Guiding Principles for the Conduct of Members and Employees*, the *Local Code of Conduct for Employees* and the *Protocol on Officer/Member Relations* set out in Part 3 of this Constitution.

11.07 **EMPLOYMENT**

The recruitment, selection and dismissal of Officers will comply with the *Officer Employment Rules* set out in Part 6 of this Constitution.
ARTICLE 12 – DECISION MAKING

12.01 RESPONSIBILITY FOR DECISION-MAKING

Part 5 of this Constitution contains an up to date record of what part of the Council or which officer has responsibility for particular types of decisions or decisions relating to particular areas or functions.

12.02 PRINCIPLES OF DECISION-MAKING

All decisions of the Council will be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for Human Rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Best Value
- Meets the Strategic Objectives of the Council

12.03 DECISION MAKING BY THE FULL COUNCIL

Subject to Article 12.06, the Council meeting will follow the Council and Committee Procedure Rules set out in Part 6 of this Constitution when considering any matter.

12.04 DECISION MAKING BY AND DELIBERATIONS OF SCRUTINY AND IMPROVEMENT COMMITTEE

Scrutiny and Improvement Committee will follow the Scrutiny and Improvement Procedure Rules set out in Part 6 of this Constitution when considering any matter.

12.05 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 12.06, other Council committees and sub-committees will follow those parts of the Council and Committee Procedures Rules set out in Part 6 of this Constitution as apply to them.

12.06 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council, a Committee or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

13.01 FINANCIAL MANAGEMENT

The management of the Council’s financial affairs will be conducted in accordance with the Financial Regulations set out in Part 6 of this Constitution.

13.02 CONTRACTS

Every contract made by the Council will comply with the Contract and Procurement Regulations set out in Part 6 of this Constitution.

13.03 LAND AND REAL PROPERTY

Every land and real property transaction will comply with the Land and Property Regulations set out in Part 6 of this Constitution.

13.04 LEGAL PROCEEDINGS

The Monitoring Officer, in consultation with the Head of Paid Service and the Leader of the Council, is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council’s interests.

13.05 AUTHENTICATION OF DOCUMENTS

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or Deputy Chief Executive, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.06 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council will be kept in a safe place in the custody of the Executive Director (Resources). 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 Deputy Chief Executive, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or in their absence the Deputy Chief Executive.
ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION

14.01 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.02 PROTOCOL FOR MONITORING AND REVIEW OF CONSTITUTION BY MONITORING OFFICER

A key role for the Monitoring Officer 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:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities or national examples of best practice.

14.03 CHANGES TO THE CONSTITUTION

(a) Approval.

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer, save for factual updates or minor variations to reflect latest legislative requirements or operational structures and procedures.

(b) Change from Adopted Committee Style Arrangements to a Mayoral Form of Executive

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and will hold a binding referendum.

(c) Change from Adopted Committee Style Arrangements to a Leader and Cabinet Form of Executive

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

(d) Change from Adopted Committee Style Arrangements to another Prescribed Arrangement (as approved by the Secretary of State)

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals, and will hold a referendum.
SCHEDULE 1: DESCRIPTION OF ARRANGEMENTS

The Council operates committee style arrangements.

The following parts of this Constitution constitute the committee style arrangements

1. Article 6 (Scrutiny and Improvement Committee) and the Scrutiny and Improvement Procedure Rules;

2. Article 7 (Strategy Group and other Committees)
CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019– November 2019)

PART 3 - CODES AND PROTOCOLS
PART 3A GUIDING PRINCIPLES FOR THE CONDUCT OF MEMBERS AND EMPLOYEES

1. GUIDING PRINCIPLES

1.1. Conduct of Members and employees, and what the public believes about their conduct, affects the reputation of the Council. Actions will also affect the overall reputation of Members and employees in local government.

1.2. Accordingly, all Members and employees need to be guided by their Codes of Conduct and also observe the following principles of public life, as set by the Committee on Standards in Public Life:

(i) SELFLESSNESS

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

(ii) HONESTY

Holders of public office should be truthful.

(iii) INTEGRITY

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

(iv) OBJECTIVITY

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

(v) ACCOUNTABILITY

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

(vi) OPENNESS

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

(vii) LEADERSHIP

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

2.1. Part 7 – ‘Appendix – Functions of a Councillor’ of the Council’s Constitution also sets out the functions of a Councillor.

2.2. The over-riding duty as a Member is to the whole community, with a special duty to their constituents, including those who did not vote for them.

2.3. Members hold office by virtue of the law, and must at all times strive to act within the law. Members have an individual responsibility to make sure that their actions meet with the requirements of the law, these Guiding Principles and the Council’s Rules and Regulations and to follow the correct procedure when taking part in the Council’s decision making processes.

2.4. Specific legal requirements of being a Member are to sign a Declaration of Acceptance of Office, attend at least one meeting in a six-month period and make appropriate entries in the Register of Members’ Interests. The Council also requires each Member to give a written undertaking to comply with the Local Code of Conduct for Members. Whilst these are the minimum, the Council expects each Member to participate fully in Council business.

3. **CONDUCT AND COMPLAINTS**

3.1. Any allegation of misconduct against a Member concerning a breach of the Local Code of Conduct for Members (including Supplementary Local Codes of Conduct) will be dealt with in accordance with the procedure adopted by the Council for handling such complaints (see ‘Appendix – Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members’).
PART 3B LOCAL CODE OF CONDUCT FOR MEMBERS (JULY 2015)

PART 1 – GENERAL PROVISIONS

1. Introduction and interpretation

1.1 This Code applies to all Members of Daventry District Council.

1.2 It is the responsibility of each Member to comply with the provisions of this Code, for which they will give a written undertaking.

1.3 In this Code –

“meeting” means any meeting of

(a) the Council;

(b) any of its committees, sub-committees, joint committees, joint sub-committees, or area committees; any panels or working groups.

“Member” means elected and co-opted Members.

“relevant authority” has the meaning given to it in Section 27(6) of the Localism Act 2011 (including county council, district council, parish council, police and crime panel, fire and rescue authority).

“relevant person” means the Member or any other person referred to in Section 30(3)(b) of the Localism Act 2011. (i.e. their spouse or civil partner; a person with whom they are living as husband and wife, or a person with whom they are living as if they were civil partners).

2. Scope

2.1 A Member must comply with this Code whenever they act in their official capacity as a Member of the Council.

2.2 Where a Member acts as a representative of the Council -

(a) on another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct; or

(b) on any other body, they must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

PART 2 – GENERAL OBLIGATIONS

3. General obligations

3.1 A Member must treat others with respect.

3.2 A Member must not -

(a) bully any person;

(b) intimidate or attempt to intimidate any person who is or is likely to be –
(i) a complainant;
(ii) a witness, or
(iii) involved in the administration of any investigation or proceedings.

(c) do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

3.3 A Member must not –

(a) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) they have the consent of a person authorised to give it;
(ii) they are required by law to do so;
(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
(iv) the disclosure is –

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 A Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute.

3.5 A Member –

(a) must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the Council –

(i) act in accordance with the Council’s reasonable requirements;
(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
PART 3 - INTERESTS

4. “Disclosable Pecuniary Interests”

4.1 A Member will have a “disclosable pecuniary interest” in any business of the Council if it is of a description specified in the second column of the appended Schedule as issued by the Secretary of State and either –

(a) it is an interest of the Member, or

(b) it is an interest of –

(i) their spouse or civil partner;

(ii) a person with whom they are living as husband and wife, or

(iii) a person with whom they are living as if they were civil partners.

and they are aware that that other person has the interest.

5. “Other Disclosable Interests”

5.1 A Member will have an “other disclosable interest” in any business of the Council where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Member or their family, or a person with whom they have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward for which they have been elected, or

(b) it relates to, or is likely to affect, any of the interests listed in the appended Schedule in respect of a member of their family (other than a ‘relevant person’) or a person with whom they have a close association.

and that interest is not a disclosable pecuniary interest.

and a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice the Member’s judgment of the public interest.

and the Member is aware that the other person has the interest.

6. “Non-disclosable Interests”

6.1 A Member will have a “non-disclosable interest” in any business of the Council where either it relates to –

(a) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council; or

(b) any body –

(i) exercising functions of a public nature;

(ii) directed to charitable purposes; or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management, or

(c) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.

and that interest is not a disclosable pecuniary interest or other disclosable interest.

6.2 An interest in this category need not be disclosed at meetings.

7. Registration of interests

7.1 Subject to paragraph 9 (sensitive interests), a Member must, within 28 days of –

(a) this Code being adopted by the Council; or

(b) their election or appointment to office (where that is later),

notify the Council’s Monitoring Officer in writing of any disclosable pecuniary interests, other disclosable interests and/or non-disclosable interests at that time for entry into a register.

7.2 Subject to paragraph 9 (sensitive interests) a Member must, within 28 days of becoming aware of any new interest or change to any interest, notify the Council's Monitoring Officer in writing of that new interest or change.

8. Disclosable interest in matters considered at a meeting or by a single Member

8.1 Subject to paragraph 9 (sensitive interests) where the Member has, and is aware that they have, a disclosable interest in any business of the Council, and they attend a meeting at which the business is to be considered, or is being considered;

(a) the Member must disclose to the meeting the fact that they have a disclosable interest in that matter. If they have not already done so, they must notify the Council’s Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is entered in the Council’s Register of Members’ Interests or not, they must not – unless they have obtained a dispensation from the Council’s Monitoring Officer –

(i) participate, or participate further, in any discussion of the matter at the meeting - apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, in accordance with other procedure rules in respect of an “other disclosable interest”; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

8.2 Non-disclosable interests do not need to be disclosed at meetings.

8.3 If a Member is empowered to discharge functions of the Council acting alone, and has and is aware that they have a disclosable interest in any matter dealt with, or
being dealt with, by the Member in the course of discharging that function, they must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them).

9. Sensitive interests

9.1 Where a Member considers (and where the Council's Monitoring Officer agrees) that disclosure of the details of a registered interest could lead to harm or intimidation of the Member or a person connected with the Member –

(a) such details will be excluded from public versions of the register.

(b) such details will not need to be disclosed to a meeting, or when a Member is empowered to act alone, although the fact that the Member has a sensitive interest must be disclosed (in accordance with section 8).
### SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

**SPECIFIED BY THE SECRETARY OF STATE**

<table>
<thead>
<tr>
<th>Subject</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
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</table>
| Sponsorship                                       | Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.  
  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(a)</sup> |
| Contracts                                         | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –  
  (a) under which goods or services are to be provided or works are to be executed; and  
  (b) which has not been fully discharged.                                                                                                                                 |
| Land                                              | Any beneficial interest in land which is within the area of the Council.                                                                                                                                                 |
| Licenses                                          | Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.                                                                                                             |
| Corporate tenancies                               | Any tenancy where (to the Member’s knowledge) –  
  (a) the landlord is the Council; and  
  (b) the tenant is a body in which the relevant person has a beneficial interest.                                                                                                                                     |
| Securities                                        | Any beneficial interest in securities of a body where –  
  (a) that body (to the Member’s knowledge) has a place of business or land in the area of the Council; and                                                                                                                     |

<sup>(a)</sup> 1992 c. 52.
(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
PART 3C SUPPLEMENTARY LOCAL CODES OF CONDUCT FOR MEMBERS

(A) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH PLANNING MATTERS

[The Local Code of Conduct for Dealing with Planning Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of disclosing interests.]

1 INTRODUCTION

1.1 Planning matters referred to in this Code include Local Plans, Development Plan Documents, Supplementary Planning Documents, and Planning Applications, Tree Preservation Orders and Planning Enforcement issues.

1.2 Planning matters that are planning policy matters, such as local plans and supplementary planning documents, are the remit of Strategy Group and/or Council, with occasional advice sought from the Planning Committee. Planning matters that are development control matters, such as planning applications and enforcement, are regulatory matters within the remit of the Planning Committee as delegated by Council. Under the Local Code of Conduct there is particular need for Member awareness in respect of regulatory matters.

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

1.4 Members must ensure that decisions are properly made and unbiased and are seen to be properly made and unbiased by all parties involved.

1.5 If someone believes that there has been undue influence, decisions may be challenged in a judicial review of the Council. There may also be a justifiable complaint of maladministration to the Local Government and Social Care Ombudsman or allegation of failure to comply with codes of conduct.

2. GENERAL PRINCIPLES FOR DEALING WITH PLANNING MATTERS

2.1 A Member shall not accept a nomination to serve on the Planning Committee unless he/she agrees to abide by the terms of the Local Code of Conduct for Planning Matters.

2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.

2.3 Members (and Officers) should not act as paid agents or consultants on planning matters within the jurisdiction of the Council as local planning authority.

2.4 Members should have regard only to material planning considerations and should disregard all other factors.

2.5 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
2.6 Members should pay full regard to Officers’ professional recommendations, relevant national/regional planning statements and guidance and relevant Development Plan Policies. Where Members propose to determine a planning matter contrary to Officers’ advice, full and proper reasons based on material planning considerations must be given at decision time.

2.7 Planning applications will be determined in a transparent, fair and open manner. Members determining such applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so. Where a Member is placed in a position where expressing a view prior to its determination is unavoidable, this view should always be able to be, and be, qualified.

2.8 Members should not vote on planning matters unless they have received and considered all of the relevant information submitted to them at the meeting at which the decision is taken. Members who leave a meeting of the Planning Committee whilst such relevant information is being presented must not vote on the item concerned.

2.9 Members are recommended to be cautious of social contact with applicants and agents.

2.10 Members should not disclose to a third party information submitted to them or Committee on a confidential basis.

2.11 Members should recognise that political whips should not be used to determine planning applications.

2.12 Members appointed to serve on the Planning Committee should attend planning training via induction given by planning officers and subsequently via the annual Members' Training Programme in order to apprise them of essential aspects of planning law, policy, guidance and practice pursuant to continuous development. Members must not vote on planning matters until induction training has been undertaken.

2.13 Members involved in making decisions on planning matters must not treat their Member colleagues or former Member colleagues on the Council more favourably than they would other persons or bodies.

2.14 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN REGULATORY PLANNING MATTERS

3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a planning application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions.
3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a planning application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

3.3 Where a Member (or Officer) or their agent submits a planning application it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified by the Member (or Officer) of the submission of the application and shall liaise with the Development Control Manager to ensure that the application has been dealt with in accordance with the relevant paragraphs of this code. The views of the Monitoring Officer shall be recorded on the relevant planning application file.

3.4 Circumstances may arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting.

3.5 A Member who has a disclosable interest in a regulatory planning matter is still able to represent the interests of his or her Ward constituents at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

3.6 A Member of the Planning Committee making a planning application for development significantly contrary to approved planning policies should resign from the Planning Committee before submitting it.

3.7 A Member who has received (or is closely associated with someone who has received) a planning permission should promote compliance with the terms of that planning permission, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

4 INTERESTS IN DEVELOPMENT PLAN AND PLANNING POLICY FORMULATION

4.1 Where a Member has a disclosable interest affecting/affected by emerging planning policy or guidance, he/she should refrain from lobbying of other Members or from using his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

5.1 Where a Member has a disclosable interest in a development control or planning policy matter, the Member will not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the development control or policy matter is discussed/considered, subject to the Council’s rules on Public Participation at Committees.
6 LOBBYING AND ENGAGEMENT

6A GENERAL

6A.1 Constituents and others affected by a planning decision will often seek to influence it through an approach to their ward Member or a Member of the Planning Committee. This is an acknowledged way for local concerns to be ventilated. Following approaches, Members can raise issues with Officers and obtain further guidance if desirable.

6A.2 Care and common sense needs to be exercised by all parties involved so as to avoid the impartiality and integrity of a Member being called into question. In this context, it is appropriate for Members to avoid forms of engagement – such as meetings between them and those having direct pecuniary interest, without Officers present – that might risk perceptions or allegations of them being unduly influenced and/or risk challenge of the Council's decisions.

6A.3 If Members do express an opinion to objectors or supporters, it is good practice that they make it clear that a final decision will only be taken after all relevant arguments and all relevant material planning considerations have been taken into account by decision makers. Until all of the relevant information has been heard, Members should not give any indication as to how they will vote on the matter.

6A.4 All negotiations with applicants, objectors or other interested parties on planning matters are to be carried out by Officers.

6A.5 Where material is sent directly to Members by applicants, objectors or other interested parties in relation to any planning matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Development Control Manager (or to the Local Strategy Manager if related to planning policy making) if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information received in the consideration of any planning matter, he/she should ensure that the Development Control Manager or Local Strategy Manager (as appropriate) is aware of the information supplied, at least by the close of business on the day prior to the date of the meeting at which the planning matter is to be considered.

6A.6 Members should not seek to influence Officers or pressure Officers to support a particular course of action. Members’ involvement should be recorded in any subsequent Committee report.

6A.7 It is important for Members to get the balance right between being an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It is stressed that the striking of this balance is, ultimately, the responsibility of the individual Member.

6B LOBBYING ON SIGNIFICANT PLANNING APPLICATIONS

6B.1 In the spirit of a more proactive community leadership approach Members may engage with applicants (before an application is submitted only) in order to be informed of, or inform, a prospective significant planning application – but should not meet them alone or in any other way be seen to put themselves at risk of appearing to favour them. The following terms of engagement shall apply:
6B.2 Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.

6B.3 Members should maintain an impartial listening role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as ‘without prejudice’.

6B.4 To reinforce the above, at the start of the meeting Officers will explain that it is taking place at the request of the applicant and that the merits of the case will not be discussed. Members and Officers will, of course, be free to ask questions about the proposal at the presentation.

If the applicant requests the views of the authority, these will be communicated subsequently and in writing by Officers. In such communication, Officers will make it clear that any views expressed prior to formal determination of an application are preliminary.

6B.5 Advice and observations should be based on the adopted plan and material considerations.

6B.6 A written note of the proceedings should be kept - to include a record of Officer attendance and follow up.

6B.7 Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.

7 SITE INSPECTIONS / VIEWINGS

7.1 Site inspections should normally be carried out as part of the itinerary prepared by Officers ahead of a Committee meeting and in accordance with the Site Viewing Protocol and Procedure (see ‘Appendix – Supplementary Site Viewing Protocol and Procedure’). For Planning Committee, Members are expected to register their request for a site inspection in connection with a particular application or proposal with the Development Control Manager within 21 days of notification of receipt of a planning application.

7.2 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer. Members need to exercise caution with regard to being lobbied on such site inspections.

7.3 Where a Member proposes deferral of a planning application at a Planning Committee meeting in order that a site inspection may be carried out, the planning reason for conducting such an inspection should be clearly stated.
B) **SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH LICENSING MATTERS**

[The Local Code of Conduct for Dealing with Licensing Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of declaring disclosing interests.]

1 **INTRODUCTION**

1.1 Licensing matters referred to in this Code include Licensing Policy and Applications for Licences (and their variation, transfer or review) under Licensing Act(s). Licensing Policy matters are the remit of Strategy Group and/or Council, with advice sought from the Licensing Committee. Licensing Applications are regulatory matters within the remit of the Licensing Committee and its Sub-Committees as delegated by Council. This Local Code shall be read as applying to its Licensing Sub-Committees also. Under the Local Code of Conduct, there is particular need for Member awareness in respect of regulatory matters.

1.2 The Licensing Committee operates in a quasi-judicial manner. There is recourse through the courts if a decision on a regulatory licensing matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Licensing Committee.

1.3 Members must ensure that decisions are properly made and unbiased and are seen to be properly made and unbiased by all parties involved.

1.4 If someone believes that there has been undue influence, decisions may be challenged in a judicial review either of the Council, an individual Member or an Officer. There may also be a justifiable complaint of maladministration to the Local Government and Social Care Ombudsman or allegation of failure to comply with codes of conduct.

2 **GENERAL PRINCIPLES FOR DEALING WITH LICENSING MATTERS**

2.1 A Member shall not accept a nomination to serve on the Licensing Committee unless he/she agrees to abide by the terms of the Local Code of Conduct for Licensing Matters.

2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.

2.3 Members (and Officers) should not act as paid agents or consultants on licensing matters within the jurisdiction of the Council as local licensing authority.

2.4 Members should have regard only to material licensing considerations and should disregard all other factors.

2.5 Members should retain an open mind about licensing matters until they are in possession of all the relevant information to be presented.

2.6 Members should pay full regard to Officers’ professional recommendations, relevant national guidance and relevant local strategies and policies related to licensing. Where Members propose to determine a licensing matter contrary to Officers’ advice, full and proper reasons based on material licensing considerations must be given at decision time.
2.7 Applications for licences will be determined in a transparent, fair and open manner. Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so. Where a Member is placed in a position where expressing a view prior to its determination is unavoidable, this view should always be able to be, and be, qualified.

2.8 Members should not vote on licensing matters unless they have received and considered all of the relevant information submitted to them at the meeting at which the decision is taken. Members who leave a meeting of the Licensing Committee whilst such relevant information is being presented must not vote on the item concerned.

2.9 Members are recommended to be cautious of social contact with applicants and agents.

2.10 Members should not disclose to a third party information submitted to them or Committee on a confidential basis.

2.11 Members should recognise that political whips should not be used to determine licensing applications.

2.12 Members appointed to serve on the Licensing Committee should attend licensing training via induction given by licensing officers and subsequently via the annual Members’ Training Programme in order to apprise them of essential aspects of licensing law, policy, guidance and practice pursuant to continuous development. Members must not vote on licensing matters until such induction training has been undertaken.

2.13 Members involved in making decisions on licensing matters must not treat their Member colleagues or former Member colleagues or the Council more favourably than they would other persons or bodies.

2.14 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN LICENSING APPLICATIONS

3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a licensing application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:-

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions.

3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a licensing application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:-

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.
3.3 Where a Member (or Officer) or their agent on their behalf submits a licensing application it shall always be considered by the Licensing Committee. The Monitoring Officer shall be notified by the Member (or Officer) of the submission of the application and shall liaise with the Executive Director with responsibility for Licensing to ensure that the application has been dealt with in accordance with the relevant paragraphs of this code. The views of the Monitoring Officer shall be recorded on the relevant licensing file.

3.4 Circumstances may arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Licensing Committee), which could lead an observer who knows the relevant facts to reasonably think the Member’s interest is so significant that it is likely to prejudice the Member’s judgement of the public interest. In these circumstances the Member should disclose the interest, observe the Council’s rules on Public Participation at Committees, and withdraw from the meeting when appropriate so as to abstain from debate/voting on the matter.

3.5 A Member who has a disclosable interest in a regulatory licensing matter, is still able to represent the interests of his or her Ward constituents at Committee meetings in respect of that matter, subject to the Council’s rules on Public Participation at Committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

3.6 A Member who has received (or is closely associated with someone who has received) a licence should promote compliance with the terms of that licence, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

4 INTERESTS IN LICENSING POLICY FORMULATION

4.1 Where a Member has a disclosable interest affecting/affected by emerging licensing policy, he/she should refrain from lobbying of other Members or from using his or her position to:

   (a) gain access to Officers to pursue his or her interest; or
   (b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

5.1 Where a Member has a disclosable interest in a licensing matter, the Member will not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the licensing matter is discussed/considered, subject to the Council’s rules on Public Participation at Committees.

6 LOBBYING

6.1 Members who are lobbied in respect of a particular licensing matter should avoid expressing a view on it and restrict themselves to giving procedural advice. If circumstances require the Member to express a view, it should be made clear that the Member is expressing a personal view based on the information currently available, and this is not necessarily their final opinion or the opinion of the Committee. Until all of the relevant information has been heard, Members should not give any indication as to how they will vote on the matter.
6.2 Where material is sent directly to Members by applicants, objectors or other interested parties in relation to any licensing matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Executive Director with responsibility for Licensing if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information received in the consideration of any licensing matter, he/she should ensure that the Executive Director with responsibility for Licensing is aware of the information supplied by the close of business on the day prior to the date of the meeting at which the matter is to be considered.

6.3 All negotiations with applicants on submitted, or intended, licensing proposals are to be carried out by officers.

6.4 Members should not seek to influence Officers or pressure Officers to support a particular course of action.
(C) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH HOUSING MATTERS

[The Local Code of Conduct for Dealing with Housing Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of disclosing interests.]

1. INTRODUCTION

1.1 Housing matters referred to in this Code include all matters associated with applications for allocation of housing including waiting lists (hereinafter referred to as ‘Housing Applications’). Officers of the Council handle such housing matters in accordance with adopted policy. Housing Strategy and Policy are the remit of Strategy Group and Council.

1.2 All housing applications are dealt with by the Executive Director (Community) in accordance with the Choice Based Lettings Scheme as agreed by the Council.

2. GENERAL PRINCIPLES FOR DEALING WITH HOUSING MATTERS

2.1 Members shall agree to abide by the terms of the Local Code of Conduct for Housing Matters.

2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.

2.3 Members (and Officers) should not act as paid agents or consultants on housing matters falling within the jurisdiction of the Council as local housing authority.

2.4 Housing applications will be determined in accordance with the provisions of the Council’s Choice Based Lettings Scheme and relevant housing legislation.

2.5 Members should not disclose to a third party information submitted to them on a confidential basis.

2.6 Members involved in decisions on housing matters must not treat their Member colleagues or former Member colleagues on the Council more favourably than they would other persons or bodies.

2.7 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN HOUSING APPLICATIONS

3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a housing application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions. Any Member who submits a housing application should notify the Council’s Monitoring Officer who shall confirm that correct procedure has been followed.
3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a housing application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

3.3 A Member who has a disclosable interest in a housing matter could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

3.4 When visiting the Council offices to discuss his or her housing application or prospective housing application (or that of a family member or close associate), a Member should regard himself or herself as a member of the public and make use of the interview facilities provided and should not seek to gain access into non public sections of Council Offices to discuss the matter directly with housing staff.

3.5 If a Member wishes to discuss with housing staff any other relevant housing matter, advance notice should be given by telephone or email (or otherwise as may be appropriate) to the Executive Director (Community) or other relevant Officer.

3.6 Housing staff will only discuss individual housing applications with Members on production of appropriate written authority from the applicant or prospective applicant concerned and where there would otherwise be no breach of data protection requirements.

4 INTERESTS IN HOUSING STRATEGY AND POLICY FORMULATION

4.1 Where a Member has a disclosable interest affecting/affected by emerging housing strategy or policy, he/she should refrain from lobbying of other Members or from using his or her position to:

(a) gain access to Officers to pursue his or her interest; or
(b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

5.1 Where a Member has a disclosable interest in a housing strategy or policy matter, the Member shall not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the matter is discussed/considered, subject to the Council's rules on Public Participation at Committees.

6 LOBBYING

6.1 Members who are lobbied in respect of a particular housing matter should avoid expressing a view on it and restrict themselves to giving procedural advice.

6.2 Where material is sent directly to Members by applicants or other interested parties in relation to any housing matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Executive Director (Community) if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information
received in the consideration of a housing strategy or policy matter, he/she should ensure that the Executive Director (Community) is aware of the information supplied by the close of business on the day prior to the date of the meeting at which the matter is to be considered.

6.3 All negotiations with applicants on submitted, or intended, housing matters are to be carried out by Officers.

6.4 Members should not seek to influence Officers or pressure Officers to support a particular course of action.
(D) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH GIFTS AND HOSPITALITY

[The Local Code of Conduct for Dealing with Gifts and Hospitality supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly].

1. GIFTS AND HOSPITALITY OFFERED TO MEMBERS

1.1 Members should treat with caution any offer of a gift, favour or hospitality that is made to them personally. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is currently carrying out work for, or seeking to do business with, the Council, or may be applying to the Council for planning permission or some other kind of permission/decision. Members should ask themselves “Would I have been given this if I was not on the council?” If in doubt as to the motive, Members should register it.

1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, Members should be particularly sensitive as to their timing in relation to decisions which the Council may be taking affecting those providing the gift or hospitality. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.

1.3 Members may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to Members with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, Members should ensure that such offers are advised to appropriate officers.

1.4 Members do not need to register gifts and hospitality that are not related to their role as a Member.

1.5 The Local Code of Conduct sets out the requirement for Members to register the receipt of any gift or hospitality worth £25 or over that they receive in connection with their official duties as a Member. If in doubt as to the value, the Member should register the offer anyway. Also an accumulation of gifts from the same source over a short period that adds up to £25 or over should be registered. The Member must register the gift or hospitality and its source in the register of interests within 28 days of receiving it.

1.6 The Register of Members Interests is the register for recording any Members’ receipt of gifts and hospitality £25 or more in value. It is maintained by the Monitoring Officer. Members should immediately notify the Monitoring Officer of such gifts or hospitality received and enter the relevant details in the register.

1.7 Like other interests in the Register of Members Interests, a Member automatically has an interest in a matter under consideration if it is likely to affect a person who gave the gift or hospitality. It could also amount to a disclosable interest. Once 3 years have passed since a Member registered a gift or hospitality, the Member’s obligation to disclose the interest to meetings ceases.
2. **HOSPITALITY OFFERED BY COUNCILLORS**

2.1 Hospitality should only be provided when it is clearly related to the Council’s business and in the Council's interests. It is essential that any suggestion of improper influence should be avoided. Hospitality must not be given knowingly to interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.

2.2 Expenses claims for lunches, dinners and other similar hospitality must only be made by Councillors or senior officers if the subject(s) under discussion relates to Council business, not private or party political matters.

2.3 If there is any doubt about the propriety of a particular claim or whether or not a subject relates to private or party political matters, advice should be sought from the Monitoring Officer.

2.4 Details of the individual(s) for whom hospitality has been provided, together with the purpose and aim(s) of the meeting should be notified to the Monitoring Officer.

2.5 Members should be confident that whatever they do would be seen to be an example to the community of proper conduct and behaviour.
PART 3D PROTOCOL ON THE CONDUCT OF MEMBERS

1. GUIDANCE FOR MEMBERS WITH COUNCIL TAX/HOUSING RENT ARREARS

VOTING IN MEETINGS

The Local Government Finance Act 1992, Section 106, restricts a Member whose Council Tax has remained unpaid for at least two months from voting on certain questions which arise at the Council, or at a Committee or Sub-Committee of which you are a Member. You must declare if you are affected as soon as practicable after the start of a meeting, at which any of the matters listed below is the subject of consideration. You may not vote on any question with respect to that matter.

The matters to which the restrictions relate are as follows:

(a) Calculations of Income and Expenditure for the purpose of setting the Council Tax.
(b) Any recommendation, resolution or other decision which might affect the making of any such calculation.
(c) The exercise of any functions relating to the administration of collection arrangements.
(d) The enforcement of liability to Tax.

The effect of the legislation is to prevent a Member affected from voting on any matter affecting the calculation of the Council Tax or the arrangements for administering the Council Tax, and matters affecting the finances of the Council.

A declaration could be triggered by almost any debate on finance. Certainly, any decision which involves incurring expenditure not provided for in the budget for a particular year, or foregoing income which is provided for, could affect calculations on the level of the Council Tax and are caught.

Therefore, if a Member is affected, that Member needs to declare their disqualification and not vote on such matters as:

(a) reports on Committee estimates and possible growth and savings items;
(b) reports dealing with contracts and agreements extending beyond the current financial year; and
(c) requests for supplementary estimates or reports identifying a shortfall or potential shortfall in a budget provision in the current financial year.

However, there is no prohibition on only speaking on any of these items; if affected and wanting to vote, that member may apply to the Secretary of State for a dispensation to vote.

Failure to comply is a criminal offence, punishable by a fine. Prosecutions for offences are instituted by or on behalf of the Director of Public Prosecutions.

Court decisions on those prosecutions which have taken place elsewhere in the country have confirmed:
(a) That the words "might affect the level of the Council Tax" should be interpreted very widely.

(b) That Members who are affected must make a positive declaration to that effect. It is not enough simply to remain silent, abstain from voting or simply leave the meeting.

While it is a Member's responsibility to declare that they are affected and unable to vote, officers will undertake to:

(a) notify Members if they are two months or more in arrears with their Council Tax or Council rent; and

(b) give advice to Members on an informal basis, but will not intervene at meetings to point out restrictions affecting the rights of an individual Member.

2. **Protocol at Meetings**

A Member should observe the protocols and conventions established by the Council in all areas of its activities.

In particular, a Member should observe the following:-

*Where quasi-judicial matters are under consideration, a Member shall not be entitled to vote on the items unless that Member has been present throughout the debate, has heard all the arguments and considered all the evidence/relevant information presented at the Committee or other meeting at which the decision is taken.*

3. **Compliance with the Council’s Constitution and other Council Codes and Protocols**

In accepting office as a Member of Daventry District Council, a Member undertakes to comply with the Council's Constitution, Local Codes of Conduct and with any other local codes and protocols approved by the Council from time to time.
PART 3E LOCAL CODE OF CONDUCT FOR EMPLOYEES (June 2017)

PART A – BACKGROUND

1. INTRODUCTION AND INTERPRETATION

1.1 This Code applies to all employees of the Council.

1.2 It is the responsibility of each employee to comply with the provisions of the Code.

1.3 In the Code – ‘employee’ means any member of staff having a contract of employment with the Council.

1.4 The Code does not attempt to identify every Council rule that exists. Employees are reminded that the Council’s Constitution sets out various responsibilities, rules and regulations which need to be complied with. The Constitution has a key role in ensuring that the Council and its employees operate ethically and legally.

1.5 The Code should be read in conjunction with the Council’s Disciplinary Policy and Procedure, which gives examples of unacceptable conduct and how they will be handled.

1.6 Integrity is paramount.

2. SCOPE

2.1 An employee must comply with the Code whenever they act in their official capacity as an employee of the Council.

2.2 The existence of the Code does not remove the need for appropriate local operating rules nor does it prevent employees from fulfilling their obligations laid down in their job description and contract of employment.

2.3 Activities of employees outside the normal place and hours of work are covered by the Code on occasions, with examples identified in this Code.

2.4 Employees acting as a member of a company or organisation and carrying out activities on behalf of the Council, along with agency workers and consultants working for the Council, will be expected to comply with the Code.

PART B – OBLIGATIONS

3. GENERAL RESPONSIBILITIES

3.1 An employee must read, understand and work in accordance with the Code.

3.2 An employee will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management (Service Manager or Executive Director and/or Chief Executive or Deputy Chief Executive) any deficiency in the provision of, or conduct in providing, services.

3.3 Management is expected to be both role model and coach for the required standards of behaviour as well as take appropriate action against non-compliance with the Code.
4. **POLITICAL NEUTRALITY**

4.1 An employee must serve the Council as a whole. An employee must serve all Members and not just those of the controlling group and must ensure that the individual rights of all Members are respected.

4.2 An employee may be required to advise political groups and they must do so in ways which do not compromise their political neutrality.

4.3 An employee who has been notified that they are employed in a role that is ‘politically restricted’ are prevented in law from becoming Members of a local authority (other than parish councils), MPs or MEPs, from holding office in a political party and from canvassing, speaking in public or writing on party political matters.

4.4 An employee, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. **RELATIONSHIPS**

**RELATIONSHIPS WITH COUNCIL MEMBERS**

5.1 Mutual respect between employees and Members is essential to good local government. An employee may need to work closely with Members but close personal familiarity between an employee and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

5.2 Employees’ attention is drawn to the ‘Protocol on Officer/Member Relations’ in the Constitution, which should be read in conjunction with this section of the Code.

**RELATIONSHIPS WITH THE LOCAL COMMUNITY AND SERVICE USERS**

5.3 An employee should always remember their responsibilities to the whole of the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community in accordance with legislation and the policies of the Council.

**RELATIONSHIPS WITH CONTRACTORS AND SUPPLIERS**

5.4 All relationships of a business or private nature with external contractors or suppliers, or potential contractors or suppliers, must be disclosed by an employee to their Executive Director and to the Monitoring Officer at the earliest opportunity.

5.5 Orders, contracts and payments for goods, works or services must be made in accordance with the Council’s Constitution, particularly Financial Regulations and Contract and Procurement Regulations, and no special favour is to be shown by an employee to businesses run by, for example, friends, partners or relatives.

**RELATIONSHIPS WITH COUNCIL OWNED COMPANIES OR UNDERTAKINGS**

5.6 Any appointment (whether or not as a nominee of the Council) as an officer of a company or freestanding undertaking which is wholly or partly owned or controlled by the Council must be disclosed by an employee to their Executive Director and to the Monitoring Officer at the earliest opportunity. Where this does not amount to an outside commitment or interest with consequent restrictions (see Section 7 Outside Commitments and Interests), it is essential that the status of the employee is clearly
stated and recorded when business related to that company or freestanding undertaking is being discussed or decided upon by the Council. If necessary, senior management can exclude such employees from decision-making on behalf of the Council.

6. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

6.1 An employee in Senior Management Team is contractually required to devote their whole-time service to the work of the Council and they must obtain the written consent of the Monitoring Officer before taking any outside employment. All other employees must seek the approval of their Executive Director. The Council will not unreasonably stop employees from undertaking additional employment but this employment must not, in the Council’s view, conflict with or be detrimental to the Council’s interests or weaken public confidence in the conduct of its business.

6.2 An employee involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, an employee must not be involved in an appointment where they are related to an applicant or with whom they have a close personal relationship outside work.

6.3 An employee must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or with whom they have a close personal relationship outside work.

6.4 All employees have their own duties and responsibilities under health and safety at work legislation and should ensure that they discharge them in the course of their employment.

7. **OUTSIDE COMMITMENTS AND INTERESTS**

7.1 An employee’s off duty hours are chiefly their own concern, but they should make sure that they do not allow themselves to get into a position where their private interests come into conflict with their contractual obligations or are detrimental to the Council’s interests.

7.2 An employee is required to inform their Executive Director (or, in the case of Executive Directors and the Chief Executive, the Deputy Chief Executive as Monitoring Officer, or, in the case of the Deputy Chief Executive the Chief Executive) of any pecuniary or non-pecuniary outside commitments or interests via completion of the Register of Outside Commitments and Interests form. For this, it is appropriate for an employee to apply the ‘objective observer’ test: namely, an employee would have a conflict if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest or outside commitment as so significant that it is likely to prejudice the employee’s judgement of the public interest.

7.3 An employee must complete their Register of Outside Commitments and Interests form and submit it to their Executive Director (or otherwise as above) on an annual basis (on 31st March), and within 28 days of any change in their commitments or interests. The Executive Director must submit the form to the Monitoring Officer. (The forms make up the Register).

7.4 An employee aware, or who should be aware, of conflict with an interest or conflict with an outside commitment when conducting business of the Council, and who attends a meeting at which a relevant matter is to be considered, must disclose to the meeting the fact that they have such an interest or commitment. Unless they have been given a formal dispensation by the Chief Executive or Monitoring Officer, they
must not participate in any discussion of the matter - apart from making representations, giving evidence or answering questions in accordance with other procedures (for example disciplinary hearings). Also, they must not remain in the meeting room whilst the matter is being debated or participate in any decision on the matter at the meeting.

8. **GIFTS AND HOSPITALITY**

8.1 An employee should treat with caution any offer of a gift, favour or hospitality that is made to them personally. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently. It is important to avoid any suggestion of improper influence.

8.2 An employee should not accept offers of hospitality unless there is a genuine business need to exchange information or represent the Council or where it is an essential part of the life of the community and where the Council should be seen to be represented. Normally, such attendance would be by senior management.

8.3 An employee should not accept personal gifts from contractors and outside suppliers, although employees may keep items of token value such as pens, diaries, calendars, or other simple items of office equipment for use in Council premises.

8.4 Acceptance by an employee of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, an employee should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. Any hospitality provided should be modest and only that which would be courteous and realistically necessary to allow the visit to take place.

8.5 With offers of gifts or hospitality, an employee should be particularly sensitive as to their timing in relation to decisions which the Council may be taking that affect those providing the hospitality. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.

8.6 Acceptance of gifts or hospitality needs to be authorised and recorded by Executive Directors.

8.7 Attention is drawn to the Guidance Notes on the Application of the Code of Conduct for Employees, which should be read in conjunction with this section of the Code.

9. **SPONSORSHIP**

9.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken by an employee when dealing with contractors or potential contractors.

9.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Executive Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, an employee must ensure that impartial advice is given and that there is no conflict of interest involved.
10. **PROCUREMENT**

10.1 An employee involved in any procurement or who has any other official relationship with contractors must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

10.2 An employee involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. An employee who has both a client and contractor responsibility must be aware of the need for accountability and openness.

10.3 An employee who is privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or body.

10.4 An employee contemplating a management buyout (whether as a commercial or social enterprise) must, as soon as they have formed a definite intent, inform the Monitoring Officer and withdraw from the contract awarding processes. An employee making an expression of interest under Section 81 of the Localism Act 2011 must ensure they do not use information gained in the course of their employment with the Council to unfairly favour any resulting offer they might make in a subsequent procurement process for the service in question.

10.5 An employee must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10.6 An employee must not use the Council’s purchasing systems – including purchase credit cards - to purchase items for private use or to secure personal advantage.

10.7 An employee is not entitled to receive any discount or advantage as a result of their employment with the Council unless this is expressly permitted by the Council.

11. **CORRUPTION**

11.1 It is a serious criminal offence under the Bribery Act 2010 for an employee to receive or give any gift, loan, fee, reward or advantage in their official capacity “for doing, or not doing, anything” or “showing favour, or disfavour, to any person”.

11.2 Under s.117(2) of the Local Government Act 1972, an officer of a local authority must not in the course of their employment accept any fee or reward whatsoever other than their proper remuneration.

11.3 An employee should initially raise their concerns of any attempted or actual fraud, bribery or corruption with their immediate manager, unless they believe the manager is involved, in which case the issues are to be raised with another senior officer as directed in the Council’s Anti-Fraud, Bribery and Corruption Policy or Confidential Reporting (Whistleblowing) Policy as appropriate. Ultimately, all concerns should be reported to the Monitoring Officer.

12. **USE OF RESOURCES**

12.1 An employee must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
12.2 An employee must not undertake private or personal work of any description in working hours or on Council premises, or use Council equipment for such purposes, except where it is in accordance with Council policy/guidelines.

13. **USE OF INFORMATION**

13.1 An employee will sometimes receive written, oral and electronic information which is of a confidential nature. They must be aware of which information the Council is and is not in a position to disclose and must act accordingly.

13.2 An employee must maintain the confidentiality of all personal information about service users, employees, and others that they have access to in the course of their employment. An employee’s information handling obligations can be found within the Council’s suite of Information Management policies and practices. These obligations include how personal information should be obtained, stored, accessed, used and disposed.

13.3 An employee must not disclose information which is classed as ‘confidential’ or ‘exempt’ except where there is a legitimate reason to do so, unless specific approval has been given by their Executive Director.

13.4 An employee must not disclose to the public or media the contents of a ‘confidential’ or ‘exempt’ report (nor its associated background material) made to a Committee or the Council. Where full Council or a Committee considers matters in private session, those proceedings, including all documentation before it, must not be disclosed publicly unless required by law or expressly authorized by the Monitoring Officer.

13.5 An employee must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

13.6 An employee must not make statements on matters of Council business via the media or directly on social media without consulting their Executive Director. This is in order to ensure appropriate disclosure (if any) and to safeguard the reputation of the Council.

14 **COPYRIGHT AND PATENTS**

14.1 Any matter or thing capable of being patented under the Patents Act 1977 and which is made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties must be disclosed to their Executive Director. Subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

14.2 The Council owns the copyright in all work produced by an employee during their employment. All records, documents and papers relating to the Council’s business which are made or obtained by an employee in the course of their employment are the property of the Council and their copyright belongs to the Council.

14.3 An employee that wishes to write publishable material for payment on subjects relating to their work for the Council must obtain the permission of their Executive Director. As a general presumption, any fee or royalty payable would be passed to the Council.
PART 3F PROTOCOL ON OFFICER/MEMBER RELATIONS

1. PURPOSE

1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required in local government and complements the local Codes of Conduct for Members set out in Part 3 of this Constitution.

2. THE ROLE OF MEMBERS

2.1 The role, duties and functions of elected Members are set out in the Local Code of Conduct in Part 3 and in ‘Appendix – Functions of a Councillor’ of this Constitution.

3. THE ROLE OF OFFICERS

3.1 The Officers (i.e. the paid staff) of the Council have a variety of roles. Firstly, they advise Members in order to enable them to make decisions on all strategic, budgetary and regulatory matters.

3.2 Secondly, certain Officers have statutory responsibilities. These are set out in Article 11 of this Constitution.

3.3 Thirdly, the Chief Executive and some other Officers have been given delegated powers to make decisions on behalf of the Council. These are set out in Part 5 (Sections C and D) of this Constitution.

3.4 Some Officers have professional skills relevant to a particular function of the Council, whilst others have a primarily managerial role. Some Officers have elements of both in their job.

3.5 Professional Officers are expected to give “honest advice” and have a right to have their professional integrity respected. They should not be required to give advice or make recommendations which they cannot professionally support and should be afforded the opportunity to clarify or explain advice which appears to be inconsistent or shows apparent performance failure.

3.6 There is a clear division of responsibilities between Officers and Members regarding policy setting and implementation. It is the duty of Officers to manage the implementation of policies adopted by the Council. However, Members are included in this process through their involvement in various groups and in carrying out their role as an elected Councillor as set out in the Constitution.

3.7 Officers serve the Council through its Committees and other Council bodies. They work to the instructions of senior management not to individual Members of the Council whatever office the Member may hold.

3.8 Officers should always:

   a) pursue known lawful policy of the Council.
   b) implement the decisions of the Council and Committees.
   c) inform Members (through the Chief Executive or Deputy Chief Executive) of any decisions that cannot be fully implemented.
   d) be helpful and respectful to Members.
   e) behave in a professional manner.
f) serve all Members equally.
g) ensure that they observe the requirements for maintaining the confidentiality of information.
h) deal with enquiries from Members efficiently.
i) comply with the Council’s performance management and scrutiny processes.

4. THE PERFORMANCE OF OFFICERS

4.1 The role of Members is to set the parameters for Council work and then allow Officers to carry out the day to day operation of Council business as far as possible. Members need to ensure that strong performance management and scrutiny systems are in place.

4.2 Members have the right to criticise reports or actions taken by Officers. However, Members should avoid personal attacks on individual Officers and ensure that criticism is constructive and well founded.

4.3 Members should refer any complaints concerning Officers or services provided by the Council to the relevant Executive Director. In certain circumstances it may be appropriate to refer complaints to the Chief Executive or the Deputy Chief Executive.

4.4 Members should avoid undermining respect for Officers at Council/Committee meetings or in any public forum. This would damage effective working relationships and the public image of the Council. Officers are not in a position to respond or defend themselves against such comments in a public forum.

5. MEETINGS

5.1 Both Members and Officers need to take account of the commitments all parties have when arranging meetings, particularly at short notice.

5.2 Members should not expect Officers to attend meetings within their Ward (or other similar events) without prior consultation and adequate notice.

6. POLITICAL NEUTRALITY

6.1 There is statutory recognition for political groups. It is common practice for matters of Council business to be given preliminary consideration before being determined by the decision making body or Officers under delegated powers.

6.2 Whether it is appropriate for Officers to attend meetings of this kind or similar will depend upon the nature of the meeting. Members should refer all requests for Officers to attend political group meetings to the Chief Executive or, in their absence, the Monitoring Officer.

6.3 The same facility will be available to all political groups represented on the Council.

6.4 Officers should not attend any meetings or events arranged by elected Members, candidates or prospective candidates which is, or may reasonably be perceived to be, part of an election campaign.

6.5 Officers may attend briefing meetings with any Members of the Strategy Group, Chairmen or Vice-Chairmen of the Council and any Committee, Group or Panel. Officers may also consult with relevant Members prior to exercising delegated powers.
6.6 When attending any meetings involving Members the following principles need to be followed:

(a) Officer support must be confined to providing information and advice in relation to Council business. Officers should not be expected to be involved in advising on matters of party business.

(b) The decision-making rules of the Council’s Constitution must be adhered to.

(c) Any information or advice given at a meeting in relation to Council business cannot act as a substitute for providing all necessary information and advice at the meeting of the relevant decision making body when the matter is determined.

(d) Care needs to be taken where Officers provide advice or information at party (or similar) meetings, which involve persons who are not Members of the Council. Such persons are not bound by the Codes of Conduct which apply to elected Members, particularly concerning confidentiality, and Officers may need to restrict the information they provide.

(e) Whilst Officers must respect confidentiality of any discussions held in their presence, should Officers receive information which they have a duty to disclose elsewhere they must indicate that this is the case.

6.7 Officers must never allow their own personal or political opinions to interfere with their work. Officers should not take part (and Members should not ask Officers to take part) in any activity which might be perceived as supporting a particular party or election candidate.

7. PERSONAL RELATIONSHIPS

7.1 Good working relationships between Officers and Members are essential to the successful operation of local government.

7.2 Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

7.3 There is potential for improper behaviour if the normal professional relationship becomes either too cosy or too combative.

7.4 Where a decision directly affects an Officer of the Council, Members must not participate in decisions by any body of the Council or individual Officer under delegated powers, or attend any meeting as an observer at which the matter is discussed, where the Officer concerned is

i) the partner or spouse of the Member.

ii) is closely related to the Member [i.e. parent, child (including stepchild or adopted child), brother, sister or grandparent].

iii) in any other relationship, which would, or might be perceived to, influence the Member’s impartiality.
7.5 All dealings between Members and Officers should observe reasonable standards of courtesy and neither party should seek to take advantage of their position.

7.6 Members should be aware that Officers cannot respond to personal criticism in the same way that Members can and Members should make their comments accordingly. Members need to be especially careful when dealing with junior officers and must avoid deliberately or unwittingly intimidating staff.

7.7 Members should never put pressure on an Officer concerning matters which have been delegated for Officer decision. This could lead to decisions being made which are contrary to the principles contained in the Constitution.

7.8 Members should never apply undue influence on an Officer to take any action which is against procedure, policy or the Articles of the Constitution.

7.9 Members should declare any special relationship with any constituent when dealing with Officers on matters affecting that constituent. Members should never seek special treatment for any individual.

8. RELATIONS BETWEEN OFFICERS AND LEADER, DEPUTY LEADER, PORTFOLIO HOLDING MEMBERS AND COMMITTEE CHAIRMEN

8.1 It is especially important that there should be close working relationships between Senior Officers and Lead Members. However, such relationships should not become, or be seen to have become, so close as to bring the Officer’s impartiality into question.

8.2 The content of all reports must be free of any undue influence from any Member and the Chief Executive will be responsible for the content of any report submitted in his or her name. This does not prevent proper consultation being carried out with appropriate Members (e.g. the Leader of the Council, Portfolio Holders and the Chairman of Scrutiny and Improvement Committee).

9. ALLEGED FRAUD, BRIBERY OR CORRUPTION, OR MISCONDUCT

9.1 Members are required to raise any issues that they have reason to believe may involve fraud, bribery or corruption of any kind perpetrated against the Council. The Council's Anti-Fraud, Bribery and Corruption Policy and accompanying Response Plan give further guidance, including on investigations.

9.2 The Council's Chief Executive and/or the Monitoring Officer will carry out an initial investigation of any allegations of other criminal misconduct against Members. Should the outcome indicate that there may be a case to answer the matter can be referred to the Police for investigation. No further investigatory action will be taken by the Council until the Police investigation and, if applicable, any legal proceedings are concluded.

9.3 The Chief Executive and/or Monitoring Officer may investigate other allegations of misconduct against Members where the matter affects the business or reputation of the Council and it is proper for those Officers to investigate such allegations.

9.4 Where the Chief Executive and/or Monitoring Officer conclude(s) that the allegations relate to issues of political party discipline, the matter will be referred to the relevant Group Leader or, if appropriate, directly to the political party concerned.
9.5 In carrying out investigations the Chief Executive and/or Monitoring Officer will follow the procedure adopted by the Council for dealing with such allegations.

9.6 The Council has adopted separate complaint handling arrangements in respect of the Local Code of Conduct for Members, overseen by the Monitoring Officer.

10. WHISTLEBLOWING

10.1 Preamble

10.1.1 The Council is committed to developing a culture where it is safe and acceptable for all Members/Officers to raise concerns about potentially unacceptable practice and misconduct.

10.1.2 For Officers, the Council has adopted a Confidential Reporting Policy and Procedure which supplements this Protocol in respect of whistleblowing.

10.1.3 One of the purposes of this Protocol is to encourage and enable Members to raise serious concerns rather than ignoring them. Specifically, Members should view this Protocol as a valuable contribution to the Council’s efficiency and long term success and to their own future.

10.2 Safeguards

10.2.1 The Council recognises that the decision to report a concern is a difficult one to make. At all stages during the ensuing investigation, this will be considered.

10.2.2 The Public Interest Disclosure Act 1998 protects whistleblowers from victimisation, discipline or dismissal where they raise genuine concerns of misconduct or malpractice in the public interest.

10.2.3 The Council will take whatever action is necessary to protect a Member who has raised a concern.

10.3 Confidentiality

10.3.1 All concerns will be treated in confidence. During the process of investigating the matter every effort will be made to keep the identity of the Member raising the concern unknown except to the minimum number of individuals practicable.

10.3.2 Members may raise concerns anonymously, or require that their identity is known only to the individual to whom they have reported. Such instances will still be investigated; however it must be recognised that such a degree of anonymity could hinder the investigation.

10.3.3 Members are themselves bound by confidentiality not to disclose details of such matters to any individuals or organisations other than as listed in paragraph 10.4.5 below.

10.3.4 If a Member believes that the investigation is not following the procedures outlined in this Protocol without good reason they should where possible discuss their misgivings with the investigating manager concerned. If they are
Part 3F (Protocol on Officer/Member Relations) – Page 6

unable to do this then they should take up their concerns with the other individuals noted in paragraph 10.4.5 below.

10.4 Procedures

10.4.1 Should suspicions be alerted via a “tip off” (usually, but not always, from outside the Council), the Member receiving the tip off should attempt to obtain the following information from the informant
- name, address and telephone number
- names of individuals and organisations involved
- the manner of the alleged unacceptable practice or misconduct including any sums involved and details of evidence
- whether the informant will submit the evidence
- how the informant became aware of the matter

10.4.2 Where the information is received verbally, either in person or via a telephone call, the Member should record in writing all details, verbatim if possible, particularly noting dates and times.

10.4.3 Any permanent evidence, either written or held electronically, should not be altered in any way, either by use of highlighters, underlining, annotating or any other method. Where possible envelopes containing evidence should be retained.

10.4.4 Members should not attempt to deal with any allegation or suspicion themselves, rather to refer them to the Officers identified in 10.4.5 below (or external auditors if all those are subjects).

Specifically do not:
- inform the Officer(s) or Member about whom the concern was raised
- inform any other colleagues
- commence their own investigation
- annotate or remove evidence
- delay reporting the suspicion

Also, do not assume:
- “all is well, otherwise it would have been spotted earlier”
- “it doesn't matter or no harm will arise"
- “ignore it, as it is not my responsibility"

10.4.5 A Member/Officer should report any allegation or suspicion to any of the following:
- Chief Executive
- Monitoring Officer
- Chief Financial Officer
- Internal Audit Manager
- Chairman of the Corporate Governance Committee

10.5 Feedback

10.5.1 Within five working days the investigating manager will respond to the Member who has raised the concern in writing, acknowledging that the concern has been received and outlining how the matter is proposed to be dealt with.
10.5.2 The amount of feedback relating to the issue will vary depending on the nature and result of the investigations. However, where possible the Member who has raised the concern will be kept informed of the progress and eventual conclusion of investigations.
CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019– November 2019)

PART 4 - MEMBERS’ ALLOWANCES SCHEME
MEMBERS’ ALLOWANCES SCHEME

1.0 INTRODUCTION

1.1 The Council has, in accordance with Sections 99 and 100 of the Local Government Act 2000, adopted a scheme for the payment of Members’ Allowances.

1.2 Allowances are payable to Members of Daventry District Council only.

1.3 There are five types of allowances

1) Chairman’s
2) Basic
3) Special Responsibility
   (current rates are shown in the ‘Appendix - Allowance Rates’)
4) Travelling
5) Subsistence

2.0 CHAIRMAN’S ALLOWANCE

2.1 The Council allocates a sum of money each year to the Chairman to carry out official duties.

3.0 BASIC ALLOWANCE

3.1 This is payable to all Members. It acknowledges the time devoted to their work and incidental costs incurred.

4.0 SPECIAL RESPONSIBILITY ALLOWANCE

4.1 This is payable, in addition to the Basic Allowance, to those identified in the ‘Appendix – Allowance Rates’.

4.2 If a Member leaves the Council or becomes eligible for or relinquishes a Special Responsibility Allowance during the year, or where a Member does not have throughout the year any such special responsibilities as entitle the Member to a Special Responsibility Allowance, then the amount will be apportioned accordingly.

4.3 Any revision to the allowances will be effective from the commencement of the operative period.

4.4 Only one Special Responsibility Allowance shall be payable in respect of Councillors holding more than one position, with the highest allowance being payable.

5.0 TRAVELLING ALLOWANCE

5.1 Travelling Allowance may be claimed where expenditure is incurred

(i) Attending meetings of the Council, Committees, Strategy Group, Liaison and Consultation Forums, Task Panels or Working Groups convened by the Chief Executive, Deputy Chief Executive or Executive Director (including attendance as an observer).

(ii) Attending Chairman’s Briefing meetings.
(iii) Attending meetings of Outside Bodies to which the Councillor has been appointed as a Council representative and where travelling allowances cannot be claimed from the Outside Body concerned.

(iv) On approved visits and trips organised by the Council, where the Member has been authorised to attend by or on behalf of the Council.

(v) Attending conferences and courses where the attendance of the Member has been authorised by or on behalf of the Council.

(vi) Attending training courses organised by the Council.

(vii) Attending planning site viewings.

(viii) Attending meetings of Parish Councils as a Member representing the Ward in which the Parish is situated.

(ix) Attending meetings to conduct Council business at the invitation of the Chief Executive.

(x) Any other travelling expenses incurred by Councillors in the course of fulfilling their role as an elected Councillor are deemed to be covered by the Basic Allowance.

5.2 Depending on the mode of transport, travel expenses will be paid for bus fare, ordinary or cheap day rate rail journeys. Taxi fares may only be claimed because of urgency, or if no public transport is reasonably available on the following basis:

a) The Member concerned may claim the equivalent mileage rate that would be payable had the Member used their private car for the journey, or

b) The Member concerned may claim the actual cost of the fare incurred, provided that the taxi has been pre-booked by the officer responsible for Member Services who will ensure that appropriate transport at a reasonable cost is provided, or

c) Where a taxi operating from a Hackney Carriage Rank is hired, the Member concerned may claim the actual cost of the fare incurred as shown on the Taxi Meter at the rate approved by the Licensing Authority.

5.3 If travelling in the Member’s own car is efficient in terms of time or cost, expenses may be claimed. As an alternative to using a motor vehicle and to encourage an environmentally friendly method of travel, a bicycle allowance is payable (see the Appendix - Allowance Rates for rate per mile).

5.4 The allowance is normally the return mileage (to the full mile) between the Member’s home and civic offices. However, where the Member travels from work to the Council Offices and then goes home after the meeting, the additional mileage may be claimed. The Member should not claim for any mileage which would normally be incurred in travelling from work to home or vice-versa.

6.0 Subsistence Allowance

6.1 If accommodation and meal arrangements for conferences/seminars are not included then an allowance will be paid as follows:-
(a) Attendance as a nominated representative of the Council at a conference/seminar/meeting to promote, enhance, or discuss matters related to the Council.

(b) Attendance at other meetings or occasions that are specifically approved in advance by a Committee or Council (current rates are shown at the ‘Appendix - Allowance Rates’).

N.B. It is inappropriate to claim subsistence if a free meal is given. Members will, at all times, need to abide by the council’s local code of conduct and constitution. Where acceptance of hospitality at any of the events outlined above would bring a councillor into conflict with the code or constitution the appropriate subsistence allowance may be claimed.

7.0 CARERS/DEPENDENTS ALLOWANCE

7.1 A Member may claim an Allowance for the costs incurred in providing care for children or dependents whilst it is necessary for the Member concerned to be away from home on official Council business, subject to the criteria set out in the ‘Appendix - Allowance Rates’.

8.0 ADMINISTRATIVE PROCEDURES

A travel claim form is submitted by all Members at the end of each month. To enable prompt settlement, Members should ensure that they submit their signed form to the Chief Financial Officer by no later than the 5th of each month.

8.1 Any claim for allowances under this scheme should be made in writing within 3 months of the date of the event.

8.2 If a Member wishes to forego any part of their allowance they may do so by giving written notice to the Chief Financial Officer.

9.0 GENERAL NOTES

9.1 All allowances are subject to Income Tax as emoluments of office. Please contact HM Revenues & Customs for further information.

9.2 Conferences/seminars are arranged by the Chief Financial Officer (Members are advised to use this facility as it avoids possible tax implications).

9.3 No allowance shall be payable if such payment may be contrary to law.

9.4 This scheme and the allowances will be reviewed annually, the operative period being the 1st April to the 31st March each year.

9.5 Any Member with a disability or disabilities to be provided with the requisite support and/or reimbursed any additional expenditure necessarily incurred by the Member in the lawful pursuit of their duties.

N.B. CLAIMS ARE SUBJECT TO AUDIT.
CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019– November 2019)

PART 5 - RESPONSIBILITY FOR FUNCTIONS
RESPONSIBILITY FOR FUNCTIONS

SECTION A    INTRODUCTION

1   Committees/Member Bodies

1.1   The following section sets out the specific Council bodies/Officers which have responsibility for the functions of Daventry District Council.

1.2   The parts of the Council to which functions are delegated from the full Council are set out below:

   Strategy Group
   Scrutiny and Improvement Committee
   Appeals and Standards Committee, and its Sub-Committees and Hearing Panels
   Planning Committee
   Licensing Committee and Licensing Sub-Committee
   Corporate Governance Committee
   Chief Executive (or in their absence the Deputy Chief Executive)
   Officers of the Council

   Additionally a number of non decision-making Task Panels and working groups will make recommendations to bodies as appropriate.

2   General Principles and Interpretation

2.1   The intention of this scheme is to create an overall framework within which the functions of the Council can be exercised. Where a duty, power or functional activity (collectively, “function”) is mentioned, all the aspects of that function are deemed to be included within the delegation unless it is stated expressly to be the contrary. The listing of specific functions within an overall function shall not be taken to limit the scope of delegation of the overall function. In a list of functions each item shall be interpreted individually as if it was the only item listed.

2.2   Where a function is delegated to a Committee/body that Committee/body may delegate the function to its Sub-Committee or Panel or an Officer and the Sub-Committee may delegate its function to an Officer.
## RESPONSIBILITY FOR FUNCTIONS

### SECTION B COUNCIL, STRATEGY GROUP AND OTHER COMMITTEES

<table>
<thead>
<tr>
<th>Council Body</th>
<th>Membership</th>
<th>Functions</th>
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<tbody>
<tr>
<td>Council</td>
<td>All Members of the Council</td>
<td>(i) Adopting and changing the Constitution (including amendment of the Rules unless delegated by the Council).</td>
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<td>(ii) Approving or adopting the policy framework and the budget.</td>
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<td>(iii) Major strategic financial planning and regulating and controlling the finances of the Council.</td>
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<td>(iv) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them.</td>
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<td>(v) Appointing representatives to outside bodies unless the appointment has been delegated by the Council.</td>
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<td>(vi) Adopting a scheme for Members’ allowances under Article 2.05.</td>
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<td>(vii) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.</td>
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<td>(viii) Strategic and policy making decisions in respect of all areas of the Council’s activity. Any major variation of any policy decision previously taken by the Council and the declaration of any new policy.</td>
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<td>Note: The formulation of such policy or policy variations may be dealt with by the Strategy Group. The decision as to whether or not a matter is one of Policy within this paragraph shall rest with the Monitoring Officer.</td>
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<td>(ix) The determination of the Council Tax.</td>
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<td>(x) The making of any Compulsory Purchase Order.</td>
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<td>(xi) The purchase, sale or leasing of land or real property, unless otherwise provided for in the Land and Property Regulations in Part 6 of the Constitution.</td>
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<td>Council Body</td>
<td>Membership</td>
<td>Functions</td>
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<td>Provided that the Chief Executive shall be empowered to deal with specific land or real property transactions within an agreed programme previously approved by the Council.</td>
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<td>(xii) The appointments to the designations by the Council as 'Head of Paid Service' or 'Monitoring Officer' or Chief Financial Officer and their dismissal.</td>
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<td>(xiii) Confirmation of the appointment of the Chief Executive.</td>
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<td>(xiv) The dismissal of the Chief Executive or Deputy Chief Executive.</td>
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<td>(xv) The incurring of expenditure for which no provision or insufficient provision has been made in revenue or capital estimates approved by the Council or otherwise provided for in the Financial Regulations in Part 6 of the Constitution. Provided that the virements between budget heads may be made as permitted in the Financial Regulations.</td>
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<td>(xvi) The confirmation of the appointment of co-opted members to Committees.</td>
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<td>(xvii) The authorisation of the sealing of documents where no standing authorisation exists.</td>
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<td>(xviii) The receipt of the Certificate and Return of the Returning Officer in relation to District Council elections.</td>
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<td>(xix) To debate any petitions.</td>
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<td>(xx) All other matters which by law must be reserved to Council.</td>
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<td>Council Body</td>
<td>Membership</td>
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<td><strong>Strategy Group</strong></td>
<td>Twelve Members of the Council including Portfolio Holders</td>
<td>(i) The formulation of strategy and policy in respect of all areas of the Council’s activity and initial consideration of any major variation of any policy decision previously taken by the Council, taking into account recommendations duly submitted to it by Committees or Officers.</td>
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<td>(ii) The compilation of a corporate budget and capital programme leading to a recommendation to Council as to the determination of the Council Tax.</td>
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<td>(iii) To recommend the making of any Compulsory Purchase Order.</td>
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<td>(iv) To consider recommendations from the Chief Executive.</td>
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<td>(v) To consider recommendations from the Scrutiny and Improvement Committee.</td>
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<td>(vi) To act as the member consultation forum with the Trades Union on staffing and industrial relations matters, where these cannot be resolved by the Chief Executive.</td>
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<td>(vii) To make submissions on behalf of the Council to formal consultations by the Government or other agencies/bodies and to those appointed to examine any plan, policy or proposal involving the Council.</td>
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<td>Council Body</td>
<td>Membership</td>
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<tr>
<td><strong>Scrutiny and Improvement Committee</strong></td>
<td>5 Members of the Council, to include at least one Member of an Opposition Group.</td>
<td>(i) To act as the Council’s Scrutiny and Improvement (overview and scrutiny) committee as allowed by statute.</td>
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<td>(ii) To oversee and manage the Scrutiny and Improvement (overview and scrutiny) process.</td>
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<td>(iii) To discharge the requirement to prepare an annual report on their activities in accordance with Article 6.03(d).</td>
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<td>(iv) To consider applications submitted by individual Councillors (akin to the power available under the “Councillor Call for Action” provisions of the Local Government and Public Involvement in Health Act 2007).</td>
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<td>(v) To appoint representatives to serve on any joint County or regional scrutiny groups.</td>
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<td>(vi) To scrutinise the Community Safety Partnership.</td>
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<td><strong>Task Panels</strong></td>
<td>Unspecified number of Members to be appointed by the Council, the Strategy Group or the Scrutiny and Improvement Committee.</td>
<td>To undertake specific reviews of functions as directed, the terms or reference for which are to be determined at the time of appointment.</td>
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<td>Non-elected members to be appointed and asked to participate in the work and deliberations of Task Panels at the discretion of the Task Panel, such appointments to be confirmed by the Council.</td>
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<tr>
<td><strong>Appeals and Standards Committee</strong></td>
<td>4 Members of the Council, 2 co-opted independent Members, and 2 co-opted Parish Council Members.</td>
<td>(i) Promoting and maintaining high standards of conduct by Councillors and co-opted Members.</td>
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<td>The Chairman and Vice-Chairman of the Appeals and Standards Committee shall be Members of the Council.</td>
<td>(ii) Develop, advise on, monitor and review local Codes of Conduct, protocols or procedures relating to the conduct of Members of Daventry District Council, members of Parish Councils within Daventry District and employees of Daventry District Council.</td>
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<td>Co-opted Members shall only deal with standards matters.</td>
<td>(iii) Provision of advice, guidance and training to Members, employees, Parish Councils and Parish Councillors on matters within the Terms of Reference of the Committee.</td>
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<tr>
<td>Council Body</td>
<td>Membership</td>
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<td>(iv) Dealing with any reports from the Monitoring Officer on any matter</td>
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<td>(v) Prepare an Annual Report to full Council on their workings and performance.</td>
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<td>(vi) Establish and determine the membership of Sub-Committees and Hearing Panels as it considers necessary to undertake any or all of its functions, in addition to that able to be established by the Executive Director (Resources).</td>
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<td>(vii) To consider applications from local authority employees for exemption from political restriction in respect of their posts.</td>
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<td>(viii) Where appropriate, to issue directions to include a post in the list of politically restricted posts it maintains.</td>
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<td>(ix) To give general advice, following consultation with appropriate parties on the application of criteria for designation of a politically restricted post.</td>
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<td>(x) Liaison between the Council and external agencies in connection with any matter within the Terms of Reference of the Committee.</td>
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<td>(xi) To consider recommendations submitted by any Sub-Committee or Hearing Panel.</td>
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<td>(xii) To advise and make recommendations to the Council on any policy issues within its remit and the appointment of independent members of the Committee and Parish representatives.</td>
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<td>(xiii) To determine on behalf of the Council any matters within the Committee’s remit which do not involve policy or strategic considerations.</td>
</tr>
<tr>
<td>Appeals and Standards Hearing Panels</td>
<td>5 Members of the Appeals and Standards Committee for standards matters, including one independent co-opted Member and one co-opted Parish Council Member.</td>
<td>(i) For standards matters the hearing of complaints where an investigation finds failure to comply with the Code of Conduct and, in consultation with an Independent Person, determining consequent actions including: issue of formal letter, formal censure, publicity; recommendation to Council of Member training; recommendation of removal of Member from committees, from portfolios or from appointments to outside bodies.</td>
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<td>3 Members of the Council only, for staff appeals.</td>
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<td>Co-opted Members shall only</td>
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<tr>
<td>Council Body</td>
<td>Membership</td>
<td>Functions</td>
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<td>deal with standards matters.</td>
<td>(ii) For employee matters, to determine appeals resulting from the operation of the Council’s Disciplinary and Grievance Procedures for Staff.</td>
</tr>
</tbody>
</table>
| **Planning Committee** | 15 Members of the Council | (i) To deal with all development control matters which are the responsibility of the Local Planning Authority and which are not delegated to an Officer, and which are able to be delegated to the Committee.  
(ii) To deal with matters delegated to an Officer where the Officer chooses not to exercise such delegated power.  
(iii) To formulate and review planning policy and to submit recommendations to the Council through the Strategy Group.  
(iv) To determine the Council’s formal consultation response to other local planning authorities or the Secretary of State on applications for planning permission or related consents. |
| **Licensing Committee** | 10 Members of the Council | (i) To deal with all licensing matters which are the responsibility of the Licensing Authority and which are not delegated to an Officer, and which are able to be delegated to the Committee.  
(ii) To deal with licensing matters delegated to Officers where the Officer chooses not to exercise such delegated power.  
(iii) To formulate and review licensing policy and to submit recommendations to the Council through the Strategy Group. |
| **Licensing Sub-Committees** | 3 Members of the Licensing Committee (on a rotating basis) | (i) To deal with all licensing matters which are referred to them by the Licensing Committee.  
(ii) To deal with licensing matters delegated to Officers where the Officer chooses not to exercise such delegated powers.  
(iii) All matters set out in Annex 1 of this section (column under Sub-Committee). |
### Corporate Governance Committee **

<table>
<thead>
<tr>
<th>Membership</th>
<th>Functions</th>
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</table>
| 8 Members of the Council to include at least one Member of an Opposition Group | (i) To review the effectiveness of internal control, corporate governance framework, the Constitution, risk management, audit, assurance arrangements, counter-fraud and corruption, Data Protection and Freedom of Information, and as necessary make recommendations thereon.  
(ii) Consider the reports of External Auditors and Inspection Agencies on corporate governance.  
(iii) To ensure that effective corporate governance is promoted across the Council.  
(iv) To receive and approve the Council’s Final Accounts.  
(v) To produce an annual report to Council on the activities of the Corporate Governance Committee.  
(vi) Approval of the Internal Audit Charter and Annual Audit Plan. |

**NOTE:** The Committees marked ** are Standing Committees of the Council and shall submit reports of their deliberations to the Council.

### Joint Committees

- **Rugby and Daventry Crematorium Joint Committee**

<table>
<thead>
<tr>
<th>Membership</th>
<th>Functions</th>
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<tbody>
<tr>
<td>2 Members of the Council</td>
<td>The Committee shall exercise on behalf of the authorities the functions of providing crematoria and ancillary services under the Cremation Act 1902, Section 1 of the Localism Act 2011, the Local Authorities (Land) Act 1963 and all other powers enabling the provision and operation of crematoria and related services.</td>
</tr>
</tbody>
</table>
SECTION C  CHIEF OFFICERS AND STATUTORY CHIEF OFFICERS

The Council will engage persons for the posts of the Chief Executive and Deputy Chief Executive (Chief Officers) and appoint persons to the offices of Head of Paid Service, Monitoring Officer and Chief Financial Officer (the Statutory Chief Officers).

The functions and areas of responsibility of the Statutory Chief Officers are set out in Articles 11.02, 11.03, 11.04, and Part 7 of the Constitution.
SECTION D  SCHEME OF DELEGATION TO OFFICERS

General

1.(a) Where an Officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that Officer. The Chief Executive, Deputy Chief Executive or Executive Directors may authorise any other Officer to take such action in their name.

(b) Where the Chief Executive as Head of Paid Service is absent the Monitoring Officer shall arrange for another member of management to be empowered to exercise any power or function specific to the role of Head of Paid Service.

(c) Any sub-delegation is to be recorded in writing.

2.(a) There shall be delegated to the Chief Executive, Deputy Chief Executive and relevant Executive Director the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies, programmes, policies, procedures and budgets. This shall include the appointment and use of consultants, contractors and the like, the conduct of studies and collaboration with other persons.

(b) For the avoidance of doubt this delegation shall include where appropriate the powers of entry and inspection of premises, seizure of goods etc., service of notices, carrying out of works, commencement of enforcement and legal proceedings.

3. All matters delegated to an Officer of the Council shall be able to be exercised by a person acting in the capacity of such Officer.

4. All matters delegated to an Executive Director shall be able to be exercised by the Chief Executive or Deputy Chief Executive in the absence of the Executive Director.

5. Any Officer may decide to seek Council or Committee authority rather than to exercise delegated authority in any matter.

6. Powers of delegation will not override any particular provisions in the legislation which requires certain procedures to be observed or conditions to be complied with or certain qualification of Officers to be held before delegation can take effect. Officers exercising delegated authority must ensure that they comply with this requirement.

(A) TO THE CHIEF EXECUTIVE (OR IN THEIR ABSENCE THE DEPUTY CHIEF EXECUTIVE)

1. To consider and determine applications received from political parties for the use of the Council's meeting rooms but consent only to be granted to those parties represented on the Council.

2. To endorse the Internal Audit Charter and Annual Audit Plan in accordance with Financial Regulations Part 6(E).

3. The authorisation in cases of urgency of the service of Temporary Stop Notices under the Town and Country Planning Act 1990 and the taking of such other action as is necessary to secure compliance with the Notices.

5. The making of a building preservation notice in respect of buildings, not listed, under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.


7. To make grants and donations in accordance with the Council's current grant/loans criteria.

8. To determine fees and charges for the Council's services applying each year.

9. In consultation with the Portfolio Holder for Housing and Health, to authorise the service of Empty Dwelling Management Orders and Enforced Sales Orders.

10. In consultation with the Leader of the Council and after taking advice from the Chief Financial Officer on the financial consequence of the BID Levy in question, casting votes on behalf of the Council in any ballot proposing the establishment, continuation, modification or cessation of a Business Improvement District (BID).

11. For the Community Right to Challenge process, to specify periods during which expressions of interest for operating different services can be made by relevant bodies, to specify which services are open to such expressions in which windows and to specify timetables.

12. To approve all corporate office instructions or procedures, unless otherwise within the statutory or Constitutional remit of other Officers.

13. To instruct a company controlled by the Council to carry out a service, in accordance with any agreement such a company has with the Council.

(B) **TO THE CHIEF EXECUTIVE OR DEPUTY CHIEF EXECUTIVE**

1. In consultation with the Leader of the Council:
   
   (a) To authorise necessary action where urgent decisions are required in connection with legal proceedings. Such action to be recorded in the minutes of the Senior Management Team meeting.

   (b) To exercise all the powers of the Council, pursuant to its vision and objectives, where urgent action is necessary prior to the next scheduled meeting of the full Council. Such action to be recorded in the minutes of the Senior Management Team meeting.

2. To activate the Council's Emergency Plan in the event of an emergency and to authorise and take all actions as may be required.

3. To approve applications for car loans from Executive Directors under the Assisted Car Purchase Scheme.

4. To approve applications for lease cars from Executive Directors under the Car Leasing Scheme.

5. To be Authorised Officers for the procuring of goods and services required pursuant to or in connection with the Council's functions, in accordance with the Contract and Procurement Regulations.

7. The signing of contracts which are not under the Common Seal of the Council for the acquisition or disposal of land, property or equipment, service agreements and the carrying out of works and the supply of goods, where such signing is not otherwise provided for in the Constitution.

8. To agree local settlements pursuant to complaints to the Ombudsman where it is considered to be in the interests of Council to do so.

(C) **TO EXECUTIVE DIRECTORS**

1. To approve applications for car loans from members of staff under the Assisted Car Purchase Scheme.

2. To approve applications for lease cars from members of staff under the Car Leasing Scheme.

3. Service of Notices of Requisition for Information.

4. To discuss with and explain to staff and/or staff representatives details of proposals or matters within their team.

5. To authorise the payment of overtime within budgeted limits.

6. To issue and serve notices pursuant to

   (i) the Anti-Social Behaviour Act 2003
   (ii) the Environmental Protection Act 1990
   (iii) the Anti-social Behaviour, Crime and Policing Act 2014

7. To be Authorised Officers for the procuring and disposing of goods and services required pursuant to or in connection with the Council’s functions, in accordance with the Contract and Procurement Regulations.

8. To take actions that ensure the operation and performance of services deliver the Council’s strategic objectives and its Corporate Strategic Plan, with due regard for resources and risks and for rules and regulations as set out in the Constitution.

9. To take actions that ensure the accuracy and quality of data emanating from their service areas and, in particular, for ensuring that any personal data held is only used for the purposes permitted (in accordance with the Data Protection Act 2018).

10. To take actions that ensure the security of information within their service areas.

11. To take actions that ensure the security, custody and control of resources, such as buildings, plant, vehicles, materials, stores and cash appertaining to their area of responsibility, including those used and administered by staff on their behalf.

**TO EXECUTIVE DIRECTORS IN CONSULTATION WITH THE CHIEF FINANCIAL OFFICER**

1. To take actions that ensure appropriate and effective systems of internal financial control and procedures are implemented and maintained that are compliant with external laws and regulations and internal Financial Regulations, policies, office instructions or procedures and reporting requirements, and provide reasonable assurance of effective and efficient operations.

2. To take actions that ensure that accounting and financial information systems provide a comprehensive, consistent and accurate record of the Council’s financial transactions.

3. To take actions that ensure that arrangements are in place so that relevant accounts and supporting documentation meet the requirements of the law and the relevant terms and conditions of the partner organisations so that grant claims and returns are accurate, complete and timely to allow an appropriate degree of review and certification by the Chief Financial Officer.

**TO EXECUTIVE DIRECTORS IN CONSULTATION WITH THE GOVERNANCE & HR MANAGER**

1. To take disciplinary action.

2. To implement establishment/staffing changes previously agreed by the Chief Executive.

3. Ensure compliance with employment legislation.

4. To arrange appropriate seminars and courses.

5. To appoint and dismiss employees in their areas of responsibility.

6. To decline to confirm a permanent appointment following a probationary period.


8. To employ temporary staff within the budget available.

9. To implement changes in numbers of staff previously agreed by the Chief Executive, salary levels and terms and conditions of employment, subject to agreement with the Governance & HR Manager and consultation with the appropriate trade union(s).

10. To determine and authorise honorarium payments. *

11. The selection of candidates for short list for interviews. *

12. The power to grant up to 5 days special leave with pay. *

13. To grant leave of absence without pay in appropriate circumstances. *

14. In discussion with an employee to allow, in exceptional circumstances, the taking of extended leave, such leave having been accrued by carrying forward a maximum of 5 days annual leave each year, subject to a maximum of 30 days. *
15. The resolution of grievances. *

* In respect of the Chief Executive and Deputy Chief Executive, these functions shall be exercised by the Governance & HR Manager in consultation with the Leader, Deputy Leader and HR Portfolio Holder.

16. Subject to any limits imposed by the Council’s Procedure Rules, statutory provision and/or approved budgets, to negotiate terms and conditions of employment with employees in their areas of responsibility.

(F) **TO THE EXECUTIVE DIRECTOR (BUSINESS)**

1. To manage the Council’s land holdings including acquisition and disposal of land and rights over land.

2. To manage and deliver construction and development schemes in the Council’s capital programme or otherwise approved by the Council including the carrying out of feasibility and other studies, preparing designs, appointment and use of consultants, contractors and suppliers, making applications and entering into agreements necessary or expedient to the carrying out of such schemes.

3. To offer a design and project management service to developers of Council owned land, to other local authorities and to other areas of work falling within the terms of legislation.

4. To provide technical assistance and advice to parish councils and meetings and community associations.

5. The making of orders for preventing obstruction in the streets during public processions etc. pursuant to Section 21 of the Town Police Clauses Act 1847.

6. To monitor the Council’s capital programme and Community Infrastructure Levy programme, and any replacement.


8. To develop and maintain the Council’s Emergency Plan (including Business Continuity Planning) in accordance with the Civil Contingencies Act 2004 (category 1 responder duties).

9. To operate a Building Control service in accordance with the Building Act 1984 specifically including:
   - Securing the removal of dangerous and dilapidated structures in accordance with Section 77 and 79 of the Building Act 1984.
   - To take steps to remove a hazard in accordance with the emergency procedures within Section 78 of the Building Act 1984.
   - To assess contravention and non-compliance with the Building Regulations and the Public Health Acts 1936 and 1961 and the Building Act 1984 to serve the appropriate notice upon the builder and/or owner.
- Identifying and investigating reports and occurrences of dangerous land adjoining streets in accordance with Section 165 of the Highways Act 1980. Require where applicable the submission of details in relation to retaining walls near streets in accordance with Section 167 of the Highways Act 1980.
- Calculate and determining the fee to be paid under the Building (Local Authority Charges) Regulations 2010 in relation to Building Regulation Applications.
- Instigating court proceedings where it is necessary or expedient to do so.

10 To prepare Local Development Documents, Community Strategy, planning and housing policy documents (including Statement of Community Involvement and proposals and policies for CIL and any replacement) for consideration by Members, including public engagement and consultation.

11 In relation to neighbourhood development planning (in this delegation ‘NDP’ means a neighbourhood development plan and ‘NDO’ means neighbourhood development order and includes a community right to build order; and both terms include proposals for modifications to existing documents as applicable):

11.1 To receive and process applications for designation of neighbourhood areas and neighbourhood forums, and for the preparation and making of NDPs and NDOs.

11.2 To provide assistance to parish councils and other relevant bodies (as defined in Section 61G(2) of the Town and Country Planning Act 1990) in considering proposals for neighbourhood areas, NDPs and NDOs.

11.3 To designate a neighbourhood area when the application is by a parish council and is for the whole parish of that parish council and no other land. This includes determining if the area should be designated as a business area.

11.4 To approve the making of NDOs and NDPs in those cases when the Council has a duty to make the plan or order under Section 38A of the Planning and Compulsory Purchase Act 2004 or Section 61E of the Town and Country Planning Act 1990 (i.e. post referendum) provided it is considered that the making of the plan or order would not breach, or would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

11.5 To agree with a parish council or neighbourhood forum a date other than that which would otherwise apply for a decision to be made on examiner’s recommendations in relation to a NDP or NDO.

11.6 To take the decision on the following matters in consultation with the Strategic Planning Portfolio Holder when neither Council (nor Strategy Group in substitution) are able to make a decision within the statutory timescales:

11.6.1 Applications for the designation of neighbourhood areas (other than those covered by 11.2), including decisions on whether a neighbourhood area should be designated as a business area and decisions on consequential amendments to existing neighbourhood areas.

11.6.2 Applications for the designation of neighbourhood forums.

11.6.3 Action to be taken in relation to proposed NDPs or NDOs following Examiners’ recommendations.
11.6.4 The making of NDPs or NDOs following referendums (other than those covered by 11.4).

12 To prepare, maintain and publish a register of previously developed (brownfield) land pursuant to The Town and Country Planning (Brownfield Land Register) Regulations 2017, subject to Planning Committee authorising consultation on any draft register and its approval of a final register.

13 To maintain the Council’s self-build register (under the Self-build and Custom Housebuilding Act 2015) and if relevant to apply to the Secretary of State for exemption from the duty to grant planning permission for the determined number of plots.

14 To prepare the Council’s annual report under Section 210 of the Housing and Planning Act 2016 (Reports on improving efficiency and sustainability of buildings owned by local authorities).

15 In relation to the Community Right to Challenge (Localism Act 2011, Part 5, Chapter 2); receiving and processing expressions of interest pursuant to the Chief Executive stipulations.

16 In relation to Assets of Community Value (Localism Act 2011, Part 5, Chapter 3); maintain the lists of assets of community value and of rejected community nominations; consider community nominations; consider requests for review of a decision to include land on the list of assets of community value from owners.

17 To manage the Daventry markets.

18 To manage the Council’s leisure facilities and open spaces.

19 To manage the Council’s cemeteries and crematoria.

20 To recommend charges for leisure facilities, where not otherwise determined in the contract.

21 To approve the financial arrangements for company, group and private use of leisure, recreational and community facilities where this is within the Council’s control.

22 The management and control of all grounds maintenance.

23 To determine applications from parish councils and others for the provision of litter bins.

24 The provision of waste collection services in accordance with Part II of the Environmental Protection Act 1990 and the clearance of litter and cleansing of highways under the same Act.

25 To decide whether to impose collection charges for the removal of waste from caravans, residential hostels, residential homes and camp sites.

26 To pay recycling credits to third parties if satisfied that the applications meet the requirements of the Environmental Protection Act 1990 and complement the Council’s recycling initiatives and policy.
27 To prepare, issue and consult on the First Notification on any proposal to remove public telephone boxes; and to agree to the decommissioning of telephone boxes where:

27.1 There is no objective need for the telephony; and

27.2 The box is either not a traditional red box (K6) or would be adopted by a parish council or other suitable body.

(G) TO THE EXECUTIVE DIRECTOR (COMMUNITY)

MISCELLANEOUS
1 The administration of the Council's community grant aid scheme.

LEISURE FUNCTIONS
1. To consider and deal with applications for the holding of fairs and other entertainments.

HOUSING FUNCTIONS
1. The implementation of the Housing, Health and Safety Rating System and all necessary works arising from inspections undertaken using this system.

2. Operation of the Council grant and externally funded schemes which relate to housing.

3. To determine the eligibility of applicants.

4. Homelessness
   a. To pay fares for the return of families to their place of origin where he/she is satisfied that responsibility for those families rests with another Authority.
   b. To place applicants in bed-and-breakfast accommodation or other suitable temporary accommodation and make appropriate payment.
   c. To arrange for facilities to store furniture.

PLANNING FUNCTIONS
1. The grant or refusal of planning permission under Part III of the Town and Country Planning Act 1990 and Approval of Reserved Matters as set out below unless a Councillor has requested in writing or by email to the Development Control Manager in the initial 21 days consultation period that an application be decided at Committee and citing a valid planning reason for doing so:-.
   (a) The grant of planning permission for a householder application that accords with Council’s standards and the relevant Parish/Town Council does not identify a valid planning objection to it.
   (b) The renewal of planning permission where no new planning considerations arise.
(c) The refusal of planning permission for non-householder development where a proposal is contrary to Council’s policies/guidance and the Parish Council does not support it.

(d) The refusal of planning permission for a householder application that is contrary to Council’s standards and the Parish Council does not support it.

(e) The grant and refusal of applications for listed building consent/conservation area consent (but not including significant demolitions) or works to existing TPO trees.

(f) [deleted].

(g) The refusal of planning permission for barn conversions where the Parish Council does not support it.

(h) The refusal of planning permission for householder applications that are contrary to Council’s standards but the Parish Council supports.

(i) The renewal of planning permission where new planning considerations arise, for which planning objections have been received.

(j) The refusal of planning permission following the previous refusal of an identical or similar application by Planning Committee where there has been no material change in circumstances regardless of whether there is support for a proposal.

(k) [deleted].

(l) Any other applications where no material planning objections have been received, except as set out below.

Note: **THE FOLLOWING APPLICATION TYPES TO BE DECIDED BY COMMITTEE (i.e. set out at (m) to (q) below)**

(m) The grant of planning permission for householder applications that comply with Council’s standards but the Parish Council identifies a valid planning objection.

(n) The making of observations on major applications (not minor proposals such as temporary classrooms) that are to be determined by the County Council.

(o) The grant and refusal of planning permission for the following, for which relevant **significant** planning objections have been received (unless as per (b) or (c) above)

- Changes of use
- New build dwellings
- Business/retail development
- Other non-householder development

**NOTE:**

* Significant objections are defined as those which may be considered fundamental to a proposal and for which the relevant standards, e.g. parking are not met. These would often come from external consultees rather than the public and need to be brought to the Members’ attention.
(p) The grant and refusal of applications for listed building/conservation area consent for significant demolition only.

(q) Citing a valid planning reason, any application that a councillor requests to be put to Committee by writing to or emailing the Development Control Manager in the initial 21 days consultation period.

2. To decline to determine applications under Section 70A of the Town and Country Planning Act 1990.


4. The approval of details required by a planning consent.

5. The approval of minor amendments to approved plans and to legal agreements under Section 106 of the Town and Country Planning Act 1990.


7. Observations on County planning matters needing consultation with the District Council where a 21 day period has not allowed for observations from the Committee (delegation to be subject to consultation with the local member).

8. The making of observations in reply to a consultation by an adjoining local planning authority in respect of a planning application in their area.

9. The making of observations on the proposed grant of deemed planning permission in respect of 11kv overhead lines.

10. The grant, or refusal, of consent for applications not otherwise benefitting from ‘deemed consent’ under Regulations made under Section 220 of the Town and Country Planning Act 1990 for the display of advertisements.


12. The power to institute proceedings and/or enforcement action for the display of advertisements in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or the Town and Country Planning Act 1990.

13. The grant of listed building consent except for the demolition of a listed building.

14. The issue of a decision on an application for listed building consent or a planning application affecting a listed building where the Secretary of State has accepted the recommendation made by the Planning Committee.

15. The determination of an application under Section 192 of the Town and Country Planning Act 1990 as to whether or not a proposal constitutes development and if so whether it requires planning permission.
16. The determination of applications under Section 191 of the Town and Country Planning Act 1990 as to whether or not an existing use is lawful.

17. The signing of notices of decisions made under Sections 191 and 192 of the Town and Country Planning Act 1990.

18. To make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

19. To institute legal proceedings for non-compliance with an Enforcement Notice, Stop Notice or Breach of Condition Notice.

20. To serve Enforcement Notices, Stop Notices and Breach of Condition Notices under Section 172, 183 and 187A of the Town and Country Planning Act 1990 and to withdraw such notices.

21. The grant of consent under Regulations made under Section 198 of the Town & Country Planning Act 1990 for the cutting down, topping, lopping or destruction of trees subject to a Tree Preservation Order.


23. The making of representations to the Licensing Authority on applications for road haulage operators licences.

24. To calculate and determine the fee to be paid in relation to planning applications.

25. The approval of applications for planning permission for barn conversions, which accord with policy.

26. The approval of applications for planning permission where non-valid objections have been received.

27. The determination of applications for non-material amendments to a planning permission or permission in principle.

Note: The delegation of the above items shall be subject to none of these applications being considered County matters under the terms of the Planning Acts.

28. The grant or refusal of permission in principle, where not already included in Part 2 of the Council’s Brownfield Register or via a Local Plan or Neighbourhood Development Plan, and of Technical Details consent for any site granted permission in principle, under the Town and Country Planning (Brownfield Land Register) Regulations 2017.

29. The making of an order under Sections 198 and 201 of the Town and Country Planning Act 1990, in respect of the preservation of trees or woodlands.

30. To make comment on proposals to grant or vary road service licences.

31. To issue Hedgerow Retention Notices under the Hedgerows Regulations 1997 (subject to consultation with and agreement of the Chairman of Planning Committee and the relevant Ward Member).
32. To adopt screening and scoping opinions to determine when to require the submission of Environmental Impact Assessments under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

33. Where no objections have been received or objections have been withdrawn to
   - Confirm Tree Preservation Orders
   - Make Public Path Orders
   - Confirm Public Path Orders


35. Where the consultation period is insufficient to allow the matter to be reported to the Planning Committee, to submit the Council’s views on developers’ major infrastructure projects for community engagement to the Secretary of State.

36. To enter into Planning Performance Agreements and offer Pre-Application advice.

37. The grant or refusal of applications in respect of “Requirements,” pursuant to a Development Consent Order made by the Secretary of State under the provisions of the Planning Act 2008, subject to Officers keeping ward Members and the Chair of Planning Committee informed of progress.

38. To respond to consultations in respect of proposed changes to a Development Consent Order which are not material, pursuant to Part 1 of the Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011, subject to Officers keeping ward Members and the Chair of Planning Committee informed of progress.

39. To respond to consultations in respect of proposed changes to a Development Consent Order which are material, pursuant to Part 2 of the Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011, subject to Officers keeping ward Members and the Chair of Planning Committee informed of progress.

40. To serve notices to clean up land under Section 215 of the Town and Country Planning Act 1990 and to withdraw such notices.

41. The determination of applications for any prior notification.

42. The determination of certificates of lawfulness/lawful development.

ENVIRONMENTAL HEALTH AND LICENSING FUNCTIONS

1. In relation to all environmental health and licensing functions not otherwise reserved for Council or its committees, or otherwise specifically prescribed, authority to:
   (a) Designate Authorised Officers/Inspectors/Contractors
   (b) Designate Appointed Officers/Inspectors
   (c) Undertake Inspections
   (d) Refuse, issue/grant, amend/vary, transfer, renew, suspend and revoke:
(i) Licences
(ii) Permits
(iii) Registrations
(iv) Designations
(v) Authorisations
(vi) Consents
(e) Issue Flexible Warrants
(f) Make, vary and revoke Directions
(g) Request information
(h) Provide statements
(i) Take remedial action in place of a person other than the Council who would otherwise be responsible for taking such action.
(j) Appoint Hackney Carriage Stands
(k) Approve the transfer of responsibility for enforcement of premises to and from the Health and Safety Executive
(l) To designate Class A and Trunk Roads as ‘prohibited streets’ for street trading in cases where no objections have been received
(m) To stop and search vehicles believed to be moving uncontrolled waste and to require sight of a Waste Carrier Licence
(n) To designate appropriate areas of land as Litter Control Areas where no objections have been received
(o) Enforce relevant Enactments, Regulations, Orders and Byelaws
(p) Issue and serve Statutory Notices
(q) Issue and serve Fixed Penalty Notices and Civil Penalty Notices
(r) Recover expenses
(s) Institute, defend or participate in legal proceedings
(t) Apply to the Magistrates Court for a Warrant to enter premises

as arising from environmental health and licensing related enactments (including those set out in the table below), any other legislation that is the responsibility of the Council to exercise, any Orders or Regulations made under or relating to any of these or having effect by virtue of the European Communities Act 1972, any byelaws made by the Council, any powers that may have been adopted from legislation by resolution of the Council and any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.
Environmental Health and Licensing Enactments

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<tr>
<th>Act</th>
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<tbody>
<tr>
<td>Animal Boarding Establishments Act 1963</td>
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<tr>
<td>Animal Welfare Act 2006</td>
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<td>Animals Act 1971</td>
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<td>Anti-social Behaviour Act 2003</td>
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<tr>
<td>Anti-social Behaviour, Crime and Policing Act 2014</td>
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<tr>
<td>Breeding and Sale of Dogs (Welfare) Act 1999</td>
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<tr>
<td>Building Act 1984</td>
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<tr>
<td>Caravan Sites Act 1968</td>
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<td>Caravan Sites and Control of Development Act 1960</td>
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<tr>
<td>Clean Air Act 1993</td>
</tr>
<tr>
<td>Clean Neighbourhoods and Environment Act 2005</td>
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<tr>
<td>Control of Dogs Order 1992</td>
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<tr>
<td>Control of Horses Act 2015</td>
</tr>
<tr>
<td>Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989</td>
</tr>
<tr>
<td>Crime and Disorder Act 1998</td>
</tr>
<tr>
<td>Criminal Justice and Public Order Act 1994</td>
</tr>
<tr>
<td>Dangerous Wild Animals Act 1976</td>
</tr>
<tr>
<td>Deregulation Act 2015</td>
</tr>
<tr>
<td>Disabled Persons Act 1981</td>
</tr>
<tr>
<td>Employers’ Liability (Compulsory Insurance) Act 1969</td>
</tr>
<tr>
<td>Environment Act 1995</td>
</tr>
<tr>
<td>Environment and Safety Information Act 1988</td>
</tr>
<tr>
<td>Environmental Protection Act 1990</td>
</tr>
<tr>
<td>European Communities Act 1972</td>
</tr>
<tr>
<td>Factories Act 1961</td>
</tr>
<tr>
<td>Food and Environment Protection Act 1985</td>
</tr>
<tr>
<td>Food Safety Act 1990</td>
</tr>
<tr>
<td>Gambling Act 2005</td>
</tr>
<tr>
<td>Act Title</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Guard Dogs Act 1975</td>
</tr>
<tr>
<td>Health Act 2006</td>
</tr>
<tr>
<td>Health and Safety at Work etc. Act 1974</td>
</tr>
<tr>
<td>Health and Social Care Act 2008</td>
</tr>
<tr>
<td>House to House Collections Act 1939</td>
</tr>
<tr>
<td>Housing Acts 1985 and 2004</td>
</tr>
<tr>
<td>Housing Grants, Construction and Regeneration Act 1996</td>
</tr>
<tr>
<td>Housing and Planning Act 2016</td>
</tr>
<tr>
<td>Hypnotism Act 1952</td>
</tr>
<tr>
<td>Immigration Act 2016</td>
</tr>
<tr>
<td>Licensing Act 2003</td>
</tr>
<tr>
<td>Local Government and Housing Act 1989</td>
</tr>
<tr>
<td>Mobile Homes Act 2013</td>
</tr>
<tr>
<td>Noise Act 1996</td>
</tr>
<tr>
<td>Noise and Statutory Nuisance Act 1993</td>
</tr>
<tr>
<td>Offices, Shops and Railway Premises Act 1963</td>
</tr>
<tr>
<td>Pet Animals Act 1951</td>
</tr>
<tr>
<td>Police and Criminal Evidence Act 1984</td>
</tr>
<tr>
<td>Police, Factories, &amp; C. (Miscellaneous Provisions) Act 1916</td>
</tr>
<tr>
<td>Police Reform and Social Responsibility Act 2011</td>
</tr>
<tr>
<td>Pollution Prevention and Control Act 1999</td>
</tr>
<tr>
<td>Prevention of Damage by Pests Act 1949</td>
</tr>
<tr>
<td>Protection from Eviction Act 1977</td>
</tr>
<tr>
<td>Public Health Acts 1875, 1936 and 1961</td>
</tr>
<tr>
<td>Public Health (Control of Disease) Act 1984</td>
</tr>
<tr>
<td>Refuse Disposal (Amenity) Act 1978</td>
</tr>
<tr>
<td>Regulatory Enforcement and Sanctions Act 2008</td>
</tr>
<tr>
<td>Riding Establishments Acts 1964 and 1970</td>
</tr>
</tbody>
</table>
Scrap Metal Dealers Act 2013
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Theatres Act 1968
Town and Country Planning Act 1990
Town Police Clauses Acts 1847 and 1889
Vehicles (Crime) Act 2001
Water Industry Act 1991
Zoo Licensing Act 1981

2. To delegate to either (a) the Northamptonshire County Travellers Unit (where the Council is a member of it) or (b) authorised Officers, the power to deal with illegally encamped gypsies, travellers and showpeople in the District and to take appropriate enforcement action under the provisions of the Criminal Justice and Public Order Act 1994 (and any other statute) including the service of Directions and making application to the Magistrates’ Courts or the County Court for Orders for the removal of persons (and their vehicles) residing unlawfully on land.

3. In consultation with the Chair and/or Vice Chair of the Licensing Committee (where necessary) in respect of the following matters:
   i) To extend a time limit, as provided for in the Regulations, for a specified period where it is considered to be necessary in the public interest.
   ii) All the matters listed in Annex 1 to this section (column under ‘Officers’)
   iii) The determination of applications that do not require a hearing to be held
   iv) To determine the points to be clarified by the Parties
   v) To decide whether a hearing will not proceed pursuant to Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

4. To act as the Council’s Safety Officer under the Health and Safety at Work etc. Act 1974 and associated legislation

(H) TO THE DEVELOPMENT CONTROL MANAGER

1. To designate Authorised Officers to sign notices of planning decisions, under the Town and Country Planning Act 1990.

(I) TO THE CHIEF FINANCIAL OFFICER

FINANCIAL FUNCTIONS

1. For purposes of section 151 of the Local Government Act 1972, to be responsible under the general direction of the Council for making arrangements for the proper administration of the Council’s financial affairs.

2. To be responsible under the Accounts and Audit Regulations 2015 for ensuring that the annual financial statements of accounts of the Authority are prepared on a timely basis, meet the requirements of the law and relevant financial reporting and
professional standards, and are considered and approved by the Council within the prescribed legislative timetable.

3. To be responsible under the Accounts and Audit Regulations 2015 for publishing all public notices concerning the final accounts of the Authority.

4. To be responsible under the Accounts and Audit Regulations 2015 for functions relating to the preparation of the authority's budgets, budget comparisons and payroll.

5. To be responsible under the Accounts and Audit Regulations 2015 for ensuring an adequate and effective system of internal audit of the Authority’s accounting records and control systems.

6. Executive decisions on borrowing, investment or financing.

7. To make or approve all arrangements with the Council's bankers; and to operate such banking accounts as he may consider necessary.

8. To review decisions to grant relief for charitable and other organisations from Non-Domestic Rates arising from challenges.

9. To review decisions to determine applications for hardship relief for Non-Domestic Ratepayers under the provisions of Section 49 of the Local Government Finance Act 1988 and applications for rate reduction under the Localism Act 2011 arising from challenges.

10. To be responsible, with the Chief Executive, for ensuring the observance of the Financial Regulations throughout the Council.

(J) **TO THE EXECUTIVE DIRECTOR (RESOURCES)**

1. To deal administratively with the collection of the Council Tax, Non-Domestic Rates and Community Infrastructure Levy, and preparation of all necessary registers and records.

2. To take part in any proceedings for the recovery of the Council Tax and Non-Domestic Rates.

3. To grant Relief for charitable and other organisations from Non-Domestic Rates in accordance with the Council’s policy regarding rate relief.

4. To determine applications for hardship relief for Non-Domestic Ratepayers under the provisions of Section 49 of the Local Government Finance Act 1988 and applications for rate reduction under the Localism Act 2011.

5. To effect all insurance cover and negotiate all claims in consultation, as necessary, with other Officers.

6. To institute, defend or participate in legal proceedings for recovery of debt in respect of Housing Act advances.

7. In consultation with the Portfolio Holder with responsibility for Resources to undertake regular monitoring and effective scrutiny of Treasury Management strategy, policies and practices.
GOVERNANCE FUNCTIONS

1. To confirm appointment of Members to Committees, other Council bodies and outside bodies, as per Council’s determination, in accordance with the allocation of seats to political groups rules (where relevant) and on the basis of nominations from the Group Leaders.

2. Where the Council has suspended the allocation of seats to political groups rules, to confirm the appointment of Members to Committees, other Council bodies and outside bodies on the basis of nominations from Group Leaders, and on the basis of no dissent.

3. To produce the Notice of Hearing for Licensing Committees and for Appeals and Standards Committee and to circulate to all parties.

4. To appoint Members of the Licensing Committee to serve on Licensing Sub-Committees.

5. To appoint Members of the Appeals and Standards Committee to serve on Sub-Committees and Hearing Panels.

6. To receive items ‘called-in’, pursuant to the Scrutiny and Improvement Procedure Rules.

HUMAN RESOURCES FUNCTIONS

1. The arrangement for the recruitment and selection of employees.

2. Negotiation with unions representing employees on behalf of the Council in relation to policy and corporate issues.

3. Representation of the Council at Tribunals.

4. To organise and arrange management development training.

5. To implement ill health dismissal in consultation with the Council’s Medical Adviser.

6. To advise on disciplinary procedures.

7. To agree extension to the 12 month period to effect relocation.

8. To implement early retirement and the conditions attaching thereto.

9. The authorisation of the employment of temporary staff beyond 3 months.

10. To co-ordinate and arrange the central training requirements of the Council.

OTHER FUNCTIONS

1. The management of, and exercise of functions relating to, street naming and numbering (in consultation with Parish Councils) in accordance with the Public Health Act 1925 and the Towns Improvement Clauses Act 1847.

2. Designation as Senior Information Risk Owner (SIRO) to be responsible for providing written judgement of the security and use of the business assets at least annually to
support the audit process and to report that judgement in the Annual Governance Statement.

3. To take actions to ensure robust IT systems are maintained that provide safe and secure handling of data and information in all areas of the Council.

4. To ensure valid requests made under the Freedom of Information Act 2000 and the Local Audit and Accountability Act 2014 are duly administered.
## SECTION E  PROPER OFFICER FUNCTIONS

### 1. CHIEF EXECUTIVE

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 228(3), Local Government Act, 1972.</td>
<td>Accounts of ‘any Proper Officer’ to be open to inspection by any member of the authority. Section 228(3) applies automatically to any officer who is designated as Proper Officer for any purpose and who keeps accounts. Any other officer of a local authority, who keeps accounts may, however, be designated by the authority as a Proper Officer for the purpose of the Section.</td>
</tr>
<tr>
<td>(b) Section 16, Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Requisition for Information about Interest in property.</td>
</tr>
</tbody>
</table>

### 2. TO THE EXECUTIVE DIRECTOR (RESOURCES) (OR IN THEIR ABSENCE THE CHIEF EXECUTIVE OR DEPUTY CHIEF EXECUTIVE)

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 3(2), Local Land Charges Act 1975</td>
<td>Registration of Local Land Charges.</td>
</tr>
<tr>
<td>(b) Proper Officer functions arising from the Local Government (Access to Information) Act 1985:-</td>
<td></td>
</tr>
<tr>
<td>(i) Section 100(B)(2), Local Government Act 1972</td>
<td>Circulation of reports and agendas.</td>
</tr>
<tr>
<td>(ii) Section 100(B)(7)(c), Local Government Act 1972</td>
<td>Supply of papers to any newspaper.</td>
</tr>
<tr>
<td>(iii) Section 100(C) (2), Local Government Act 1972</td>
<td>Preparation of Summaries of Minutes.</td>
</tr>
<tr>
<td>(iv) Section 100(D) (1)(a), Local Government Act 1972</td>
<td>Compilation of lists of background papers.</td>
</tr>
<tr>
<td>(c) Section 13(3) and (5), Local Government Act 1972</td>
<td>Parish Trustee, power to seal documents/ instruments.</td>
</tr>
<tr>
<td>(d) Section 83(1) to (4), Local Government Act 1972</td>
<td>Witness and receipt of Declarations of Acceptance of Office.</td>
</tr>
<tr>
<td>(e) Section 84, Local Government Act 1972</td>
<td>Receipt of Declaration of Resignation of Office.</td>
</tr>
<tr>
<td>(f) Section 88(2), Local Government Act 1972</td>
<td>Convening of meetings of Council to fill casual vacancy in the office of Chairman.</td>
</tr>
</tbody>
</table>
### Daventry District Council – Constitution (Revision 26/2019 – November 2019)

### Part 5 (Responsibility for Functions)

#### (g) Section 225(1), Local Government Act 1972
- Deposit of documents.

#### (h) Section 229(5), Local Government Act 1972
- Certification of Photographic Copies of Documents.

#### (i) Section 234(1) and (2), Local Government Act 1972
- Authentication of documents.

#### (j) Section 236(9) and (10), Local Government Act 1972
- To send copies of bye-laws to the County Council and Parish Council.

#### (k) Section 154(2), Housing Act 1985
- Signature of Certificates of Title.

### 2A. TO THE CHIEF EXECUTIVE (OR IN THEIR ABSENCE THE DEPUTY CHIEF EXECUTIVE)

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 8, Representation of the People Act 1983</td>
<td>Appointment as Registration Officer.</td>
</tr>
<tr>
<td>(b) Section 35 Representation of the People Act 1983</td>
<td>Appointment as Returning Officer for District/Parish Elections.</td>
</tr>
<tr>
<td>(c) Section 89(1)(b), Local Government Act 1972</td>
<td>Receipt of notice of casual vacancy from two local government electors.</td>
</tr>
<tr>
<td>(d) Schedule 12, Paragraph 4(2) and 4(3) Local Government Act 1972</td>
<td>Signature of Summons to Council meetings and receipt of notices regarding address to which summons to meetings is to be sent.</td>
</tr>
</tbody>
</table>

### 3. TO THE MONITORING OFFICER (OR IN THEIR ABSENCE THE EXECUTIVE DIRECTOR (RESOURCES))

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The signing of notices required by statute to be served and not otherwise provided for within the scheme of delegation/terms of reference of Committees.</td>
</tr>
<tr>
<td>(b) Section 238, Local Government Act 1972</td>
<td>Certification of Bye-laws.</td>
</tr>
<tr>
<td>(c) Schedule 14, Paragraph 25(7), Local Government Act 1972</td>
<td>Certification of Resolutions under Paragraph 25 of Schedule 14 of application of certain enactments to areas of the District.</td>
</tr>
<tr>
<td>(d) Section 100(D) (5)(a), Local Government Act 1972</td>
<td>Identification of background papers.</td>
</tr>
</tbody>
</table>
### Part 5 (Responsibility for Functions) – Page 31

**Daventry District Council – Constitution (Revision 26/2019 – November 2019)**

#### Responsibility for Functions

| (e) | Section 100(F)(2), Local Government Act 1972 | Determination of papers not open to public. |
| (f) | Section 5, Local Government and Housing Act 1989 | Responsibility for making reports to Members as to the lawfulness of any proposal, decision or omission. |

#### 4. To the Chief Financial Officer (or in their absence the most senior and appropriately qualified accountant)

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 151, Local Government Act 1972</td>
<td>Responsibility for administration of Council financial affairs.</td>
</tr>
<tr>
<td>(b) Section 115(2), Local Government Act 1972</td>
<td>Receipt of money due from officers.</td>
</tr>
<tr>
<td>(c) Section 146(1)(a) and (b), Local Government Act 1972</td>
<td>Declaration and Certificates with regard to securities.</td>
</tr>
<tr>
<td>(d) Section 114 of the Local Government Finance Act 1988</td>
<td>Responsibility for making reports to Members and auditor as to lawfulness of proposed expenditure.</td>
</tr>
</tbody>
</table>

#### 4B. To the Executive Director (Resources) (or in their absence the Governance & HR Manager)

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 52(3), Representation of the People Act 1983</td>
<td>Deputy to the Registration Officer.</td>
</tr>
</tbody>
</table>

#### 5. To the Deputy Chief Executive designated by Council (or in their absence the Executive Director (Resources))

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Section 5, Local Government and Housing Act 1989</td>
<td>Designation as Monitoring Officer.</td>
</tr>
</tbody>
</table>

#### 6. To the Executive Director (Community) (or in their absence the Deputy Chief Executive)

| (a) | Section 4, Housing Act 2004 | Inspections to determine whether hazards exist. |
| (b) | Section 210(6) and (7), Local Government Act 1972 | Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers. |
### 7. To Persons nominated by Public Health England

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Public Health (Control of Disease) Act 1984</td>
<td>To notify of and control outbreaks of disease in the community.</td>
</tr>
<tr>
<td>(b) Public Health Act 1936 - Sections 84 &amp; 85 and Public Health Act 1961 – Section 37</td>
<td>Cleaning and disinfestations of verminous people, premises and articles for sale.</td>
</tr>
<tr>
<td>Matter to be dealt with</td>
<td>Full Committee</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Application for personal Licence</td>
<td>If a police objection</td>
</tr>
<tr>
<td>Application for personal Licence with unspent Convictions</td>
<td></td>
</tr>
<tr>
<td>Application for Premises licence/club</td>
<td>If a relevant representation made</td>
</tr>
<tr>
<td>Premises certificate</td>
<td></td>
</tr>
<tr>
<td>Application for Provisional statement</td>
<td>If a relevant representation made</td>
</tr>
<tr>
<td>Application to vary Premises licence/club</td>
<td>If a relevant representation made</td>
</tr>
<tr>
<td>Premises certificate</td>
<td></td>
</tr>
<tr>
<td>Application to vary Designated premises Supervisor</td>
<td>If a police objection</td>
</tr>
<tr>
<td>Request to be removed as designated premises Supervisor</td>
<td></td>
</tr>
<tr>
<td>Application for transfer Of premises licence</td>
<td>If a police objection</td>
</tr>
<tr>
<td>Application for interim Authorities</td>
<td>If a police objection</td>
</tr>
<tr>
<td>Application to review Premises licence/club</td>
<td></td>
</tr>
<tr>
<td>Premises licence/club</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a Complaint is irrelevant Frivolous vexatious etc</td>
<td></td>
</tr>
<tr>
<td>Decision to object when Local authority is a Consultee and not the Relevant authority considering The Application</td>
<td></td>
</tr>
<tr>
<td>Determination of a Police objection to a Temporary event notice</td>
<td></td>
</tr>
</tbody>
</table>
CONSTITUTION

Originally adopted by Council – 13\textsuperscript{th} December 2001

(Revision No 26/2019– November 2019)

PART 6 - RULES OF PROCEDURE AND REGULATIONS
PART 6A COUNCIL AND COMMITTEE PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

1.1 TIMING

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

1.2 BUSINESS

The annual meeting will:

(i) elect a person to preside if the Chairman 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 from the Chairman, and/or the Head of the Paid Service;

(vi) appoint the Strategy Group (12 members)

(vii) appoint the Committees listed below, and such other committees as the Council considers appropriate.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrutiny and Improvement Committee</td>
<td>5 Members</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>15 Members</td>
</tr>
<tr>
<td>Licensing Committee</td>
<td>10 Members</td>
</tr>
<tr>
<td>Appeals and Standards Committee</td>
<td>4 Members (and up to 2 Co-opted Independent Members and 2 Co-opted Parish Council Members)</td>
</tr>
<tr>
<td>Corporate Governance Committee</td>
<td>8 Members</td>
</tr>
</tbody>
</table>

(viii) consider any business set out in the notice convening the meeting.

(ix) decide the allocation of seats to political groups in accordance with the political balance rules to those Committees where these Rules apply.

(x) receive nominations of councillors to serve on each Committee and outside body; and

(xi) appoint to those Committees and outside bodies.
2. **ORDINARY MEETINGS OF THE COUNCIL**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting. Ordinary meetings will in the following order:

(i) elect a person to preside if the Chairman and Vice Chairman are not present.

(ii) approve the minutes of the last meeting.

(iii) receive any declarations of interest from Members.

(iv) receive any announcements from the Chairman, Leader of the Council or Head of Paid Service.

(v) receive questions from, and provide answers to, the public addressed to the Leader of the Council and/or the Chairman of the Strategy Group in relation to activities of the Council.

(vi) receive questions from, and provide answers to, Members of the Council pursuant to Rule 11.2.

(vii) consider motions under Rule 12.

(viii) deal with any business from the last Council meeting.

(ix) receive reports from the Council’s Standing Committees and receive questions and answers on those reports.

(x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations.

(xi) consider any other business specified in the summons to the meeting.

(xii) consider any business which the Chairman accepts as an item of Urgent Business, notice of which has been given in writing to the Chief Executive prior to the commencement of the meeting. Said notice to specify the justification for considering the matter as urgent.

3. **SPECIAL MEETINGS OF THE COUNCIL**

3.1 **CALLING SPECIAL MEETINGS.**

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

(i) the Council by resolution; or

(ii) the Chairman of the Council; or

(iii) the Chief Executive as Head of Paid Service, Monitoring Officer or the Chief Financial Officer; or

(iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has
failed to call a meeting within seven days of the presentation of the requisition. On receipt of such requisition, the Proper Officer will convene a meeting within twenty-one days.

3.2 BUSINESS

No business shall be transacted at a special meeting of the Council except that specified on the agenda for that meeting.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Executive Director (Resources) and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at his or her usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these Rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting shall stand adjourned for up to thirty minutes.

If, after thirty minutes, the Chairman again counts the number of Members present and declares there is not a quorum present, the meeting shall be brought to an end.

NB: The quorum for the Appeals and Standards Committee, any Sub-Committee or Hearing Panel, shall be two Members of the Council. The quorum for the Scrutiny and Improvement Committee is set out in its Procedure Rules.

8 REMAINING BUSINESS

Where a meeting is brought to an end having been declared inquorate by the Chairman, remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.
9. **Duration of Meeting**

9.1 ** Interruption of the Meeting**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately after that period. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.

9.2 **Motions which may be moved**

During the process set out in Rule 9.1 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.3 **Close of the Meeting**

When all motions and recommendations have been dealt with, the Chairman will declare the meeting closed.

10. **Questions by the Public**

10.1 **General**

Members of the public may ask questions of the Leader of the Council and/or the Chairman of the Strategy Group at ordinary or special meetings of the Council.

10.2 **Order of Questions**

Questions will be asked in the order that notice of them was received, except that the Chairman may group together similar questions.

10.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

10.4 **Number of Questions**

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

10.5 **Scope of Questions**

The Chief Executive in consultation with the Monitoring Officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which directly affects the District;
- is defamatory, frivolous or offensive;

Part 6A (Council and Committee Procedure Rules) – Page 4
• is substantially the same as a question which has been put at a meeting of the Council in the past six months;

• requires the disclosure of confidential or exempt information; or

• (in the case of a meeting convened for a specific purpose) is not related to the business in the agenda.

10.6 RECORD OF QUESTIONS

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

10.7 ASKING THE QUESTION AT THE MEETING

The Chairman will, where appropriate, invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner’s behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 ANSWERS

An answer to questions put under this Rule may take the form of:-

(i) A direct oral answer; or

(ii) Where the desired information is contained in a publication of the Council, a reference to that publication; or

(iii) Where the answer to the question cannot conveniently be given orally, a written answer circulated to the questioner and Members of the Council

10.9 REFERENCE OF QUESTION TO A COMMITTEE

No discussion will take place on any question (except where the Chairman considers it necessary to do so), but any Member may move that a matter raised by a question be referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

11. QUESTIONS BY MEMBERS

11.1 ON REPORTS OF COMMITTEES

A Member of the Council may ask the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.
11.2 **QUESTIONS ON NOTICE AT FULL COUNCIL**

Subject to Rule 11.4, a member of the Council may ask:

- the Chairman of the Council (in relation only to matters relating to the interpretation of the Constitution);
- the Leader of the Council;
- any Portfolio Holder;
- the Chairman of any Committee;

a question on any matter in relation to which the Council has powers or duties or which directly affects the Daventry District.

11.3 **QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES**

Subject to Rule 11.4, a Member of a Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Daventry District and which falls within the terms of reference of that Committee.

11.4 **NOTICE OF QUESTIONS**

A Member may only ask a question under Rule 11.2 or 11.3 if either:

(a) they have given notice in writing of the question to the Chief Executive by noon three working days before the day of the meeting; or

(b) the question relates to urgent matters and they have the consent of the Chairman to whom the question is to be put and the content of the question is given in writing to the Chief Executive by 4 p.m. on the day of the meeting.

11.5 **RESPONSE**

An answer may take the form of:

(a) a direct oral answer; or

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 **SUPPLEMENTARY QUESTION**

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
12. MOTIONS ON NOTICE

12.1 NOTICE

Except for motions which can be moved without notice under Rule 13, or a motion moved under Rule 15 written notice of every motion, signed by at least two Members, must be delivered to the Chief Executive not later than the close of business ten calendar days before the day of the next meeting of the Council. These will be numbered in the order in which they are received and be entered in a book open to public inspection.

12.2 DEADLINE FOR RECEIPT OF NOTICE

No notice of motion received after the time and date specified in Rule 12.1 above shall be accepted or considered unless there is clear evidence of it having been posted by first class post at least the day before that said date and time.

12.3 MOTION SET OUT IN AGENDA

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Members giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.

12.4 MOTION NOT MOVED

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

12.5 AUTOMATIC REFERENCE TO COMMITTEE

If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees (excluding Scrutiny and Improvement Committee) it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Council may determine, for consideration and report.

Provided that the Chairman may, if he or she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

12.6 SCOPE

The Chief Executive in consultation with the Monitoring Officer may reject a motion if it:

- is not about a matter for which the local authority has a responsibility;
- is defamatory, frivolous or offensive;
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.
13. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

(a) to appoint a Chairman of the meeting at which the motion is moved;
(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 or Member arising from an item on the summons for the meeting;
(f) to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
(g) to withdraw a motion;
(h) to amend a motion;
(i) to proceed to the next business;
(j) that the question be now put;
(k) to adjourn a debate;
(l) to adjourn a meeting;
(m) that the meeting continue beyond three hours in duration;
(n) to suspend a particular council procedure rule;
(o) to exclude the public and press in accordance with the Access to Information Rules;
(p) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
(q) to give the consent of the Council where its consent is required by this Constitution.

14. **RULES OF DEBATE**

14.1 **NO SPEECHES UNTIL MOTION SECONDED**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 **RIGHT TO REQUIRE MOTION IN WRITING**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.
14.3 **SECONDER’S SPEECH**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

14.4 **CONTENT AND LENGTH OF SPEECHES**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman being indicated.

14.5 **WHEN A MEMBER MAY SPEAK AGAIN**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

14.6 **AMENDMENTS TO MOTIONS**

(a) An amendment to a motion must be relevant to the motion and will either be:

   (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
   
   (ii) to leave out words;
   
   (iii) to leave out words and insert or add others; or
   
   (iv) to insert or add words.

   as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
(e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 ALTERATION OF MOTION

(a) A Member may alter a motion, of which he/she has given notice, with the consent of the meeting. The meeting’s consent will be signified without discussion.

(b) A Member may alter a motion, which he/she has moved without notice, with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

14.8 WITHDRAWAL OF MOTION

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 RIGHT OF REPLY

(a) The mover of a motion has a right to reply at the end of the debate on the motion immediately before it is put to the vote.

(b) If an amendment is moved the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 MOTIONS WHICH MAY BE MOVED DURING DEBATE

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) that the meeting continue beyond three hours in duration.
(h) to exclude the public and press in accordance with the Access to Information Rules; and

(i) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

14.11 CLOSURE MOTIONS

(a) A Member may move, without comment, the following motions at the end of a speech of another Member:

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. Where the adjournment motion is carried, the original motion will stand referred to the reconvened meeting or, if no such meeting is held, to the next ordinary meeting of the Council.

14.12 POINT OF ORDER

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 PERSONAL EXPLANATION

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 MOTION TO RESCIND A PREVIOUS DECISION

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Council (i.e. twelve Members).
15.2 **MOTION SIMILAR TO ONE PREVIOUSLY REJECTED**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Council (i.e. twelve Members). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. **VOTING**

16.1 **MAJORITY**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

16.2 **CHAIRMAN’S CASTING VOTE**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote.

16.3 **SHOW OF HANDS**

Unless a recorded vote is demanded under Rule 16.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 **RECORDED VOTE**

If before a vote is taken any Member of the Council requests a recorded vote then, subject to a reason being given for the requisition and to the requisition being supported by one third of the Members present (signified by show of hands), the voting on any question shall be by roll-call. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

*NB Recorded votes are mandatory under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 for full Council’s determination of the annual budget requirement and determination of the Council Tax for the ensuing year. The Chairman will invoke this procedure in respect of motions and any amendments.*

16.5 **RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED**

*This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.*

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.6 **VOTING ON APPOINTMENTS**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
17. **MINUTES**

17.1 **SIGNING THE MINUTES**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. **The only part of the minutes that can be discussed is their accuracy.**

17.2 **NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING**

*This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.*

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

17.3 **FORM OF MINUTES**

Minutes will be a record of the decisions taken and the reasons for them and not a detailed record of the debate(s) held. An audio recording of meetings will be taken by the Monitoring Officer and all recordings will be retained by the Monitoring Officer for six years from the date of the meeting.

Minutes will contain all motions and amendments in the exact form and order they are put to the meeting together with questions and answers given under Rules 10 and 11. Access to such recordings shall be granted to Members at all reasonable times by prior arrangement with the Monitoring Officer.

Where the public proceedings of meetings are material to the investigation of an official complaint or in connection with legal proceedings, access may be granted to such recordings to any person who in the opinion of the Monitoring Officer has a bona fide interest in the matter.

18. **RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

19. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 6 of this Constitution or Rule 21 (Disturbance by Public).

20. **MEMBERS’ CONDUCT**

20.1 **STANDING TO SPEAK**

When a Member is called to speak at Council meetings, he/she must stand and address the meeting through the Chairman. (This requirement to be waived where
there are disability issues). Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 **CHAIRMAN STANDING**

When the Chairman stands during a debate, or uses the gavel, any Member speaking at the time must stop and sit down. The meeting must be silent.

20.3 **MEMBER NOT TO BE HEARD FURTHER**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 **MEMBER TO LEAVE THE MEETING**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.5 **GENERAL DISTURBANCE**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

21. **DISTURBANCE BY PUBLIC**

21.1 **REMOVAL OF MEMBER OF THE PUBLIC**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

21.2 **CLEARANCE OF PART OF MEETING ROOM**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may adjourn the meeting for as long as he/she thinks necessary and may call for that part to be cleared.

22. **METHOD OF SERVICE OF NOTICES**

Where, in these Council and Committee Procedure Rules, notice in writing is required to be given by Members or by members of the public, such requirement shall be deemed to have been satisfied if the notice is sent by electronic mail addressed to and received by the appropriate recipient at the Council by the appropriate deadline as specified in each relevant Procedure Rule.

23. **CORRESPONDENCE WITH MEMBERS**

Save for Committee Agendas and Reports and other types of approved document, the primary means of communication with Members shall be by electronic mail (email) and correspondence sent as an attachment to such communications to Members at their Council email address shall be deemed to have been delivered to the member.
unless there is clear evidence to the contrary. Similarly, correspondence sent as an attachment to such communications by Members to Officers of the Council at their Council email address shall be deemed to have been delivered to the Officer unless there is clear evidence to the contrary.

24. **Suspension and Amendment of Council Procedure Rules**

24.1 **Suspension**

All of these Council and Committee Procedure Rules except Rule 16.5 and 17.2 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. Suspension can only be for the duration of the meeting.

24.2 **Amendment**

Any motion to add to, vary or revoke these Council and Committee Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25. **Application to Committees and Sub-Committees**

All of the Council and Committee Rules of Procedure except Rule 26 apply to meetings of the Council. Only Rules 2(2.1)(i), (ii), (iii), (xii), 5–9, 11–12, 15-24 (but not Rule 20.1 and, for Regulatory committees, or business thereof, not Rule 15) and 26 apply to meetings of Committees and Sub-Committees.

26. **Public Participation at Meetings**

Each Committee shall permit public participation at its meetings provided that such participation shall be in accordance with the procedures set out in the ‘Appendix Public Participation at Meetings of Committees (including Planning Committees)” to these Procedure Rules.

Members of the public may attend but not participate at meetings of the Strategy Group.
PART 6B   ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These Rules apply to all meetings of the Council, its Committees, including Sub-Committees, Panels and Area Committees (if any) (together called meetings) and, where indicated, to written records of decisions made by Officers as required by the Local Audit and Accountability Act 2014.

2. ADDITIONAL RIGHTS TO INFORMATION

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these Rules.

4. NOTICES OF MEETING

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the offices of Daventry District Council, Lodge Road, Daventry, Northants and on its website.

4A. NOTICES OF OFFICER DECISIONS

The Council will give notice of having made an Officer decision as soon as reasonably practicable after the date of decision, normally fourteen days, by posting details of the decision at the offices of Daventry District Council, Lodge Road, Daventry, Northants and on its website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and via its website at least five clear days before the meeting if practicable. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

Where documents are otherwise available free of charge via electronic means, the Council will supply to any person, on payment of a charge for postage and any other costs, copies of:

(a) any meeting agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item on the agenda;

(d) any written records of Officer decisions which are open to public inspection.

Part 6B (Access to Information Procedure Rules) – Page 1
7. **ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

7A. **ACCESS TO WRITTEN RECORDS OF OFFICER DECISIONS**

The Council will make copies of written records of Officer decisions open to the public and available for inspection at the designated office and via its website for six years after the date of the decision, excluding any exempt or confidential information.

8. **BACKGROUND PAPERS**

8.1 **List of background papers**

The relevant Officer will set out in every report to the meeting and every written record of an Officer decision a list of those documents (called background papers) relating to the subject matter of the report or Officer decision which in their opinion:

(a) disclose any facts or matters on which the report or the Officer decision or an important part of the report or Officer decision is based; and

(b) which have been relied on to a material extent in preparing the report or reaching the Officer decision

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 **Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting or the Officer decision one copy of each of the documents on the list of background papers.

9. **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public’s rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council Offices, Lodge Road, Daventry, NN11 4FP.

10. **EXCLUSION OF ACCESS BY THE PUBLIC**

10.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
10.2 **Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of that Act.

10.3 **Meaning of confidential information**

Confidential information means 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.

10.4 **Meaning of exempt information**

Exempt information means information falling within the following 7 categories (subject to any condition):

<table>
<thead>
<tr>
<th>Description of exempt information</th>
<th>Qualification</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Information relating to any individual</td>
<td>Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</td>
<td>Names, addresses (including email addresses), personal reference numbers (such as National Insurance numbers) or telephone numbers can identify individuals. Also consider the Council’s Data Protection Act responsibilities.</td>
</tr>
<tr>
<td>2. Information which is likely to reveal the identity of an individual</td>
<td>Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</td>
<td>Names, addresses or telephone numbers can identify individuals. Also consider the Council’s Data Protection Act responsibilities.</td>
</tr>
<tr>
<td>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</td>
<td>Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</td>
<td>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]. Financial or business affairs includes contemplated, as well as past or current.</td>
</tr>
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</table>
### Description of exempt information

<table>
<thead>
<tr>
<th>Qualification</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>(a) the Companies Act 1985</td>
<td>activities</td>
</tr>
<tr>
<td>(b) the Friendly Societies Act 1974</td>
<td>Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act)</td>
</tr>
<tr>
<td>(c) the Friendly Societies Act 1992</td>
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<tr>
<td>(d) Cooperative and Community Benefit Societies Act 2014</td>
<td></td>
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<tr>
<td>(e) the Building Societies Act 1986</td>
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<tr>
<td>(f) the Charities Act 2011</td>
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</tbody>
</table>

### 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]

Employee means a person employed under a contract of service

Labour relations matter means:

- (a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

- (b) any dispute about a matter falling within paragraph (a) above

Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an
### Description of exempt information

<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>employee of the authority</td>
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</table>

#### 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Privilege lies with the “client” which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.

#### 6. Information which reveals that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment

Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc].

#### 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### 11. Exclusion of Access By The Public To Reports at Meetings

- (a) If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports or background papers which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.
Part 6C BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR DECISION MAKING

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Chief Executive and Chief Financial Officer to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:

(a) Each year, as necessary, the Strategy Group will publish a programme for establishing the budget and policy framework for the following year. In pursuing this programme it will identify strategic policy, risk management and resource issues on which it wishes to request studies by Officers and/or the Scrutiny and Improvement Committee on which they wish to make recommendations as part of the budget and policy review process.

(b) Policy studies undertaken by Scrutiny and Improvement Committee should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the Strategy Group who will then draw on them in developing their proposals to Council.

(c) In developing the policy framework Strategy Group will particularly consider the strategies and plans set out in Appendix 4 and recommend their adoption by full Council. Other strategies and plans, also requiring policy direction, shall be considered by the Strategy Group or other committees as provided for in the Constitution and their adoption recommended to full Council.

(d) In approving the policy and budgetary framework, the Council will also specify the extent of virement within the corporate budget and degree of in-year changes to the policy framework which may be undertaken by the Chief Executive in accordance with the virement and in-year adjustments rules. Any other changes to the policy and budgetary framework are reserved to the Council.
PART 6D SCRUTINY AND IMPROVEMENT PROCEDURE RULES

1. NUMBER OF AND ARRANGEMENTS FOR SCRUTINY AND IMPROVEMENT COMMITTEES

The Council will have a Scrutiny and Improvement Committee which will act as the Council’s overview and scrutiny committee as allowed for by statute. The Committee may appoint time limited Task Panels as it considers appropriate.

The terms of reference of the Task Panels will be determined by the Committee when the Panel is established. The Committee will appoint Members to sit on Task Panels.

2. PARTICIPANTS IN SCRUTINY AND IMPROVEMENT

All councillors except Members of the Strategy Group who are part of the ruling Group and the Chairman of the Council may take part in Scrutiny and Improvement. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

At least one Member of an opposition political group represented on the Council shall be a Member of the Scrutiny and Improvement Committee.

3. CO-OPTEES

The Scrutiny and Improvement Committee may appoint up to a maximum of three people as non-voting co-optees to sit on a Task Panel for a limited duration, such appointments to be confirmed by the Council.

4. MEETINGS OF THE SCRUTINY AND IMPROVEMENT COMMITTEE

There shall be at least six ordinary meetings of the Scrutiny and Improvement Committee in each year. In addition extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny and Improvement Committee meeting may be called by the Chairman, by any two Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. QUORUM

The quorum for the Scrutiny and Improvement Committee shall be two Members.

6. CHAIRING OF SCRUTINY AND IMPROVEMENT COMMITTEE MEETINGS

The Scrutiny and Improvement Committee shall be chaired by a Councillor appointed at the annual meeting of the Council or otherwise as required.

7. WORK PROGRAMME

The Scrutiny and Improvement Committee will be responsible for setting a work programme. In doing so it will take into account wishes of Members who are not Members of the largest political group on the Council, which are to be expressed through the Chairman or other Member of the Committee.

8. AGENDA ITEMS

Any Member (with the exception of the Members of the Strategy Group who are part of the ruling Group and the Chairman of the Council) shall be entitled to give notice to
the Executive Director (Resources) that he/she wishes an item relevant to the functions of the Scrutiny and Improvement Committee to be included on the agenda for the next available meeting of the Committee with a view to its inclusion in the work programme. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda for the Committee.

Unless the Scrutiny and Improvement Committee or, in cases of urgency, the Chairman of the Committee, directs otherwise, the Leader of any political group represented on the Council may require the Executive Director (Resources) to include an item on the agenda of the Scrutiny and Improvement Committee for consideration, subject to a maximum of one item per political group per meeting. The Proper Officer shall inform the Chairman of the Scrutiny and Improvement Committee of the request at the earliest opportunity and make arrangements for the matter to be included on the agenda at the next available meeting.

The Scrutiny and Improvement Committee shall also respond to requests from the Council and the Strategy Group to review particular areas of Council activity and shall direct that such reviews be undertaken as soon as the work programme permits. Where they do so the Scrutiny and Improvement Committee (or Task Panel) shall report their findings and any recommendations back to the Scrutiny and Improvement Committee for consideration and recommendation to the Strategy Group and/or Council. The Council and/or the Strategy Group shall consider the report at the next following meeting or, in the case of urgent matters, within one month of receiving it.

9. **Policy Review and Development**

   (a) The role of the Scrutiny and Improvement Committee in relation to the development of the Council’s budget and policy framework is set out in detail in the [Budget and Policy Framework Procedure Rules](#).

   (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework the Scrutiny and Improvement Committee may make proposals to Strategy Group for developments in so far as they relate to matters within their terms of reference.

   (c) The Scrutiny and Improvement Committee (or Task Panels) may hold inquiries and investigate the available options for future direction in policy development and the Scrutiny and Improvement Committee shall inform the Chief Executive 7 days in advance of the proposed appointment of advisers and assessors to assist them in this process within their budget. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. **Reports from Scrutiny and Improvement Committee**

   (a) Once recommendations on proposals for development have been formed the Scrutiny and Improvement Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Strategy Group (if the proposals are consistent with the existing budgetary and policy framework) or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
(b) If the Scrutiny and Improvement Committee cannot agree on one single final report to the Council or the Strategy Group as appropriate then no more than one minority report may be prepared and submitted for consideration by the Council or Strategy Group with the majority report.

(c) The Council or Strategy Group shall consider the report of the Scrutiny and Improvement Committee at the next following meeting or, in the case of urgent matters, within one month of it being received by the Proper Officer.

(d) The Council shall provide the Scrutiny and Improvement Committee with such administrative and other resources as may be required to enable the Scrutiny and Improvement Committee to discharge its responsibilities efficiently and effectively.

11. **Making sure that Scrutiny and Improvement reports are considered by Strategy Group**

(a) The agenda for Strategy Group shall include an item entitled ‘Issues arising from Scrutiny and Improvement’ as necessary, arising from Rule 10. The reports of the Scrutiny and Improvement Committee referred to the Strategy Group shall be included at this point in the agenda (unless they have been considered in the context of the Strategy Group’s deliberations on a substantive item on the agenda) at the next meeting (or, in the case of urgent matters, within one month) following the completion by the Scrutiny and Improvement Committee of its report/recommendations. The Chairman of the Scrutiny and Improvement Committee shall be invited to attend the meeting and, with the consent of the Chairman of the Strategy Group, address the meeting to present the Committee’s recommendation(s).

(b) No more than two reports every cycle may be submitted by the Scrutiny and Improvement Committee to the Strategy Group.

12. **Rights of Scrutiny and Improvement Committee members to documents**

(a) In addition to their rights as councillors, Members of the Scrutiny and Improvement Committee (or Task Panels) have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 6 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Strategy Group and Scrutiny and Improvement Committee or its appointed Task Panels, as appropriate, depending on the particular matter under consideration.

13. **Members and officers giving account**

(a) The Scrutiny and Improvement Committee (or Task Panels) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit in Part 5. As well as reviewing documentation, in fulfilling the scrutiny role it may require any Member of the Strategy Group, Chief Executive, Deputy Chief Executive or Executive Directors as appropriate to attend before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;
(ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance.

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

Officers other than those listed in Article 11 shall not normally be required to appear before the Scrutiny and Improvement Committee (or Task Panel). They may be invited to give evidence but shall not be compelled to do so.

(b) Where any Member or Officer is required to attend the Scrutiny and Improvement Committee (or Task Panel) under this provision the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee (or Task Panel). Where the account to be given to the Committee (or Task Panel) will require the production of a report then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date then the Scrutiny and Improvement Committee (or Task Panel) shall in consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of fifteen working days from the date of the original request.

14. ATTENDANCE BY OTHERS

The Scrutiny and Improvement Committee (or Task Panel) may invite people (other than those people referred to in Rule 13 above) to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

With the consent of the Chairman a Member of the Council not serving on the Committee may address the Committee on any item on the agenda.

15 CALL-IN ARRANGEMENTS

A. CALL-IN OF RECOMMENDATIONS OF THE STRATEGY GROUP

Call-in should only be used in exceptional circumstances. These are where Members have reason to believe that the Strategy Group did not make its recommendation in accordance with the principles set out in Article 12.02

(a) Subject to Rule 15A(e), when a recommendation is made by the Strategy Group, the recommendation shall be published, including where possible by electronic means (i.e. by email), and shall be available at the main offices of the Council normally within 2 working days of being made. All Members will be sent copies of the records of all such recommendations within the same timescale by the Proper Officer

(b) During the period specified in Rule 15A(e), the Proper Officer shall call-in a recommendation for scrutiny by the Committee if so requested by the
Chairman of the Scrutiny and Improvement Committee or two Members (excluding members of Strategy Group and the Chairman of the Council) or the Leader of a Political Group, and shall then notify the Strategy Group of the call-in. If the matter is urgent he/she shall call a meeting of the Scrutiny and Improvement Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within 5 days of the decision to call-in, such meeting to be held within 28 days. In all other cases the matter shall be referred to the next ordinary meeting of the Scrutiny and Improvement Committee.

(c) If, having considered the recommendation, the Scrutiny and Improvement Committee is still concerned about it then it may refer it back to the Strategy Group for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council for determination. If referred back to the Strategy Group the Strategy Group shall then reconsider the matter, if it is urgent, within a further ten working days or, in all other cases, at its next meeting. In these circumstances the Strategy Group will submit its final recommendation to the Council for determination.

(d) If following an objection to the recommendation, the Scrutiny and Improvement Committee does not meet in the period set out above, or does meet but does not refer the matter back to the Strategy Group, the recommendation of the Strategy Group will be considered at the next ordinary meeting of the Council.

(e) For a recommendation as set out in Article 6 to be called in a requisition specifying the reason for the call-in is required by 5.00 p.m. on the fifth working day after the date of publication of the recommendation from:

- the Chairman of the Scrutiny and Improvement Committee; or
- two Members of the Council (excluding Strategy Group Members or the Chairman of the Council); or
- The Leader of a Political Group

EXCEPTIONS

(f) In order to ensure that call-in is not abused nor causes unreasonable delay certain limitations are to be placed on its use. These are:

(i) that only twelve decisions per year can be called in unless otherwise agreed by the Scrutiny and Improvement Committee;

(ii) management and operational decisions taken by Officers shall not be subject to any call-in except where such decisions are not in accordance with existing Council policy or are not in accordance with the principles of decision making set out in Article 12.02.

(iii) that, for a decision as set out in Article 6 to be called in, a requisition specifying the reason for the call-in is required by 5.00 p.m. on the fifth working day after the date of publication of the decision from:

- the Chairman of the Scrutiny and Improvement Committee; or
- two Members of the Council (excluding Strategy Group Members and the Chairman of Council); or
- the Leader of a Political Group
B  **MONITORING OF CALL-IN**

(g) The operation of the provisions relating to call-in shall be monitored annually by the Scrutiny and Improvement Committee, and a report submitted to Council with proposals for review if necessary.

16. **THE PARTY WHIP**

When considering any matter in respect of which a Member of the Scrutiny and Improvement Committee (or Task Panel) is subject to a party whip the Member must declare the existence of the whip and the nature of it before the commencement of the Committee’s/Panel’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. **PROCEDURE AT SCRUTINY AND IMPROVEMENT COMMITTEE MEETINGS**

(a) Scrutiny and Improvement Committee shall consider the following business:

(i) minutes of the last meeting;

(ii) declarations of interest (including whipping declarations);

(iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;

(iv) responses of the Strategy Group to reports of the Scrutiny and Improvement Committee; and

(v) the business otherwise set out on the agenda for the meeting.

(b) Where the Scrutiny and Improvement Committee (or Task Panel) conducts investigations (e.g. with a view to policy development), the Committee (or Task Panel) may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all Members of the Committee (or Task Panel) be given the opportunity to ask questions of attendees, and to contribute and speak;

(ii) that those assisting the Committee (or Task Panel) by giving evidence be treated with respect and courtesy; and

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Reports of Task Panels to be considered by the Scrutiny and Improvement Committee.

(d) Following any investigation or review the Scrutiny and Improvement Committee shall prepare a report for submission to the Strategy Group and/or Council as appropriate and shall, subject to the provisions of Part 6B (Access to Information Procedure Rules), make its report and findings public.
PART 6E  FINANCIAL REGULATIONS

1.  INTERPRETATION

1.1  Any question as to the interpretation of these Regulations shall be referred to the Monitoring Officer whose ruling given in writing shall be final (subject to any decision of the courts).

1.2  Where in these Regulations reference is made to a decision being taken by Council, such a decision shall only be taken following receipt of a recommendation to Council from Strategy Group unless the urgency of the issue requires an immediate decision by Council.

1.3  The following terms have the meanings given below unless the context requires otherwise:

   “Account Code” means a unit, as defined by the Chief Financial Officer under Regulation 5.1, of a Budget Head which indicates the nature of expenditure.

   “Authorised Officer” means an Officer with delegated authority to act on behalf of the Manager.

   “Authorised Signatory” means an Officer with delegated authority to authorise official orders and/or payments due.

   “Budget Head” means an allocation or use of finance for a purpose as defined by the Chief Financial Officer under Regulation 5.1. Each budget head will be defined by a cost centre.

   “Manager” means the Executive Director (Business), Executive Director (Community) or Executive Director (Resources) or a Service Manager.

   “Service Manager” means an officer reporting to an Executive Director who has management responsibility for a functional unit, whether or not their job title contains the words ‘Service Manager’

   “Regulation” means a Financial Regulation.

1.4  References in these Financial Regulations to Managers shall where appropriate also apply in similar manner to the Chief Executive and Deputy Chief Executive.

1.5  Where in these Regulations reference is made to certification this may be made in either physical or electronic form, provided that the Executive Director (Resources) has approved the security arrangements for the method of electronic certification used.

2.  FINANCIAL ADMINISTRATION

2.1  The following duties to report on the financial affairs of the Council shall exist:

   2.1.1  The Chief Financial Officer shall report to the Chief Executive with respect to the level of resources proposed to be utilised in each financial year and shall keep the Chief Executive informed with respect to the Council finances and financial performance.
2.1.2 The Chief Financial Officer and Chief Executive collectively shall report to the Strategy Group with respect to the level of resources proposed to be utilised in each financial year and shall keep the Strategy Group informed with respect to the Council finances and financial performance and the Scrutiny and Improvement Committee informed with respect to the financial implications of the activities within its remit.

2.1.3 In the event that he/she considers it necessary to do so, the Chief Financial Officer shall personally report to the Strategy Group regarding concerns he/she has about the Council’s financial position.

2.1.4 The Strategy Group or Corporate Governance Committee shall advise Council on the making and amending of financial regulations as they consider necessary and desirable for the supervision and control of finances, accounts, expenditure, income and assets of the Council in conformity with these Regulations.

3. **FINANCIAL PLANNING**

3.1 The Chief Executive shall submit to the Strategy Group each year a medium-term service and financial plan including an associated programme of capital expenditure and estimates of income and expenditure on revenue account for such future period(s) and in such form and by such date(s) as that Group shall require.

3.2 The Strategy Group shall consider the aggregate effect of these programmes and estimates upon the Council's financial resources in terms of affordability, sustainability and priority, and after determining the annual budget requirement shall submit them to the Council for approval with a recommendation of the Council Tax to be levied for the ensuing financial year.

3.3 Each Member of the Council shall be provided with a copy of the proposed capital programme and revenue budgets together with a statement by the Chief Executive of their effect on the Council's finances and the Council Tax to be levied at least five days before the meeting of the Council at which such matters will be considered.

3.4 When determining the annual budget requirement and the Council Tax requirement for the ensuing year, full Council is required by statute to do so by way of recorded vote (for motions and any amendments).

4. **BUDGETARY CONTROL**

4.1 It shall be the duty of every Executive Director to monitor and regulate the financial performance of their area of responsibility during the currency of each estimate period.

4.2 Expenditure may not be incurred which cannot be met from the amount provided in the approved annual revenue budget under a Budget Head (including any budget virement made in accordance with Regulation 4.3 below) to which that expenditure would be charged or would result in an over spending in the year on that head of estimate in the current year or in subsequent years, unless a supplementary budget has been approved by the Council. This Regulation shall apply to a reduction in income as it does to an increase in expenditure.
Amounts provided under the several Budget Heads of the approved annual revenue budget shall not be diverted to other services or purposes without the approval of the Council save that the following shall apply to proposed revenue budget virements:

4.3.1 Where the in-year or resultant full-year revenue effect is £20,000 or less, the relevant Executive Director in consultation with the Chief Financial Officer shall have the power to approve a virement of budget funds from one Budget Head of the revenue estimates to another.

4.3.2 Where the in-year or resultant full-year revenue effect is over £20,000 but does not exceed £50,000, the Chief Executive or Deputy Chief Executive following consultation with the Chief Financial Officer shall have power to consider and approve such revenue budget virements.

4.3.3 Where the in-year or resultant full-year revenue effect exceeds £50,000, virements must be referred to Council for approval.

4.3.4 Virements into or out of employee staffing budgets shall not be made unless approved by the Chief Executive following consultation with the Chief Financial Officer or in accordance with Regulation 4.3.3, as appropriate.

4.3.5 Where management responsibility for Budget Heads are moved from one team to another, or cost centres are combined, the virement rules are not applicable subject to there being no changes to those Budget Head costs or total combined cost centres.

4.3.6 The virement rules apply to account code level within individual budget heads (cost centres).

4.3.7 Virements will not be approved for implementation outside of the timetable set by the Chief Financial Officer without the express authorisation of the Chief Financial Officer.

4.3.8 In exceptional circumstances, the Chief Financial Officer is able to authorise virements in accordance with proper accounting practices for production of the Statement of Accounts.

Any proposal to vary the approved programme of capital expenditure or receipts by the addition, deletion or material modification of a project, asset disposal or external funding stream in that programme shall be determined by Council, save that the following shall apply to proposed capital budget virements:

4.4.1 Where the in-year resultant total capital effect is £20,000 or less, the relevant Executive Director in consultation with the Chief Financial Officer shall have the power to approve a virement of budget funds from one head of the capital estimates to another.

4.4.2 Where the in-year resultant total capital effect is over £20,000 but does not exceed £75,000, the Chief Executive or Deputy Chief Executive shall have power, following consultation with the Chief Financial Officer, to consider and approve such capital budget virements.

4.4.3 Where the in-year resultant total capital effect exceeds £75,000, virements must be referred to Council for approval.
4.4.4 Notwithstanding the above, proposed capital virements having a consequential revenue and/or staffing effect must be referred to Council for approval, save for those proposed capital virements in respect of which:

4.4.4.1 any such revenue effects have also been considered and if required funded by appropriate revenue budget virements approved under Financial Regulation 4.3 above, and

4.4.4.2 any staffing effects have been considered and approved by the Chief Executive.

4.5 Subject to Regulation 4.6, the inclusion of items in approved revenue estimates or capital programmes shall constitute authority to incur expenditure save to the extent to which the Council shall have placed a reservation on any such item or items. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

4.6 Commitments to incur expenditure exceeding £75,000 in aggregate on capital schemes (excluding those statutorily required pursuant to approved annual or multi-year budgets) may only be entered into in accordance with the following:

4.6.1 For any capital scheme or project included within the approved capital programme with a total budget exceeding £250,000 in value specific detailed scheme approval must (subject to Regulation 4.6.4) first be given by Council unless otherwise agreed by the Chief Executive in special circumstances. Detailed scheme approval will be subject to the submission and approval of a costed plan setting out, for example, key outcomes, scheme elements, timescales and milestones, and full resource implications (capital spending and funding streams; staffing implications and ongoing revenue and capital implications including future asset maintenance and replacement liabilities and commitments).

4.6.2 For a capital project or scheme included in the approved capital programme with a total approved budget over £75,000 but not exceeding £250,000 in value approval must (subject to Regulation 4.6.4) be given by the Chief Executive or Council, subject to the submission and approval of a plan summarising the key service outcomes and resource implications of the scheme.

4.6.3 A capital project or scheme included within the approved capital programme with a total budget below £75,000 in value may be implemented immediately upon approval by Council of the capital programme without requirement for additional scheme approval.

4.6.4 Notwithstanding Regulations 4.6.1 and 4.6.2, the Chief Executive or Deputy Chief Executive may authorise expenditure on the acquisition of land necessary to implement a scheme within the capital programme.

4.7 Revenue expenditure cannot be charged to the capital account or be funded from a virement out of capital budgets. Executive Directors may only charge capital expenditure to their revenue budgets in consultation with the Chief Financial Officer.

4.8 The Regulations which apply to the capital programme, capital budgets and capital expenditure shall apply to the Community Infrastructure Levy (CIL) programme, CIL budgets and CIL expenditure with the following adjustments:
4.8.1 There shall be no requirement to seek approval for variations to CIL income, whether actual or projected.

4.8.2 In the event that CIL income is, or is projected to be, insufficient to meet the planned expenditure from the CIL programme then the Chief Financial Officer in consultation with the Executive Director (Business) shall determine which items of the CIL programme shall not be entered into until the matter can be considered by the full Council.

4.8.3 In the event that Regulation 4.8.2 applies, the Chief Financial Officer and Executive Director (Business) shall review the CIL programme and make recommendations for the amendment of the CIL programme such that planned expenditure is capable of being met within the anticipated level of CIL income. Such recommendations shall be considered by Council in accordance with the usual processes for review of the CIL programme.

4.9 Nothing in these Regulations shall prevent the Chief Executive (or in their absence the Deputy Chief Executive) from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or which is referable to Section 138 of the Local Government Act 1972 subject to such action being reported to the next following meeting of the Strategy Group.

4.10 Where the Strategy Group proposes:

(i) a new policy, or
(ii) a variation of existing policy, or
(iii) a variation in the means or time scale of implementing existing policy,

which affects or may affect the Council’s finances, the Chief Executive shall submit a report to the Strategy Group which shall report thereon to the Council.

Save that a report shall not be required in the event that the proposed policy or variation can be financed from identified savings on or identified virement from other expenditure heads and shall not exceed £50,000 in value for revenue and £75,000 for capital, and approval of any such virements being subject to Regulations 4.3 and 4.4.

4.11 Each Executive Director shall consult the Chief Financial Officer with respect to any matter within their purview which is liable materially to affect the finances of the Council before any provisional or other commitment is incurred. The Chief Financial Officer shall have the power to require any report which has not been the subject of consultation to be withdrawn at their instigation.

4.12 The aggregate total of the amount of virements from any particular Budget Head in any one financial year shall not exceed the appropriate amount specified in Regulation 4.3 or 4.4 above for the purpose of revenue and capital expenditure.

5. BUDGET

5.1 The detailed form of capital and revenue estimates shall be determined by the Chief Financial Officer consistent with the general directions of the Strategy Group and after consultation with Executive Directors.

5.2 Estimates of income and expenditure on revenue account and receipts and payments on capital account shall be prepared, in consultation with Executive Directors, by the
Chief Financial Officer who shall report to the Chief Executive and thence Strategy Group thereon.

5.3 Where it appears that the amount of any budget head of estimate of approved revenue expenditure may be exceeded by 10% (provided that the sum involved is at least £10,000) or the amount of any head of approved income may not be reached by 10% (provided that the sum involved is at least £10,000) or a deviation is such as to materially affect the finances of the Council it shall be the duty of the Chief Financial Officer under Regulation 2.3 to inform the Chief Executive and thence Strategy Group.

5.4 The Chief Financial Officer shall provide each Manager with periodical statements of receipts and payments under each head of approved estimate and other relevant information as he/she has provided. Where such information is readily available through the corporate management information systems, Managers will be expected to use such facilities.

6. **ACCOUNTING**

6.1 All accounting procedures and records of the Council and its officers shall be determined by the Chief Financial Officer. Where such procedures and records are maintained other than by the Chief Financial Officer, he/she shall, before making any determination consult the Executive Director concerned.

6.2 All accounts and accounting records of the Council shall be compiled under the direction of the Chief Financial Officer.

6.3 The following principles shall be observed in the allocation of accounting duties:

6.3.1 The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from duty of collecting or disbursing them;

6.3.2 Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

7. **ADVANCE ACCOUNTS**

7.1 The Chief Financial Officer shall provide such advance accounts as considered appropriate for such officers of the Council as may need them for the purposes of defraying petty cash and other expenses. Such accounts shall be maintained in the imprest system.

7.2 Where it is considered appropriate, the Chief Financial Officer shall open an account with the Council's bankers for use by the imprest holder who shall not cause such account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's banking account shall forthwith be reported to the Chief Financial Officer.

7.3 No income received on behalf of the Council may be paid into an advance account but must be banked or paid to the authority as provided elsewhere in these Regulations.
7.4 Payments shall be limited to minor items of expenditure and to such other items as the Chief Financial Officer may approve and shall be supported by a receipted voucher to the extent that the Chief Financial Officer may require.

7.5 An officer responsible for an advance account shall, if so requested, give to the Chief Financial Officer a certificate to the state of their imprest advance.

7.6 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance an officer shall account to the Chief Financial Officer for the amount advanced to him.

8. Audit

8.1 A continuous internal audit under the control and direction of the Chief Financial Officer shall be maintained to carry out an examination of the Council’s accounting records and its system of internal control.

8.2 The Chief Executive in consultation with the Chief Financial Officer shall endorse the Annual Audit Plan, which shall be approved by the Corporate Governance Committee.

8.3 Internal Audit shall review the Council’s arrangements for corporate governance, risk management and internal control, and provide an independent and objective opinion to those charged with governance. The Internal Audit Charter and principles contained within the Public Sector Internal Audit Standards shall be followed at all times.

8.4 The independent role of internal audit shall in no way diminish the close working relationship with management and other areas of the organisation through its direct and unimpeded access to officers and members as required to undertake its duties. All internal audit reports to management and members shall be made in the name of the Internal Audit Manager.

8.5 The existence of a continuous internal audit service does not in any way diminish the responsibility of Managers for systems of internal control under their remit.

8.6 The Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and Internal Audit Staff shall each have authority to:

8.6.1 have access to all relevant records, assets, personnel and land of the Council, including those of partner organisations or contractors, where appropriate access rights legally can and have been provided for. The Manager responsible for a partnership contract shall ensure a relevant clause is included in legal documents accordingly, as necessary.

8.6.2 require and receive such explanations as are regarded necessary to fulfil their responsibilities.

8.6.3 require any employee or Member of the Council to produce cash, stores or any other Council property under their control.

8.7 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularities in the exercise of the functions of the authority, the member of staff
concerned shall act in accordance with the approved Anti-Fraud, Bribery & Corruption Policy.

9. **BANKING ARRANGEMENTS AND CHEQUES**

9.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Financial Officer who shall authorise Managers to operate such banking accounts as considered necessary.

9.2 All cheques excluding those drawn on authorised imprest accounts, shall be ordered only on the authority of the Chief Financial Officer, who shall make proper arrangements for their safe custody.

9.3 Cheques on the Council's main banking accounts, including National Giro accounts, shall bear the facsimile signature of the Chief Financial Officer or be signed by another officer authorised to do so, provided that for any sum in excess of £10,000 the cheque will be counter-signed by another Authorised Officer.

10. **INCOME**

10.1 The collection of all money due to the Council shall be under the supervision of the Chief Financial Officer.

10.2 Each Manager shall furnish the Chief Financial Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

10.3 The Chief Financial Officer shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.

10.4 All receipt forms, books, tickets and other such items shall be in a form approved by the Chief Financial Officer, or nominated officer, who shall be satisfied as to the arrangements for their control.

10.5 All money received by an officer on behalf of the Council shall without delay be paid as directed by the Chief Financial Officer, to the Council's banking account or transmitted directly to any other body or person entitled thereto. No deduction may be made from such money save to the extent that the Chief Financial Officer may specifically authorise. Each officer who so banks money shall enter on the paying-in-slip in respect of cheques a list of such cheques together with account references where applicable.

10.6 Personal cheques shall not be cashed out of the money held on behalf of the Council.

10.7 Every transfer of official money from one member of staff to another will be evidenced in the records of the areas of the organisation concerned by the signature of the receiving officer.

10.8 Third party cheques shall only be accepted on the authority of the Chief Financial Officer.

10.9 Debt Write-offs for Council Tax, Rents, Rates and Sundry Debtors:
10.9.1 The Revenue and Benefits Services Manager shall have authority to write off all unpaid debts, after all reasonable recovery procedures have been exhausted, up to a limit of £500 per debtor in any financial year in accordance with procedures agreed with the Chief Financial Officer.

10.9.2 The Chief Financial Officer shall have authority to write off unpaid debts, after all reasonable recovery procedures have been exhausted.

10.9.3 All write-offs shall be reported on a summary basis half-yearly to the Chief Executive.

11 INSURANCES

11.1 The arrangements for insurance shall be under the supervision of the Chief Financial Officer.

11.2 The Executive Director (Resources) shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.

11.3 Executive Directors shall give prompt notification to the Executive Director (Resources) of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

11.4 Executive Directors shall give prompt notification to the Executive Director (Resources) in writing of any loss, liability or damage or any event liable to lead to a claim.

11.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance, officials indemnity insurance and professional indemnity insurance.

11.6 The Executive Director (Resources) shall annually or at such other period as considered necessary review all insurances in consultation with Executive Directors as appropriate.

11.7 Executive Directors shall consult the Executive Director (Resources) in respect of the terms of any indemnity which the Council is requested to give.

12. INVENTORIES AND ASSETS

12.1 Inventories shall be maintained by all Managers and therein shall be recorded an adequate description of furniture, fittings and equipment, plant and machinery, save that the extent to which the property of the Council shall be so recorded and the form (i.e. format, items to be included, values etc.,) in which the inventories shall be kept is to be determined by the Chief Financial Officer.

12.2 Each Manager shall be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly, and certifying annually that to the best of their knowledge and belief the inventory is correct.

12.3 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Manager concerned. In the event of valuable equipment being transferred between staff or
used anywhere outside the main Council offices the Manager shall notify the Executive Director (Resources) who will be ensuring adequate insurance cover. Such transfers from one member of staff to another or such uses anywhere outside the main Council offices shall be evidenced in the records of the areas of the organisation concerned by the signature of the staff concerned.

12.4 Each Manager shall immediately inform the Executive Director (Resources) in the event that their area of the organisation acquires or disposes of a capital asset (that is, any item which was valued at £1,000 or more when acquired or was otherwise included in the Council’s asset register).

12.5 Surplus or obsolete vehicles, plant or equipment whose estimated disposal value is in excess of £2,500 shall be disposed of by competitive tender, public auction or as agreed by the Chief Financial Officer. All other surplus or obsolete vehicles, plant or equipment or inventory items shall be disposed of by the appropriate Manager (subject to ICT Usage Practices in the case of relevant items).

13. **INVESTMENTS, BORROWINGS AND TRUST FUNDS**

13.1 Subject to such limits as may be imposed by the Council from time to time, the Chief Financial Officer in line with the Treasury Management Policy Statement shall have authority to undertake such investment and borrowing transactions on the Council’s behalf as is considered appropriate in the interests of good financial management.

13.2 All money in the hands of the Council shall be aggregated for the purposes of Treasury Management and shall be under the control of the Officer or their deputy designated for the purposes of Section 151 of the Local Government Act 1972.

13.3 All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer or through the Chief Financial Officer to staff authorised for the purpose by the Council.

13.4 A Treasury Management Policy Statement setting out its strategy and procedures shall be adopted by the Council and thereafter its implementation shall be delegated to the Chief Financial Officer.

13.5 The following shall apply to treasury management reports:

13.5.1 The Chief Financial Officer shall submit a report regarding “Annual Treasury Management Strategy Statement and Annual Investment Strategy” for consideration and approval by the Council prior to the beginning of each financial year.

13.5.2 The Chief Financial Officer shall submit a mid-year review of Treasury Management activity for consideration and approval by Council.

13.5.3 That the “Annual Report on Treasury Management” be considered and approved by the Chief Executive prior to the statutory deadline on 30th September after the end of each financial year.

13.6 All investments of money under its control shall be made in the name of the Council or in the name of nominees approved by the Chief Executive; bearer securities shall be excepted from this regulation but any purchase of such securities shall be reported to the Chief Executive.
13.7 All securities the property of or in the name of the Council or its nominees shall be held in the custody of the Council's bankers.

13.8 All borrowing shall be effected in the name of the Council.

13.9 The Chief Financial Officer shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council which shall be in the name of the Council except where it has been decided that the Registrar for negotiable bonds shall be a London Company or such other company approved by the Chief Financial Officer and in the case of stock issues where it is decided to use the Council's bankers.

13.10 All trust funds shall wherever possible be in the name of the Council.

13.11 All Officers acting as trustees by virtue of their official position shall deposit all securities etc. relating to the trust with the Monitoring Officer unless the deed otherwise provides.

13.12 The Chief Financial Officer shall have general control over the policies and practices for investments borrowing and trust funds in accordance with Proper Officer functions.

14. **PAYMENT OF ACCOUNTS**

14.1 Apart from petty cash the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's banking account under arrangements agreed by the Chief Financial Officer.

14.2 The Chief Financial Officer will set appropriate authorisation limits in consultation with Executive Directors to be used to verify orders being raised and payments being made. The Authorised Signatory issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from that area of responsibility. The names of Officers authorised to certify such records shall be sent to the Chief Financial Officer by each Executive Director together with specimen signatures and shall be amended on the occasion of any change.

14.3 Before authorising an invoice on-line to the corporate accounts system, the Authorised Signatory shall, save to the extent that the Chief Financial Officer may otherwise determine, be satisfied that:

14.3.1 The work, goods or services to which the account relates have been received, carried out, examined and approved;

14.3.2 The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;

14.3.3 The relevant expenditure has been properly incurred, is within the relevant estimate provision;

14.3.4 Appropriate entries have been made in inventories, stores records or stock books as required; and

14.3.5 The account has not been previously passed for payment and is a proper liability of the Council. In the event of payment being requested on a copy or duplicate invoice, the officer responsible for the Accounts Payable function...
shall annotate the invoice ‘copy invoice not previously paid’ prior to scanning the invoice onto the corporate account system.

14.4 All invoices shall be sent by suppliers to the officer responsible for the Accounts Payable function. They will be examined to the extent considered necessary by the Chief Financial Officer who shall examine them to the extent that he/she considers necessary, for which purpose he/she shall be entitled to make such enquiries and to receive such information and explanation as he/she may require including the reason for the lack of time remaining to obtain a cash discount.

14.5 Where an Officer disagrees with an account he/she shall reject it on-line stating the reason why. The officer responsible for the Accounts Payable function will resubmit the account following any necessary enquiries/amendments.

14.6 Each Manager shall provide the Chief Financial Officer with a duly certified and separate statement listing all outstanding revenue and capital expenditure for work completed or goods received by the 31st March in a given financial year by a date as determined in the Final Accounts timetable agreed by the Chief Financial Officer.

15. **Salaries, Wages and Pensions**

15.1 The Executive Director (Resources) shall make the payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council in accordance with the Council’s obligations under national and local agreements, and all its legal responsibilities.

15.2 Each Manager in consultation with the Governance and HR Manager shall notify the Executive Director (Resources) as soon as possible and in the form prescribed by him/her, of all matters affecting the payment of emoluments, and in particular:

- 15.2.1 Appointments, resignations, dismissals, suspensions, secondments and transfers;
- 15.2.2 Absences from duty for sickness, special leave or other reason, apart from approved leave;
- 15.2.3 Changes in remuneration, other than normal increments and pay awards and agreements of general application;
- 15.2.4 Information necessary to maintain records of service for superannuation, income tax, national insurance and the like.

15.3 Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishment, grades and rates of pay save that the appointment of temporary staff for specific functions or purposes can be made to the extent that there are sufficient funds available within the appropriate cost centre budget.

15.4 All time records or other pay documents shall be in a form prescribed or approved by the Chief Financial Officer and shall be certified by or on behalf of the Manager. The names of Officers authorised to sign such records shall be sent to the Executive Director (Resources), in a form prescribed by the Chief Financial Officer, by each Manager together with specimen signatures and shall be amended on the occasion of any change.
16. **SECURITY**

16.1 Each Manager is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under that Manager’s control. The Manager shall consult the Executive Director (Business) in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

16.2 Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without express permission.

16.3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Chief Financial Officer forthwith.

17. **STOCKS AND STORES**

17.1 Each Manager shall be responsible for the care and custody of the stocks and stores in their area of responsibility.

17.2 Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Chief Executive.

17.3 Managers shall arrange for periodical test examination of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Unless separately agreed by the Chief Financial Officer, a stock take must be undertaken at the close of every financial year and the organisation thereof shall be the responsibility of the Manager.

17.4 The Chief Financial Officer shall have the right to approve the stores system and to receive from each Manager such information as is required in relation to stores for the accounting, costing and financial records. Surplus or obsolete stocks and stores whose total estimated disposal value is in excess of £2,500 shall be disposed of by competitive tender or public auction, or as agreed by the Chief Financial Officer; other materials or stores shall be disposed of as agreed by the appropriate Manager.

17.5 The Chief Financial Officer and the appropriate Executive Director shall have authority to make adjustments to write off deficiencies.

17.6 Personal sales from stocks or stores shall not be allowed except where the items are declared surplus to requirements or obsolete. In this case, Regulation 17.4 shall apply.

18. **TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES**

18.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be promptly submitted following the month in which they were incurred and duly certified in an approved format to the Executive Director (Resources), within payroll deadlines. The names of Officers authorised to sign such records shall be sent to the Executive Director (Resources), in a form prescribed by the Chief Financial Officer, by each Executive Director together with specimen signatures and shall be amended on the occasion of any change.
18.2 Payments to Members, including co-opted Members of Committees of the Council who are entitled to claim travelling or other allowances will be made by the Executive Director (Resources) upon receipt of the prescribed form duly completed and promptly submitted following the month in which expenses were incurred.

18.3 The certification by or on behalf of the Manager shall be taken to mean that the Authorised Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

18.4 Claims submitted more than three months after the relevant period specified in Regulation 18.1 or 18.2 above will be paid only with the express approval of the Chief Financial Officer.

19. PURCHASING CARDS

19.1 Regulation 14 will not apply where a Purchasing Card is used to obtain goods or services.

19.2 A Purchasing Card will only be supplied to individual staff at the request of the Manager and approval of the Chief Financial Officer.

19.3 Cards will be kept in a secure location and will only be used by the named individual.

19.4 A Purchasing Card will only be authorised for use with those categories of spend set by the Chief Financial Officer in consultation with the relevant Manager.

19.5 An individual transaction limit for each card will be set by the Chief Financial Officer in consultation with the relevant Manager. That limit is not to be exceeded by the making of a number of individual transactions for the same item.

19.6 A monthly limit for each card will be set by the Chief Financial Officer in consultation with the relevant Manager.

19.7 An official order will not be completed when using the Purchasing Card but a record will be maintained of the goods or services ordered in a form approved by the Chief Financial Officer.

19.8 The relevant Authorised Officer is responsible for examining, verifying and certifying the related invoice(s), vouchers or accounts arising from sources within their area of responsibility. Such certification shall by or on behalf of the relevant Manager. The names of Officers authorised to sign such records shall be sent to the Chief Financial Officer by each relevant Manager, together with specimen signatures and shall be amended on the occasion of any change.

19.9 Before certifying an account the authorising Officer shall, to the extent that the Chief Financial Officer may otherwise determine, be satisfied that:

19.9.1 The work, goods or services, to which the account relates, have been received, carried out, examined and approved.

19.9.2 The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.
19.9.3 The relevant expenditure has been properly incurred, is within the relevant estimate provision.

19.9.4 Appropriate entries have been made in inventories, stores records or stock books as required.

19.9.5 The account has not been previously passed for payment and is a proper liability of the Council.

19.10 Duly certified accounts shall be passed without delay to the Executive Director (Resources) who shall examine them to the extent that he/she considers necessary, for which purpose he shall be entitled to make such enquiries and to receive such information and explanation as he may require including the reason for lack of time remaining to avoid paying interest.

19.11 Where a card is misused it may be withdrawn by the Chief Financial Officer following consultation with the relevant Manager.
PART 6F  CONTRACT AND PROCUREMENT REGULATIONS

1. INTRODUCTION

1.1 These Regulations are made in pursuance of the Constitution of the Council adopted in accordance with the requirements of the Local Government Act 2000, their purpose being to provide a clear regulatory Code for the procurement of:

- goods
- works
- services

for the Council which will ensure a framework of openness, integrity, and accountability and evidence the probity and transparency of the process.

1.2 They are intended to provide optimum value for money and objectively demonstrate that the Council is fulfilling its fiduciary responsibilities.

2. INTERPRETATION

2.1.1 The following terms have the meanings given unless the context requires otherwise:

- “Authorised Officer” means a person with appropriate delegated authority to act on behalf of the Council.
- “Authorised Signatory” means an Officer with delegated authority to authorise official orders and/or payments due to Contractors.
- “Best Value for Money” means the optimum combination of whole life costs and benefits to meet the Council’s requirements, including relevant policy considerations. (Such term equates to the EU Regulations reference to the “most economically advantageous offer”).
- “Contract” means any legally binding arrangement under which the Council enters into an obligation to make payment for the supply of goods, works or services. For the avoidance of doubt this excludes contracts relating to land and real property even if they contain incidental provisions relating to goods, works or services.
- “Contractor” means any natural or legal person who supplies goods, services or works.
- “Contract Register” means the central register of contracts required to be kept under Regulation 13.1.
- “Contracts Finder” means the web-based portal provided by the Cabinet Office.
- “Corporate Procurement and Efficiencies Working Group” means the internal Officer Working Group charged with promotion of good procurement practice.
- “EU” means the European Union, including where applicable the European Economic Area.
- “EU Procurement Threshold” means the current threshold for the application of the EU public or utility procurement directives as applicable to the type of Contract envisaged.
“EU Regulations” means the EU rules on public procurement set out or derived from the EU Treaties (commonly known as the general principles of EU law), the EU public and utility procurement Directives and their implementation by the UK Regulations.

“Framework” means an agreement which allows the Council to call off from a supplier supplies, services or works in accordance with the terms of the agreement. The Framework itself would usually constitute a non-binding offer with no obligations on the Council to call off from the Contractor. If the Council calls off from the Contract a binding contract comes into being.

“Inter-Public Agreement” means any agreement between the Council and another public body under which the other party provides goods, works or services for the benefit or at the instruction of the Council but which is not subject to requirements to comply with public procurement law.

“ITT” means Invitation to Tender.

“Manager” means an Executive Director or a Service Manager (where appropriate includes the Chief Executive or Deputy Chief Executive).

“PQQ” means a Pre-Q Qualification Questionnaire.

“Prequalification Threshold” means the current EU Threshold for services Contracts or if there is no such EU Threshold applicable in England, £181,302.

“Procurement Portal” means a website or similar facility adopted by the Council for the secure transmission of RFQs, quotations, ITTs, tenders and material associated with them. The Procurement Portal may constitute more than one system.

“Procurement Strategy” means a strategy adopted by the Council from time to time setting out the significant issues it faces in procurement and how these will be addressed.

“Regulation” means a Contract and Procurement Regulation.

“Risk Register” means a device used in some forms of contract to record quantified financial risks to the Council of different eventualities arising.

“Service Manager” means an officer reporting to an Executive Director who has management responsibility for a functional unit, whether or not their job title contains the words ‘Service Manager’.

“Standard Terms and Conditions” means standard terms and conditions for the supply of goods, services or works, as approved from time to time by the Chief Executive, having regard to the Council’s Corporate Procurement Strategy.

2.1.2 All sums used in these Regulations shall be rounded to the nearest whole pound.

2.1.3 References to the Internal Audit Manager include auditors working under his management.

3. COMPLIANCE

3.1 The Council, all of its employees and also external consultants acting on its behalf, shall be under a duty in all circumstances to:
• Comply with all relevant legal obligations including the provisions of the EU Regulations and EU State Aid rules.
• Seek to obtain Best Value for Money.
• Have regard to the Council’s Procurement Strategy and any guidance adopted by the Council on procurement matters.
• Except where otherwise permitted by a resolution of Full Council or under these Regulations, comply with the other provisions of these Regulations and of the Council’s Constitution.

3.2 The Regulations shall apply to all procurement carried out and contracts made by the Council except:

3.2.1 Contracts of employment and for the engagement of individual agency workers

3.2.2 Procurement which would not result in a Contract.

3.2.3 Procurement necessary as a result of unforeseen emergencies that would involve immediate risk to persons, property or serious disruption to Council services. In such cases as much of these Regulations as can be complied with whilst meeting the urgent need, shall be. (See Regulation 3.4.)

3.2.4 Contracts which merely allow for the transfer of Community Infrastructure Levy monies to another public body for the purpose of it providing a particular item of infrastructure.

3.3 Regulations 6 to 10 inclusive (except for the definitions of “Low Value” and “High Value” and Regulations 7.1, 7.3 and 7.10 which shall apply) shall not apply in the following cases:

3.3.1 Contracts where the Council is to be reimbursed through an insurance policy and the requirements of the insurer are complied with.

3.3.2 Contracts where the Council is acting as an agent authority and the requirements of the principal are complied with.

3.3.3 Contracts where the goods, services or works to be procured are obtained through or on behalf of a consortium, association or other similar body whose contract or Framework the Council has access to. (See Regulation 3.5)

3.3.4 Contracts relating to proprietary or patented goods, services or works sold only at a fixed price from one contractor or being of a specialist nature where no reasonable satisfactory alternative is available. (See Regulation 3.4.)

3.3.5 Contracts for the engaging of legal advisors or of professional advisors necessary for the conduct or contemplated conduct of legal action (whether initiated by the Council or otherwise, and including arrangements to settle such action other than by recourse to the courts), public inquiries, examinations in public and similar events.

3.3.6 Contracts which are Inter-Public Agreements.

3.4 Where the exemptions permitted in Regulations 3.2.3 or 3.3.4 have been applied, or less than the required number of quotations in accordance with Regulations 7.5, 7.6
or 7.7 have been obtained or less tenders have been received than the number indicated as sufficient (see Regulation 5.2.2), a report setting out the action taken and the justification for it shall be submitted to the Corporate Procurement and Efficiencies Working Group as soon as practicable by the responsible Manager.

3.5 Where the exemption permitted in 3.3.3 has been applied then insofar as this is compatible with the requirements of the arrangement being used:-

3.5.1 Regulations 10.5 to 10.13 shall also apply, if they would have applied had the exemption not been invoked.

3.5.2 Regulation 7.7 shall apply, if it would have applied had the exemption not been applied, if the contract or Framework provides for competitive submissions by more than one Contractor, as if the submissions were quotations, but without the obligation to seek to obtain at least three such submissions unless the contract or Framework provides for this.

3.6 Regulations 12.1 and 12.2 shall not apply to Inter-Public Agreements.

3.7 Any other exemption from any of these Regulations may be made by:

3.7.1 Direction of the Council or a committee authorised in that behalf.

3.7.2 For contracts with an estimated value of up to £100,000, by the Chief Executive.

3.8 A record of any such exemption from any of the provisions of the Regulations together with the specific reasons for it shall be included within the minutes of the Council or such committee by which the exemption was made, or in the case of an exemption under Regulation 3.7.2, the minutes of the Senior Management Team.

3.9 The highest standards of probity are required of all employees and Members involved in the procurement, award and management of Council Contracts.

4. **DELEGATED AUTHORITY**

4.1 Any Procurement carried out on behalf of the Council may only be undertaken by employees with the appropriate delegated authority to carry out such tasks. Such employees shall be both informed by their Manager and self-informed of the extent of any delegated authority and any applicable financial thresholds for each procurement.

4.2 Within approved budgets Authorised Officers may authorise other employees to place orders against Framework Agreements which have been entered into by the Council. In this Regulation “order” includes any instruction which creates an obligation on a Contractor to provide goods, works or services in accordance with the terms of a Framework, whether or not it is an official order under Regulation 7.1.

5. **PRE-PROCUREMENT PROCEDURE**

5.1 Before undertaking a procurement the Authorised Officer shall:

5.1.1 consider all other means of satisfying the need (including recycling and re-use where appropriate);
5.1.2 consider whether there is an appropriate Framework Agreement which should be used; and

5.1.3 establish a business case for the procurement.

5.2 Before commencing any proposed procurement process the Authorised Officer shall:

5.2.1 Consult the relevant Portfolio Holder where the procurement impinges significantly and directly on the public or may be considered controversial or is likely to have significant budgetary implications or involve transfer of employees. Such consultation shall be deemed to have taken place if the matter has been the subject of a report to Strategy Group or Council.

5.2.2 Advise, and receive approval to the proposed approach from, the Corporate Procurement and Efficiencies Working Group where the value of any Contract is likely to be in excess of £25,000. In cases of High Value Procurement, such a report shall indicate the minimum number of tenders considered sufficient.

5.2.3 Consult with the Executive Director (Business) in respect of any EU Procurement rules and any other legal or related issues

5.3 The Authorised Officer shall have regard to any advice, procedures and requirements arising from consultation in accordance with Regulation 5.2.

6. SELECTION OF PROCUREMENT PROCESS

6.1 For the purposes of these Regulations the value of any Contract shall be taken as the value or consideration for the Contract as a whole over the contract period.

6.2 The Council should make the best use of its purchasing power by aggregating purchases wherever this is likely to maximise best value for money. Particular supplies, services or works shall not be split in an attempt to avoid the applicability of these Rules or the EU Regulations. However, it is valid to seek to maximise opportunities for smaller entities to be awarded Contracts if this would be likely to maximise best value for money. This may involve disaggregating purchases.

6.3 The procurement process to be adopted shall be in accordance with the following table. However, a higher numbered procurement process may be adopted than that specified in the table. For example, if Process II was called for, it would be permissible to use Process III, IV, V or VI

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<thead>
<tr>
<th>Estimated Contract Value</th>
<th>Procurement Process</th>
<th>Classification</th>
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<td>Above (£)</td>
<td>To (£)</td>
<td>I</td>
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<td>II</td>
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<td>50,000</td>
<td>IV</td>
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<td>50,000</td>
<td>Prequalification Threshold</td>
<td>V</td>
</tr>
<tr>
<td>EU Procurement Threshold</td>
<td>No limit</td>
<td>VII</td>
</tr>
<tr>
<td>EU Procurement Threshold</td>
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</tbody>
</table>
6.4 In the event of doubt, the Authorised Officer shall consult the Executive Director (Business) to establish how the estimate should be prepared or to identify the current EU Procurement Threshold for the proposed procurement in question.

7. **LOW VALUE PROCUREMENT**

7.1 The Council shall have a form for official orders. This shall be in a form approved by the Chief Financial Officer. Orders may only be issued in accordance with these Regulations and must be approved by an Authorised Signatory.

7.2 Official orders shall be issued for all Low Value Procurement except for signed contracts, supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the Chief Financial Officer may approve. Unless Financial Regulation 19 applies, orders placed verbally or via the internet shall only be made by Authorised Officers and shall immediately be confirmed by completion of an official order form signed by an Authorised Signatory, as set out in Financial Regulation 14.2.

7.3 A copy of each order shall be supplied to the Chief Financial Officer.

7.4 For procurement under Process I, an official order may be placed.

7.5 For procurement under Process II, written or verbal quotations from at least two Contractors must, subject to Regulation 7.8, be obtained and recorded. An official order may then be placed with one of the Contractors.

7.6 For procurement under Process III, written quotations from a minimum of three Contractors must, subject to Regulation 7.8, be obtained (faxes and emails are deemed to be written for these purposes). An official order may then be placed with one of the Contractors. Consideration shall be given to using the Procurement Portal for this purpose.

7.7 For procurement under Process IV, the following shall apply:

7.7.1 Written quotations from a minimum of three contractors must, subject to Regulation 7.8, be obtained (faxes and emails are deemed to be written for these purposes). Wherever practicable the Council’s Procurement Portal shall be used for this purpose.

7.7.2 The opportunity must not be advertised (if it is desired to advertise, use Process V).

7.7.3 Quotations must be required to be sent to an Officer who is not responsible for the procurement, and clearly marked as quotations.

7.7.4 The proposed terms of the Contract must be specified in the request for quotations.

7.7.5 Following receipt of quotations, if the value is £50,000 or less an official order may be placed with one of the Contractors. If the value proposed for acceptance is over £50,000 then a Contract may only be entered into with the permission of the Chief Executive justified by the particular circumstances of the case, such as urgency or particularly good value for money being obtained which would otherwise be lost. In the event that the Chief Executive does give approval Regulation 7.9.5 shall apply as if Process V had been followed.
7.8 If despite reasonable efforts having been made to obtain the required minimum number of quotations under Process II, III or IV fewer than the required number of Contractors respond to a quotation request then an order may be placed with one of the Contractors who did provide a quotation. A record must be kept of the efforts made to obtain the minimum number and reported in accordance with Regulation 3.4.

7.9 For procurement under Process V, the following shall apply:

7.9.1 The opportunity shall be advertised on Contracts Finder. This shall be sufficient unless it is unlikely that sufficient Contractors will respond without further notice in which case a notice shall also be placed on another website or in a journal or magazine likely to be read by Contractors interested in the proposed Contract. Notification on Contracts Finder must be within 24 hours of any other way of advertising the opportunity.

7.9.2 Formal quotations shall be sought against a defined set of requirements, including as appropriate the items detailed in Regulation 10.4. Wherever practicable the Council’s Procurement Portal shall be used.

7.9.3 In the event that the Procurement Portal cannot be used, formal quotations must be required to be sent to an Officer, nominated by the Executive Director (Resources), who is not responsible for the procurement, and clearly marked as quotations.

7.9.4 The proposed terms of the Contract must be specified in the request for quotations.

7.9.5 The procurement shall from that time follow the process for a High Value Procurement (that is, Regulations 10.8 to 12.5 inclusive), with references to tenders being replaced with references to formal quotations, except that it shall be permitted to form the Contract by placing an official order citing the relevant material.

7.10 Upon issuing the order, if the Contract thereby created will have a term of 12 months or greater, the Manager shall notify the Executive Director (Business) of the name of the contractor, details of the works, supplies or services to be provided and the contract value for inclusion in the Contract Register.

8. **HIGH VALUE PROCUREMENT**

8.1 For procurements subject to Process VI or VII, a Contract Award Procedure shall (subject to Regulation 8.3) be conducted in accordance with Regulations 8 to 12 inclusive.

8.2 Prior to the commencement of the Contract Award Procedure the Authorised Officer shall develop a procurement approach which shall address, in particular, the outcome, legal, commercial and risk factors affecting the procurement. The procurement approach shall seek to ensure that only Contractors whose eligibility, financial standing and technical capacity is suitable to enable them to fulfil the Contract requirements. For these purposes, technical capacity includes quality management systems including human resources, health and safety and environmental management systems where relevant to the performance of the Contract.

8.3 Where the estimated value of a proposed Contract exceeds the relevant current EU Procurement Threshold (that is, that Process VII applies) then:
8.3.1 The proposed Contract shall be tendered in accordance with the EU Regulations.

8.3.2 Any procurement system permitted under the EU Regulations may be adopted subject to the requirements of the EU Regulations for the use of such approaches.

8.3.3 The provisions of Regulations 9, 10 and 11 shall only apply to the extent they are compatible with the requirements of the procurement system under EU Regulations selected.

8.3.4 Publication in Contracts Finder (see Regulation 9.4) must be within 24 hours of the time at which, under the EU Regulations, national publication is permissible.

8.4 The EU Regulations set out the minimum timescales for various stages, which are varied under different conditions, the Executive Director (Business) being the determiner of this and any other interpretation or application of the EU Regulations.

8.5 Prior to commencing a High Value Procurement the Authorised Officer shall:

8.5.1 Consider if Prequalification is required (see Regulation 9).

8.5.2 Determine which terms and conditions of contract will apply. If the terms and conditions are not to be the Council's Standard Terms and Conditions then the proposed terms and conditions shall be approved by the Executive Director (Business) or a legally qualified advisor in consultation with the Chief Executive.

8.5.3 Consider, in consultation with the Chief Financial Officer, the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance to be required of a Contractor under the Contract.

8.5.4 Consider, in consultation with the Executive Director (Business), whether and under what conditions a performance bond and/or parent company guarantee should be required from a potential Contractor.

9. **PREQUALIFICATION**

9.1 Except in cases where Regulation 9.2 applies, the Council shall select (“prequalify”) those who are to tender for a Contract in accordance with this Regulation 9.

9.2 The cases where it is not required to prequalify tenderers are as follows:

9.2.1 Where the goods are to be purchased which can be clearly and unambiguously specified and the only selection criteria are price and other criteria which are quantitative and not subject to subjective interpretation.

9.2.2 Where it is unlikely that more Contractors will make tenders than would apply to be prequalified.

9.2.3 Where a prequalification stage is prohibited by Regulation 111 of the Public Contracts Regulations 2015 (that is, where the estimated value is less than the EU threshold for that contract except in the case of works contracts where the EU threshold for services contracts applies to this prohibition).
9.3 Wherever practicable, communication in relating to prequalification, including receipt of PQQs shall be by means of the Procurement Portal. (Use of the Procurement Portal satisfies the test of using electronic means).

9.4 Notice of the Council’s desire to prequalify tenderers shall be given in an appropriate place. This shall include publication on Contracts Finder, which must be within 24 hours of any other way of advertising the opportunity, and, unless it is not practical to do so, include placing the notice on a suitable website. This shall be sufficient unless it is unlikely that sufficient Contractors will respond to a notice placed only on the website, in which case a notice shall also be placed in a journal or magazine likely to be read by Contractors interested in the proposed Contract.

9.5 The notice shall include:

9.5.1 A brief description of the proposed Contract including such information as Contractors are likely to find useful in deciding if they wish to apply to prequalify to tender for it.

9.5.2 Instructions as to how to obtain, complete and return the PQQ.

9.5.3 A closing date and time by which all PQQs must be returned.

9.6 Where it is practicable and cost effective to do so:

9.6.1 The PQQ should be made available to download from a website or similar service.

9.6.2 If this is not possible, the PQQ should be sent out to those who request it by electronic means.

9.7 Returned PQQs shall only be considered if the Manager responsible for the procurement is satisfied that there is sufficient evidence for the PQQ having been despatched in sufficient time for it to have arrived before the closing date and time.

9.8 PQQs shall be evaluated in accordance with the criteria set out in the PQQ.

9.9 Following evaluation, Contractors who applied to be prequalified shall be informed of their inclusion or non-inclusion in the tender list.

9.10 The Authorised Officer shall provide appropriate information to unsuccessful candidates for pre-qualification on written request or where required by the EU Regulations. Such information shall not, except where otherwise required by law, disclose commercially confidential information relating to other candidates without their consent.

10. TENDERS

10.1 Wherever practicable, communication in relation to tenders, including receipt of tenders shall be by means of the Procurement Portal. (Use of the Procurement Portal satisfies the test of using electronic means).

10.2 If the procurement approach adopted involves the prequalification of tenderers then all those Contractors who prequalified shall be sent the ITT. Where it is practicable and cost effective to do so the ITT should be supplied by electronic means.
10.3 If the procurement approach adopted does not involve the prequalification of tenderers then either or both of the following shall be applied:

10.3.1 The ITT shall be made available to download from a website or similar service. Notice of the Council’s desire to prequalify Contractors shall be placed on Contracts Finder. This shall be sufficient unless it is unlikely that sufficient Contractors will respond without further notice in which case a notice shall also be placed on another website or in a journal or magazine likely to be read by Contractors interested in the proposed Contract notifying them of where the ITT may be downloaded from. Notification on Contracts Finder must be within 24 hours or any other way of advertising the opportunity.

10.3.2 The ITT shall be sent to all Contractors who respond to a public notice published on Contracts Finder. Placing the notice on Contracts Finder site shall be sufficient unless it is unlikely that sufficient Contractors will respond to a notice placed only there in which case a notice shall also be placed on another website or in a journal or magazine likely to be read by Contractors interested in the proposed Contract. Notification on Contracts Finder must be within 24 hours of any other way of advertising the opportunity. Where it is practicable and cost effective to do so the ITT should be sent out by electronic means.

10.4 The ITT shall include details of the Council’s requirements for the particular contract including:

10.4.1 A description of the services, suppliers or works being procured;

10.4.2 The procurement timetable, including the return date and time, which shall allow a reasonable period for applicants to prepare their tenders;

10.4.3 A specification and instructions on whether any variants are permissible. For the avoidance of doubt a specification may be a performance specification or any other means of conveying the Council’s requirements.

10.4.4 The terms and conditions of contract which will apply.

10.4.5 The evaluation criteria including any weightings as considered appropriate.

10.4.6 The pricing mechanism and instructions for completion.

10.4.7 If relevant, whether the Council is of the view that TUPE may apply.

10.4.8 If the Council is of the view that TUPE will or may apply, either details of affected employees and their terms and conditions sufficient to allow tenders to be prepared or notice of how tenderers may access this information.

10.4.9 The form and content of any method statements to be provided.

10.4.10 Rules for submission of tenders, which shall include the requirements of Regulation 10.6 or 10.7 as appropriate. Wherever practicable, submission should be by electronic means.
10.4.11 A statement as to whether a parent company guarantee and/or performance bond will be required, or under what conditions either or both would be required.

10.4.12 If it is possible that a parent company guarantee or performance bond will be required the terms of such guarantee and/or bond.

10.4.13 Requirements for insurance the Contractor would have to hold, including employer liability, public liability and professional indemnity.

10.4.14 A statement that the Council may disclose the names and scores of each tenderer to other tenderers as part of post-tender debriefing.

10.4.15 A statement that the Council reserves the right not to accept any tender and a right to accept a tender other than the lowest where payment is to be made by the Council or the highest where payment is to be received by the Council.

10.4.16 Any further information which will inform or assist tenderers in preparing tenders.

10.5 Tenders may be submitted by either physical or electronic means, or both, as permitted by the ITT.

10.6 In the case of tenders submitted by physical means the following shall apply:

10.6.1 Tenders shall be in a sealed envelope addressed to the Chief Executive endorsed by the word “Tender” followed by the subject matter to which it relates.

10.6.2 Nothing on the envelope shall indicate who the tender is from.

10.6.3 Tenders shall be kept in a safe place by the Executive Director (Resources) and remain unopened until the time and date specified for their opening.

10.6.4 No tender shall be accepted unless the Executive Director (Resources) is satisfied that there is sufficient evidence of the tender having been despatched in sufficient time for it to have arrived before the closing date and time and of the tender having been sufficiently secured thereafter and not been compromised.

10.7 In the case of tenders submitted by electronic means the following shall apply:

10.7.1 Tenders are submitted by email addressed to a functional email address established for this purpose by the Executive Director (Resources) and under their control or by posting to a secure website or similar service.

10.7.2 Tenders are received via the Procurement Portal and are kept in a separate secure folder or facility under the control of or approved by the Executive Director (Resources) and remain unopened until the deadline has passed for receipt of tenders.

10.7.3 No tender shall be accepted unless the Executive Director (Resources) is satisfied that there is sufficient evidence of the tender having been despatched in sufficient time for it to have arrived before the closing date.
and time, and of the tender having been sufficiently secured thereafter and not been compromised.

10.8 Tenders shall be opened by the Authorised Officer and at least one other employee who is independent from the procurement process nominated by the Executive Director (Resources). An immediate record shall be made of the tenders received including names, addresses and the date and time of opening.

10.9 The Authorised Officer shall maintain a list of all tenders received. If less tenders are received than the number identified as sufficient in the report to the Corporate Procurement and Efficiencies Working Group (see Regulation 5.2.2) a report shall be made to that Working Group in accordance with Regulation 3.4.

10.10 The following shall apply to the evaluation of tenders:

10.10.1 Tenders shall be evaluated in accordance with the evaluation criteria set out in the ITT.

10.10.2 Where an error is found in a tender before acceptance, details of it shall be given to the tenderer and they shall be given an opportunity of confirming or withdrawing their offer. In the case of genuine arithmetical errors discovered before acceptance, the tenderer may be given the chance to correct the error, but no other adjustment, revision or qualification is permitted in respect of such errors.

10.10.3 At all times during the procurement, whether subject to the EU Regulations or not, the principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality shall be applied.

10.11 Before any Contract Award is made the Internal Audit Manager shall have the opportunity to approve:

10.11.1 The result of the evaluation made under Regulation 10.10.1.

10.11.2 That the Constitutional requirements in relation to the procurement have been met.

10.12 No Contract Award shall be made unless either:

10.12.1 The Internal Audit Manager has approved the result of the evaluation under Regulation 10.10.1; or

10.12.2 The Internal Audit Manager has given written notice that he does not wish to consider the result of the evaluation.

10.13 The Authorised Officer responsible for each procurement shall provide appropriate information to unsuccessful tenderers on written request or where required by the EU Regulations. Such information shall not, except where otherwise required by law, disclose commercially confidential information relating to other tenderers without their consent.

11. LETTERS OF INTENT

11.1 Letters of Intent shall only be used in exceptional circumstances where one of the following applies:
11.1.1 Where a tenderer is required to provide services, supplies or works prior to formal written acceptance by the Council.

11.1.2 Where the Council’s form of tender does not include a statement that until such time as a formal contract is executed, the Council’s written acceptance of a tender shall bind the parties into a contractual relationship.

11.2 Letters of Intent may only be issued by the Executive Director (Business) and only after the following:

   11.2.1 The Authorised Officer has obtained any necessary Council and financial consents to do so.

   11.2.2 Notification in accordance with Regulation 10.13 and any applicable EU Regulations has taken place.

   11.2.3 Any standstill period required under the EU Regulations has been complied with.

   11.2.4 Internal Audit approval has been given under Regulation 10.11 or the Internal Audit Manager has given notice under Regulation 10.12.12 that he does not wish to consider the tender evaluation report.

12. **Acceptance of Tenders**

12.1 Subject to Regulation 10.12, the Chief Executive shall have the power to accept the tender which scores most highly against the ITT evaluation criteria.

12.2 Following compliance with Regulation 10.13 and any standstill period required under the EU Regulations the Contract may be entered into with the Contractor whose tender was accepted under Regulation 12.1. The Contract shall be in the terms of the ITT and tender, but in the event of conflict between the two the terms of the ITT shall prevail.

12.3 All High Value Contracts shall be signed by the Chief Executive (or in their absence the Deputy Chief Executive) on behalf of the Council.

12.4 Electronic signatures may be used in accordance with the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 provided the sufficiency of security arrangements has been approved by the Executive Director (Resources).

12.5 Where required under the EU Regulations the Authorised Officer shall publish a Contract Award Notice following entry into a Contract within the time scales appropriate thereto. Where required under the Public Contracts Regulations 2015 the Authorised Officer shall publish a notice of award of the contract on Contracts Finder within the timescales appropriate thereto.

13. **Contract Records**

13.1 A central Contracts Register of all High Value Contracts and all Contracts with term of 12 months or greater shall be maintained by the Executive Director (Business). The Contracts Register shall be maintained electronically.
13.2 Upon signing of the Contract, the Manager shall notify the Executive Director (Business) of the name of the contractor, details of the works, supplies or services to be provided and the contract value for inclusion in the Contract Register.

13.3 The Executive Director (Business) shall have custody of the formal Contract agreement, including the original tender documents, under secure arrangements agreed with the Executive Director (Resources).

13.4 For every individual contract, a contract file shall be maintained by the Authorised Officer where practicable.

13.5 Where the contracts provide for payment to be made by instalments, the Chief Financial Officer shall arrange for the keeping of a financial sheet within the central contract register to show the state of account on each contract between the Council and the contractor.

14. **CONTRACT MANAGEMENT**

14.1 In the case of construction contracts (as defined in Part 2 of the Housing Grants, Construction and Regeneration Act 1996) or any other Contract which provides for payment to be made against progress certified by a particular person, payment shall not be made except against such certification.

14.2 Whether or not Regulation 14.1 applies, payments under a Contract shall not be made unless approved by the appropriate Manager or officer with delegated authority to approve expenditure.

14.3 In instances when advance payments are made (this is only applicable to other public bodies and utilities), the Contract shall include details of the terms, commencement and potential return of the payment in the event of an extended delay. Such advance payments shall be recorded in the central contract register.

14.4 The following shall apply to amendments to contracts or work to be carried out under them:

14.4.1 Amendments to the terms of contracts may only be agreed between the Council (negotiated by and agreed by the appropriate Manager with appropriate professional advice) and the contractor, and shall be made in writing and in appropriate legal form. The Manager shall be responsible for ensuring the amendments remain within the Council's policies and the law. The right to make amendments to terms of contracts shall not be assigned to any person outside the Council.

14.4.2 Amendments to specifications, scopes, items of work, quantities or other such variations shall be made in accordance with the procedures set out in the contract and documented or by agreement under Regulation 14.4.1 above.

14.4.3 Any amendment under Regulation 14.4.1 or 14.4.2 which is likely to result in an increased cost (or reduced income) to the Council shall only be issued if the change in cost (or reduced income) is estimated before issue, except where issue is justified by an emergency situation. In such a case, a report setting out the circumstances of the case shall be submitted to the Chief Executive for endorsement.
14.4.4 Any such variation, the estimated additional cost of which exceeds £60,000 or 20 per cent of the original contract value plus the total of any Risk Register (whichever is less), provided that the sum is in excess of £5,000, shall be reported as soon as practicable to the Chief Executive, or to the Strategy Group if the amount of excess exceeds £100,000, for appropriate action.

14.4.5 The Chief Financial Officer shall, to the extent he/she considers necessary, examine final accounts and contracts and shall be entitled to make all such enquiries and receive such information and explanations as required in order to be satisfied regarding the accuracy of the accounts. (However, this is without prejudice to any provisions of a contract or statute requiring resolution of disputes by adjudication or arbitration).

14.4.6 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Executive Director (Business) for consideration of the authority's legal liability and, where necessary, to the Chief Financial Officer before a settlement is reached.

14.4.7 Where completion of a contract is delayed beyond the contract period it shall be the duty of the Executive Director where appropriate to take action in respect of any claim for liquidated damages and to report their action to the Chief Executive and the Monitoring Officer.

14.4.8 In any case where the total cost of any work carried out under a contract exceeds by more than 20 per cent the original contract sum plus the total of any Risk Register relating to that Contract or £100,000 (whichever is the less), provided that the sum is in excess of £5,000, a report of such cost shall, immediately after agreement of the final account, be reported for information to the Chief Executive.

14.5 Where the Contractor defaults on the contract it shall be the duty of the Manager to take appropriate action and, in the case of a significant default, for the Executive Director to report any such action to the Chief Executive and the Monitoring Officer.

14.6 Any contract may be extended in accordance with its terms. Any other extensions shall require the approval of the Chief Executive, Full Council or relevant Committee and must also comply with the EU Regulations if applicable. Such extensions shall be recorded in the Contract Register. The Authorised Officer shall always be satisfied that extension will achieve Best Value for Money and is reasonable in all the circumstances.

14.7 The Executive Director (Business) must be consulted with regard to any termination or proposed termination of any Contract.

15. PARTICULAR FORMS OF PROCUREMENT

15.1 If a subcontractor is to be nominated to a main Contractor the following shall apply:

15.1.1 Subject to Regulations 15.1.2 to 15.1.4 inclusive, Regulations 6 to 10 inclusive shall apply to the selection of a subcontractor to be nominated as they apply to the selection of a Contractor.

15.1.2 The terms of the invitation to submit a quotation or tender shall be compatible with the main Contract.
15.1.3 The terms of the invitation to submit a quotation or tender shall require an undertaking by the tenderer that, if it is selected, it will be willing to enter into a contract with the main Contractor on terms which indemnify the main Contractor against its own obligations under the main Contract in relation to the work or goods included in the subcontract and enter into an agreement to indemnify the Council in such terms as may be set out.

15.1.4 The subcontractor whose offer is accepted shall be nominated to the main Contractor in accordance with the terms of the main Contract.

15.2 The Council may create Frameworks. If under such a Framework Contracts would be created, these Regulations shall apply to the creation of the Framework as if the Framework were a Contract. For that purpose the estimated value of all Contracts expected to be let under the Framework shall be the value estimated under Regulation 6.

15.3 Where procurement is to be undertaken jointly with other organisations:

15.3.1 If the Council is conducting the procurement these Regulations shall apply.

15.3.2 If another public body is conducting the procurement their rules may apply in place of Regulations 6 to 12 inclusive (except for Regulations 7.1, 7.3 and 7.10 which shall apply) but the remainder of these Regulations shall apply.

15.3.3 It shall be subject to agreed terms of reference.

15.4 Where the Council uses consultants to act on its behalf in relation to any procurement then the relevant Authorised Officer shall ensure that such consultants carry out any procurement in accordance with these Regulations. No consultant shall make any decision on whether to award a Contract or to whom a Contract should be awarded.

16. PROCUREMENT RETURNS

16.1 The Executive Director (Business) shall make arrangements for the compilation and submission or publication, as required, of information relating to procurements required under:


16.1.2 The EU Regulations and (insofar they are not EU Regulations) the Public Contracts Regulations 2015.

16.2 Managers shall comply with arrangements made under Regulation 16.1.
Part 6G  LAND AND PROPERTY REGULATIONS

1. INTERPRETATION

1.1 These Regulations are Standing Orders of the Council as defined in Section 106 of the Local Government Act 1972 and related enactments.

1.2 In these Regulations the following expressions shall have the meanings given unless the context requires otherwise:

“Authorised Officer” means a person with appropriate delegated authority to act on behalf of the Council

“Council” means Daventry District Council as a corporate body.

“Full Council” means a formal meeting of the Members of Daventry District Council (as opposed to the Council as a corporate body)

“ITT” means Invitation to Tender.

“Manager” means an Executive Director or their nominated representative.

“Minor Acquisition” means any of the following:

- The taking of a lease or license to occupy Land for a period of up to seven years, or for a longer period subject to a tenant’s break option at its discretion at periods not exceeding seven years.
- The acquisition of a wayleave, easement or similar right over Land.
- The acquisition of a right to develop or use Land owned, leased or occupied by the Council otherwise than in accordance with a legal right held by a third party.
- The acquisition of land by freehold or leasehold for the purposes of an electricity sub-station or similar installation.

“Minor Disposal” means any of the following:

- The grant of a lease or license to occupy Land for a period of up to seven years, or for a longer period subject to a landlord’s break option at its discretion at periods not exceeding seven years.
- The grant of a wayleave, easement or similar right over Land.
- The grant of a right to develop or use Land owned, leased or occupied by a third party otherwise than in accordance with a legal right held by the Council.
- Disposal of land by freehold or leasehold for the purposes of an electricity sub-station or similar installation.

“Land” means land and real property.

“Proper Valuation” means a current written valuation made by a professional properly qualified person to prepare such a valuation.

“Regulation” means a Land and Property Regulation.

“Tender Summary Sheet” means a document in which is recorded the names of tenderers, the amounts of their tenders and other relevant information.
"Unrestricted Value" means the best price for which the disposal might reasonably be expected to have been completed unconditionally for cash on the date of valuation by a willing seller, taking into account any additional amount a special purchaser would pay.

1.3 Any question as to the interpretation of these Regulations shall be referred to the Monitoring Officer whose ruling given in writing shall be final (subject to any decision of the courts).

2. GENERAL

2.1 All transactions relating to Land shall comply with these Regulations and with any operational rules agreed from time to time by the Chief Executive.

2.2 The full Council shall be responsible for determining policies in relation to Land transactions.

2.3 The Executive Director (Business) shall submit a report at the end of each financial year to the Chief Executive summarising the results of all disposals of Land freehold or leasehold with a term of fifty years or more completed in the previous financial year (including comments on factors affecting price).

2.4 All contracts relating to Land except for Minor Acquisitions and Minor Disposals where the value is less than £50,000 shall be signed on behalf of the Council by the Chief Executive.

3. ACQUISITION AND APPROPRIATION

3.1 Subject to the other provisions of these Regulations and to any specific Council policy the following acquisitions of land are permitted:

3.1.1 Minor acquisitions by the Executive Director (Business) which support the fulfilment of the Council’s policies or which increase the value of the Council’s land.

3.1.2 Acquisitions approved by the Chief Executive which support the fulfilment of the Council’s policies or which increase the value of the Council’s land.

3.2 The statutory authority for the acquisition of all land acquired by the Council shall be identified in the deed of acquisition. Wherever possible, to preserve flexibility, the power used shall be Section 1 of the Localism Act 2011 or if this power is repealed the closest statutory equivalent to it.

3.3 No proposal to acquire land shall proceed unless a satisfactory written report has been prepared by a professional properly qualified person to provide such a report as to the valuation, terms and conditions of the acquisition.

3.4 A proposal to appropriate land from one purpose to another must be approved by the Chief Executive or Full Council. Once agreed a deed of appropriation shall be prepared if required by statute. The deed shall identify the land concerned, specifying the purpose for which the land is currently held and is to be held.

3.5 No Manager may agree, or agree terms, to acquire or take or share possession of land without the consent of the Executive Director (Business).
4. **MANAGEMENT**

4.1 Land owned by the Council shall be held and managed by the Manager with responsibility for the function for which the land is currently used. All land not currently used for a particular purpose shall be held and managed by the Executive Director (Business).

4.2 Managers shall declare to the Executive Director (Business) if at any time land is no longer fully required for the purpose for which it is currently held. The declaration shall identify if all or part of the land is no longer required and identify the parts no longer required.

4.3 The Executive Director (Business) shall maintain a terrier of all properties owned by the Council in a form agreed with the Chief Financial Officer, specifying the purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

4.4 The Executive Director (Business) shall have the custody of all title deeds under secure arrangements agreed with the Monitoring Officer.

5. **DISPOSALS**

5.1 Subject to the other provisions of these Regulations and to any specific Council policy, the following disposals of land are permitted:

5.1.1 Those approved by Full Council either specifically or by inclusion in a programme of proposed disposals which has been approved within 12 months preceding an actual disposal.

5.1.2 The disposal of Land with an area not exceeding 0.2Ha and an unrestricted value estimated not to exceed £250,000 on the approval of the Chief Executive, provided that the Members of the Wards in which the Land is situated have first been notified of the proposed disposal.

5.1.3 Minor disposals by the Executive Director (Business) on terms which comply with Rule 5.2.

5.2 Except where there is a policy direction providing alternative or additional objectives, the objective of any disposal shall be securing the best financial return for the Council (taking all factors into account) which is reasonably obtainable.

5.3 Except for Minor Disposals, the Chief Executive shall determine the method of disposal which shall be either by:

5.3.1 Tender
5.3.2 Auction
5.3.3 Private treaty

5.4 Except where it is proposed to dispose of Land by negotiation with a limited number of parties all proposed disposals shall be advertised in a form appropriate to ensure awareness amongst persons who deal in Land. Where is it practical and cost effective to do so, this shall include publication on a website or similar service.

5.5 Disposal of Land, other than Minor Disposals, shall comply with the following:
5.5.1 Where the disposal is to be by tender, terms must not be finalised without the benefit of a Proper Valuation (but the Council shall not be obliged to adhere to the valuation).

5.5.2 Where the disposal is to be by auction it must be subject to a reserve price of not less than a Proper Valuation save that where the bidding does not reach the reserve price the Chief Executive or Deputy Chief Executive in consultation with the Chairman of the Strategy Group are authorised to amend the reserve price downwards.

5.5.3 Where the disposal is to be by private treaty the property shall be offered for sale at the price determined in accordance with a Proper Valuation, unless 5.5.5 applies.

5.5.4 Where following negotiation it is proposed to dispose of Land under 5.5.3 at less than the Proper Valuation or if the price to be paid varies depending on future or unknown conditions the disposal shall only proceed following a decision of the Chief Executive authorising the proposed terms.

5.5.5 Land which is subject to Disposal in pursuit of a policy direction in accordance with Regulation 5.2 may be offered of at any consideration (including nil) considered appropriate, provided that the decision-taker shall have knowledge of the Unrestricted Value of the Land prior to taking a decision on a Disposal.

5.6 All disposals of Land including any granting or sharing of occupation of the Council’s Land shall be conducted by the Executive Director (Business).

6. TENDERS

6.1 Tenders for the disposal of Land (including disposal of interests in Land) shall be sought in accordance with either or both of the following:

6.1.1 The ITT shall be made available to download from a website or similar service. This shall be sufficient unless it is unlikely that sufficient persons who deal in Land will respond without further notice, in which case a notice shall also be placed in a journal or magazine likely to be read by persons interested in the proposed disposal notifying them of where the ITT may be downloaded.

6.1.2 The ITT shall be sent to all persons who deal in Land who respond to a public notice published in an appropriate place. Unless it is not practical to do so this shall include placing the notice on a suitable website. Placing the notice on a suitable website shall be sufficient unless it is unlikely that sufficient persons who deal in Land will respond to a notice placed only on the website, in which case a notice shall also be placed in a journal or magazine likely to be read by persons who deal in Land interested in the proposed disposal. Where it is practicable and cost effective to do so the ITT should be sent out by electronic means.

6.2 The ITT shall include:

6.2.1 Details of the Land, or interest in Land, the Council is interested in disposing of, including any options the Council is willing to consider.

6.2.2 The disposal timetable, including the return date and time, which shall allow a reasonable period for applicants to prepare their tenders.
6.2.3 The evaluation criteria, including any weightings as considered appropriate (which may be simply monetary).

6.2.4 The pricing mechanism and instructions for completion.

6.2.5 Rules for submission of tenders, which shall include the requirements of Rule 6.4 or 6.5 as appropriate.

6.2.6 A statement that the Council reserves the right not to accept any tender and a right to accept a tender other than the lowest where payment is to be made by the Council or the highest where payment is to be received by the Council.

6.2.7 Any further information which will inform or assist tenderers in preparing tenders.

6.3 Tenders may be submitted by either physical or electronic means, or both, as permitted by the ITT.

6.4 In the case of tenders submitted by physical means, the following shall apply:

6.4.1 Tenders shall be in a sealed envelope addressed to the Chief Executive endorsed by the word “Tender” followed by the subject matter to which it relates.

6.4.2 Nothing on the envelope shall indicate who the tender is from.

6.4.3 Tenders shall be kept in a safe place by the Executive Director (Resources) and remain unopened until the time and date specified for their opening.

6.4.4 No tender shall be accepted unless the Executive Director (Resources) is satisfied that there is sufficient evidence of the tender having been despatched in sufficient time for it to have arrived before the closing date and time and of the tender having been secured thereafter and not been compromised.

6.5 In the case of tenders submitted by electronic means the following shall apply:

6.5.1 Tenders are submitted by email addressed to a functional email address established for this purpose by the Executive Director (Resources) and under their control or by posting to a secure website or similar service.

6.5.2 Tenders are kept in a separate secure folder or facility under the control of or approved by the Executive Director (Resources), and remain unopened until the deadline has passed for receipt of tenders.

6.5.3 No tender shall be accepted unless the Executive Director (Resources) is satisfied that there is sufficient evidence of the tender having been despatched in sufficient time for it to have arrived before the closing date and time and of the tender having been secured thereafter and not been compromised.

6.6 Tenders shall be opened by the Authorised Officer and at least one other employee nominated by the Executive Director (Resources). An immediate record shall be
made of the tenders received including names, addresses and the date and time of opening on the Tender Summary Sheet.

6.7 The Authorised Officer and the employee nominated by the Executive Director (Resources) shall each maintain a copy of the Tender Summary Sheet.

6.8 The following shall apply to the evaluation of tenders:

6.8.1 Tenders shall be evaluated in accordance with the evaluation criteria set out in the ITT.

6.8.2 Where an error is found in a tender before acceptance, details of it shall be given to the tenderer and they shall be given an opportunity of confirming or withdrawing their offer. In the case of genuine arithmetical errors discovered before acceptance the tenderer may be given the chance to correct the error but no other adjustment, revision or qualification is permitted in respect of such errors.

6.8.3 Particular care shall be taken to ensure that European Union State Aid rules are not infringed in any disposal.

6.9 The Chief Executive (in the case of Minor Disposals, the Executive Director (Business)) shall have the power to accept the tender which scores most highly against the ITT evaluation criteria.

6.10 The Chief Executive shall have the power to accept a tender other than the one which scores most highly against the ITT evaluation criteria by means of a formal decision. Prior to making such a decision the Chief Executive shall have received from the Executive Director (Business) advice on the legality of such a course of action.
PART 6H OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

   (a) Declarations

      (i) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

      (ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

   (b) Seeking support for appointment.

      (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

      (ii) No Councillor will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF CHIEF OFFICERS

   Where the Council proposes to appoint a Chief Officer the Council will:

   (a) draw up a statement specifying:

      (i) the duties of the officer concerned; and

      (ii) any qualifications or qualities to be sought in the person to be appointed;

   (b) when it is not proposed that the appointment be made exclusively from amongst their existing Officers, make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

   (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. APPOINTMENT OF CHIEF OFFICERS AND STATUTORY CHIEF OFFICERS

   The confirmation of the appointment of the Chief Executive and Head of Paid Service will be made by the Council, via an appointed panel or Strategy Group, and in accordance with the prescribed key competencies for Head of Paid Service following consideration of a recommendation of such an appointment by the Strategy Group.

   The Head of Paid Service in conjunction with a panel of Members appointed by the Council will appoint the Deputy Chief Executive.

   The appointments of Monitoring Officer or Chief Financial Officer shall be made only by the Council following the recommendation of such an appointment by the Head of the Paid Service.
4. **OTHER APPOINTMENTS**

*Officers below Chief Officer.* Except as otherwise provided above, appointment of Officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee and may not be made by councillors.

5. **DISCIPLINARY ACTION**

(a) The Head of Paid Service, Monitoring Officer or Chief Financial Officer (the Statutory Chief Officers) may be suspended whilst a full and thorough investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. Suspension of any of the above named officers shall be implemented only by one of the remaining two in consultation with the Executive Director (Resources), the Leader of the Council and Chairman of the Scrutiny and Improvement Committee.

(b) A Statutory Chief Officer may not be dismissed by Council unless this procedure is complied with. The Council will invite Independent Persons who have been appointed under Section 28(7) of the Localism Act 2011 to be considered for appointment to a Panel for the purposes of advising Council on matters relating to dismissal, with a view to appointing at least two such persons to the Panel. The Council will appoint Independent Persons to the Panel who have accepted an invitation in accordance with the following priority order:

   i) An Independent Person who has been appointed by the Council and who is a local government elector;
   ii) Any other Independent Person who has been appointed by the Council;
   iii) An Independent Person who has been appointed by another council or councils.

The Panel will be appointed at least 20 working days before a meeting of Council considers whether or not to approve a proposal to dismiss a Statutory Chief Officer.

Before taking a vote at a meeting on whether or not to approve such a dismissal, Council will take into account:

   i) Any notice, views or recommendations of the Panel;
   ii) The conclusions of any investigation into the proposed dismissal;
   iii) Any representations from the Statutory Chief Officer.

Any recommendations, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of their role as Independent Person under the Localism Act 2011.

(c) Members will not be involved in disciplinary action against any Officer below Chief Officer except as in (a) or (b) above and/or where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council’s disciplinary, capability and related procedures, as adopted from time
6. **DISMISSAL**

Members will not be involved in the dismissal of any Officer below Chief Officer or Statutory Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Councillors in respect of dismissals.
PART 6I REPORTING OF PROCEEDINGS AT MEETINGS RULES

1. INTRODUCTION

1.1 Legislation requires that a formal record of Council and Committee meetings be kept. Specified information is required to be recorded in the Minutes (for example, those Members present at the meeting). These Minutes are the legal record of the meeting.

1.2 The Council’s Constitution sets out the process for distributing a record of decisions made.

1.3 Legislation allows the public to report (record/publish/disseminate) on meetings at which the public has the right to attend, in respect of business that is not exempt or confidential. Such meetings include full Council, Committees, Sub-Committees and Hearing Panels.

2. REPORTING OF PROCEEDINGS

2.1 The Monitoring Officer will arrange for an audio recording to be made of all meetings of the Council, Committees and Sub-Committees. Audio recordings may also be made by the Monitoring Officer at any Working Group or other meeting convened by him involving Members of the Council.

2.2 The public may make recordings at meetings as specified in 1.3 and publish and disseminate that information during the meeting, provided that such reporting is not disruptive and that there is no oral reporting or commentary.

2.3 No recording equipment may be used, or allowed to be left in the room(s) for the purpose of recording, when the meeting is considering exempt or confidential information.

2.4 The audio recordings made by the Monitoring Officer will be retained by the Monitoring Officer for six years after the meeting.

2.5 Access to such recordings shall be granted to Members and the public (in accordance with the Freedom of Information Act 2000 and subject to any exemptions) at all reasonable times by prior arrangement with the Monitoring Officer. Members and the public will be permitted to listen to the recordings within the Council Offices, but the original discs/tapes will not be permitted to be removed from the Council Offices; copies can be made available for a charge.

3. MINUTES

3.1 Notwithstanding any recording made of a meeting, the Minutes will constitute the official record of the meeting once they have been signed by the relevant Chairman as a true record.

3.2 Where Members intend to propose an amendment at Council to any recommendation contained in the Minutes under consideration which may have legal, financial, policy or staffing implications, they should give notice of the amendment to the Executive Director (Resources) (or in their absence, the Monitoring Officer) by 12 noon on the day of the meeting in order that the implications may be assessed.

3.3 Any query relating to the accuracy of the Minutes of any meeting shall be submitted in writing to the Monitoring Officer no later than 12 noon on the day preceding the day of
the meeting at which the Minutes will be considered. Any query raised should concern matters of factual accuracy only.

3.4 The Minutes of the Council, Committees, Sub-Committees and any other Council body will conform to the Guiding Principles set out in the 'Appendix – Guiding Principles for the Council’s Recording of Decisions made at Meetings'.
CONSTITUTION

Originally adopted by Council – 13th December 2001

(Revision No 26/2019– November 2019)

PART 7 - APPENDICES
APPENDIX – PUBLIC COMPLAINTS PROCEDURE

All Council services

This complaints procedure is applicable to complaints about the Council’s service delivery - including complaints about staff. It does not handle complaints about others’ breaches of planning, building or environmental health regulations, for example, nor complaints about the outcome of applications – as these have other means of address.

This procedure is not applicable to complaints about the conduct of Councillors, for which there are separate arrangements managed by the Monitoring Officer. (See ‘Appendix – Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members’).

This procedure is a staged process, containing an informal procedure and two formal stages.

Informal complaint

If a customer is dissatisfied with one of our services they can tell us. We will aim to resolve the complaint straight away as an informal complaint. If further investigation is needed the informal complaint will be raised with a team leader/ senior officer who will contact the customer in five working days to seek a mutual resolution. If one cannot be found, the customer will be advised by the team leader/ senior officer.

Stage 1: Formal complaint

If a customer is unhappy with the resolution offered from the informal process or one could be not found, the customer can ask for their complaint to be escalated to Stage 1 Management Investigation. They can do this by:
- telephoning the Council
- completing the feedback form
- completing a feedback form online
- emailing customercare@daventrydc.gov.uk

We will acknowledge the complaint within 5 working days and it will be investigated by the Service Manager for the team who will provide a written response within 10 working days.

If for any reason we are unable to provide a full response within this time, we will tell the customer why and when they can expect a full response.

If the customer is dissatisfied with the response at Stage1, the complaint may be escalated to Stage2. The customer has 28 days from receipt of the Stage One response to lodge an appeal and escalate the complaint.

Stage 2: Review of complaint

If a customer remains not satisfied with the Stage 1 response they have the right to request that the Executive Director of the service area reviews the matter. The Executive Director will review the previous decisions and decide if they were fair and reasonable. The Chief Executive will be aware of all Stage 2 complaints received by the Council and will monitor these to ensure an impartial investigation has taken place.

We will acknowledge the complaint within 5 working days. The Executive Director will investigate the complaint and send the Council’s final response within 20 working days. If for
any reason we are unable to provide a full response within this time, we will tell the customer why and when you can expect a full response.

**Local Government and Social Care Ombudsman**

If the customer is still dissatisfied with the way we have dealt with the complaint, they have the right to ask the Local Government and Social Care Ombudsman, an independent body, to investigate the allegations of maladministration causing an injustice to anyone who has complained. This means there has been fault in the way the Council has or has not done something and its created difficulties for the complaint personally. The Ombudsman does not usually criticise the merits of a decision which has been properly taken simply because someone may disagree with it. They will however look at the way the decision was made.

The Ombudsman will not usually consider a complaint until the council has had a chance to resolve the matter through its own procedure.
APPENDIX – ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF
THE LOCAL CODE OF CONDUCT FOR MEMBERS

1) Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of Daventry District Council (or of a parish council within its area) has failed to comply with its Code of Conduct for Members and sets out how the Council will deal with such allegations.

2) The Code of Conduct

Daventry District Council has adopted a Code of Conduct for Members, which is available for inspection on the Council’s website or at the Council Offices.

Each parish council is also required to adopt a Code of Conduct for Members. If you wish to inspect a town or parish council’s Code of Conduct you should inspect any website operated by that council and/or request its clerk to allow you to inspect the council’s Code of Conduct.

3) Making a complaint

If you wish to make a complaint, you must write to:

Monitoring Officer
Daventry District Council
Lodge Road
Daventry
Northamptonshire
NN11 4FP

Or email: monitoringofficer@daventrydc.gov.uk

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any advice, please contact the Scrutiny and Standards Support Officer on 01327 302407

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for maintaining the register of Members’ interests and who is responsible for administering the system in respect of complaints of Member misconduct.

You need to make a complaint in writing.

In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which can be downloaded from the District Council’s website and is available on request from the Council Offices.

You need to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress.

If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, with reasons, in which case the Monitoring Officer will
determine if exceptional circumstances warrant this and so not disclose your name and address to the Member against whom you are making the complaint without your prior consent.

The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.

4) Initial assessment of complaints

The Monitoring Officer will review every complaint received and take a decision as to whether it is, firstly, admissible and, if so, whether it merits no further action, informal resolution or formal investigation. This decision will normally be taken within 28 days of receipt of your complaint. When the Monitoring Officer has taken a decision you will be informed of the outcome and the reasons for it.

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

Where the Monitoring Officer requires additional information in order to come to a decision, you may be asked for such information and/or he may ask the Member against whom your complaint is directed. (Where your complaint relates to a parish or town councillor, the Monitoring Officer may also inform the council clerk of your complaint and seek the views of the council before making this decision).

In determining whether or not the complaint merits no further action, informal resolution or formal investigation, the Monitoring Officer will have regard to a range of factors including the following:-

i) Whether there is sufficient information upon which to base a decision.

ii) Whether the alleged action is serious.

iii) Whether the complaint is politically motivated, vexatious or tit for tat.

iv) Whether the action complained about occurred recently or not.

v) Whether the allegations relate to actions occurring whilst the subject member was acting in their official capacity, or whether they relate to their private life.

vi) Whether the matter is considered suitable for informal resolution and either the subject member or the complainant is prepared to accept this.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer can pass such information to the Police and other regulatory agencies.

5) Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council.
If local resolution is sought, once achieved or attempted, the Monitoring Officer will close the case.

The Council is keen to promote informal resolution wherever appropriate.

6) Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the Authority, an officer of another Authority, or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration. This will normally take a maximum of three months.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer’s report and, if satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned (and to the town or parish council, where your complaint relates to a town or parish councillor), giving you both a copy of the Investigating Officer’s final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider his/her report.

7) After an investigation

7.1 If the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will, after consulting with the Independent Person, take no further action and close the case. You will be notified of the decision.

7.2 If the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will in consultation with the Independent Person, either:

a) where the failure is deemed by the Investigating Officer to be minor, take no further action and close the case; or

b) in other cases, seek local resolution between, and to the satisfaction of, all parties.

Otherwise, the Monitoring Officer will arrange a hearing.
You will be notified of the decision.

7.2.1 Local Resolution

The Monitoring Officer may, in consultation with the Independent Person, consider that the matter can reasonably be resolved without the need for a local hearing. In such case the Monitoring Officer will consult with the Member and you, as complainant, and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Appeals and Standards Committee (and to the town or parish council where your complaint relates to a town or parish councillor) for information, but will take no further action.

7.2.2 Local Hearing

If the Monitoring Officer, in consultation with the Independent Person, considers that local resolution is not appropriate, or it is not possible to achieve, the Monitoring Officer will report the Investigating Officer’s report to the Hearing Panel which will conduct a local hearing before deciding, in consultation with the Independent Person, whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a “pre-hearing process”, requiring the Member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearing Panel may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearing Panel.

The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearing Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearing Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. Alternatively, if the Hearing Panel concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearing Panel will then consider what action, if any, the Hearing Panel should take, or recommend, as a result of the Member’s failure to comply with the Code of Conduct. In doing this, the Hearing Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

At the end of the hearing, the Chairman will state the decision of the Hearing Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearing Panel resolves, or recommends, be taken.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearing Panel, and send a copy to the complainant and the Member (and to the town or parish council where the complaint relates
to a town or parish councillor), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Appeals and Standards Committee, or Council, as appropriate.

8) Action that can be taken where a Member has failed to comply with the Code of Conduct

The Council has delegated to the Monitoring Officer and Hearing Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly they may:

8.1 issue a formal letter/censure to the Member;

8.2 publish the findings in respect of the Member’s conduct;

8.3 arrange (or recommend that the town or parish council arrange) training for the Member;

8.4 report findings to Council (or to the town or parish council) for information;

8.5 recommend to the Member’s Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

8.6 recommend to the Leader of the Council that the Member be removed from particular Portfolio responsibilities;

8.7 recommend that the Member be removed from outside appointments to which he/she has been appointed or nominated by the Council;

8.8 exclude (or recommend that the town or parish council exclude) the Member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings – provided that this does not interfere with the Member carrying out their democratic duties.

The Council has no power to suspend or disqualify a Member, or to withdraw Members’ allowances.

9) The ‘Hearing Panel’

The Hearing Panel is a sub-committee of the Council’s Appeals and Standards Committee. The Council has decided that it will comprise of three Members of the Council, a non-voting Co-opted Parish Member and a non-voting Co-opted Independent Member.

The Independent Person is invited to attend all meetings of the Hearing Panel and their views are sought and taken into consideration before the Hearing Panel takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken, or recommendation, in consequence.

10) The ‘Independent Person’

The Independent Person is a person who has applied for the position following advertisement, and been appointed by the District Council.
A person cannot be “independent” if he/she is a Member or Officer of the Council, or a relative or close friend of theirs. The Independent Person is not the same as a Co-opted Independent Member of the Appeals and Standards Committee.

11) Revision of these arrangements

The Council may by resolution agree to amend these arrangements.

12) Appeals

There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer or of the Hearing Panel.
APPENDIX - PUBLIC PARTICIPATION AT MEETINGS OF COMMITTEES (INCLUDING PLANNING COMMITTEES)

For so long as the Council permits public participation in the consideration of the business of Committees of the Council, such public participation shall be in accordance with the following procedure unless individual statutory requirements dictate otherwise:

(a) The appropriate Officer will outline the proposal as detailed in the report submitted to the Committee. Members of the meeting may then ask questions of the Officer.

(b) (i) Where an objection or objections to the proposal has/have been received, the objector (or if more than one objector, a representative of the objectors) may first address the Committee for not more than three minutes - provided that notice has been given to the Committee Officer in the Resources Team by 12 noon on the day of the meeting of their intention to make representations together with a brief summary of the grounds for objection. Members of the Committee may then ask questions of the objector or the representative of the objectors.

(ii) Where a representation or representations on the proposal has/have been received from a directly affected parish council, the parish council (or if more than one parish council, a representative of the parish councils) may address the Committee for not more than three minutes - provided that notice has been given to the Committee Officer in the Resources Team by 12 noon on the day of the meeting of their intention to make representations together with a brief summary of the grounds for representation. Members of the Committee may then ask questions of the parish council or the representative of the parish councils.

NB A directly affected parish council would normally be defined as one that is recipient or host of the proposal before the Committee.

(iii) Where a Member of the Council with a disclosable interest in the proposal wishes to make representations on behalf of their ward constituents, or for the public bodies on which they have been appointed to serve, he/she shall be afforded the opportunity to make such representations – provided that the Member has obtained a dispensation from the Monitoring Officer (under the Local Code of Conduct for Members) – subject to the Member giving notice to the Committee Officer in the Resources Team by 12 noon on the day of the meeting of their intention to make representations. Members of the Committee may then ask questions of the Member.

NB In limited circumstances, legislation affords such Members with a right to speak (for example licensing hearings, standards hearings where the Member is the subject of the proposal and has the right of defence).

(iv) Where the promoter of the proposal (e.g. an applicant for planning permission) or their representative is present at a meeting where an objector, parish council or Member with disclosable interest (and given dispensation) have spoken, he/she shall be afforded the final opportunity to address the Committee for not more than three minutes – if he/she so requests, even without giving prior notice. Members of the Committee may then ask questions of the promoter.

NB Where there is no objector, parish council or Member with disclosable interest speaking, the promoter or their representative is able to address the Committee – subject to them having given notice to the Committee Officer in the Resources Team by 12 noon on the day of the meeting of their intention to make representations. Members of the Committee may then ask questions of the promoter.
(c) The Chairman of the meeting shall have discretion to allow another party to speak to enable further points to be made, at the appropriate points in the meeting.

(d) Members will then debate the proposal and the representations made with advice as appropriate from the officers.

(e) A vote will be taken if necessary and a decision made on the proposal.
APPENDIX - GUIDING PRINCIPLES FOR THE COUNCIL’S RECORDING OF DECISIONS MADE AT MEETINGS

The record of the Authority’s decisions should be:-

1. Brief.

Minutes should be precise and concise, recording exactly what was decided and no more. They are not intended to form the basis for any “political” discussion.

2. Self contained.

Minutes should be complete and intelligible by themselves, subject to any necessary reference to supporting material (e.g. the Officers’ report).

3. Decisive.

There must be no ambiguity or doubt as to the decision making body's intention.

Minutes should always be written in the “impersonal” style as they are a record of the corporate decision making process. Brevity should be secured by recording a summary of the proceedings, including only the essence of the discussion. Minutes are not a verbatim record of the meeting and it should not be necessary to reproduce what a particular speaker has said. In particular, there is danger in recording individual Member contributions as all Members are entitled, and may expect, the same treatment.

For meetings of Council, Committees and Sub-Committees, individual Members have a statutory right to have recorded the way they cast their vote on a particular matter. This needs to be requisitioned immediately after the vote is taken (Council Procedure Rule 16.5 refers). This safeguard ensures that individual Members can record their personal vote on any matter.

The decision record should normally only include the following information:-

1. A record of any members of the public or non-members of the Committee/Sub-Committee attending to speak on the item.

2. Cross-references to any supporting documents.

3. A summary of any material information used to determine the matter not contained in the report.

4. A summary of the main points of the debate on the item.

5. The reasons for the decision. (If the advice in the report is accepted, this will be contained in the report and further explanation should be unnecessary).

6. Where a proposition contrary to the advice is made, the names of the proposer and seconder should be recorded.

7. A clear, unambiguous record of the decision, with the decision recorded in full. Any further actions agreed at the meeting (e.g. letters of representation, expressions of thanks, requests for further reports) should be incorporated into the proposition for the avoidance of
doubt. Actions proposed but not carried in this way will be deemed not to be supported by the meeting.

8. Any conditions on approval, or reasons for refusal, of applications need to be fully and clearly recorded in the decision.

The Council has adopted procedures enabling Members to submit Motions or questions to initiate political debate or scrutinise decisions. Minutes should not be used as an alternative to these.
APPENDIX - ALLOWANCE RATES

CHAIRMAN'S

The annual amount is £4000.00.

BASIC AND SPECIAL RESPONSIBILITY

<table>
<thead>
<tr>
<th>Allowance (Annual allowances paid pro rata)</th>
<th>1.4.2019 to 31.3.2020</th>
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<tbody>
<tr>
<td><strong>BASIC</strong></td>
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</tr>
<tr>
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<td></td>
</tr>
<tr>
<td><strong>SPECIAL RESPONSIBILITY</strong></td>
<td></td>
</tr>
<tr>
<td>Leader of the Council (Band A)</td>
<td>12008</td>
</tr>
<tr>
<td>Opposition Leader (Band B)</td>
<td>6003</td>
</tr>
<tr>
<td>Strategy Group members with Portfolio (Band B)</td>
<td>6003</td>
</tr>
<tr>
<td>Chairman of Planning Committee (Band B)</td>
<td>6003</td>
</tr>
<tr>
<td>Chairmen of Scrutiny and Improvement Committee (Band B)</td>
<td>6003</td>
</tr>
<tr>
<td>Chairman of Licensing Committee (Band B)</td>
<td>6003</td>
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<tr>
<td>Deputy Leader of the Council (includes HR portfolio) (Band B)</td>
<td>6003</td>
</tr>
<tr>
<td>Members of Scrutiny and Improvement Committee (Band C)</td>
<td>3002</td>
</tr>
<tr>
<td>Vice Chairman of Planning Committee (Band C)</td>
<td>3002</td>
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<tr>
<td><strong>LOCAL GOVERNMENT RE-ORGANISATION SRAS</strong></td>
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<tr>
<td>Leader of the Council (Band A)</td>
<td>12008</td>
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<tr>
<td>2 x Members of the Unitary West Steering Group (Band B)</td>
<td>6003</td>
</tr>
</tbody>
</table>

TRAVELLING

For the use of the Councillor’s own motor vehicle/bicycle:

For a vehicle
- Between 500cc – 999cc: 46.9p per mile
- Between 1000cc – 1199cc: 52.2p per mile
- In excess of 1200cc: 65.0p per mile
- Bicycle allowance: 5p per mile

For the use of the Member’s own motorcycle
- Up to 150cc: 8.5p per mile
- Between 151cc – 500cc: 12.3p per mile
- In excess of 500cc: 16.5p per mile
SUBSISTENCE

Where the attendance is for more than four hours away from the normal place of residence and does not involve an overnight stay

(1) Breakfast (before 1100 hrs) £6.28
(2) Lunch (between 1200 to 1400 hrs) £8.68
(3) Tea (between 1500 to 1800 hrs) £3.42
(4) Evening meal (ending after 2000 hrs) £10.73

Out of pocket expenses £20.46 per week/ £5.09 per night.

The above travelling and subsistence rates are determined by Local Government Employers and are revised annually. The rates will be adjusted to correspond with any revised rates issued by Local Government Employers.

CARERS/DEPENDANTS

Restrictions on claiming Children's Allowances:

1. A child is defined as being under the age of 14.
2. Payment will be made on receipt of Paid expenses
3. Payment to be made at the National Living Wage whilst it is necessary for the Councillor to be away from home on official Council business.
4. Claims may be capped at actual expenses incurred.
5. Councillors expecting to claim the Allowance will if possible declare their intention at the start of each municipal Year, in order to assist with the budgeting process.

Restrictions on claiming Carer’s Allowances:

1. A dependant will have been assessed by the relevant care authority as requiring home care assistance.
2. Payment will be made on receipt of paid expenses.
3. Payment to be made at the National Living Wage whilst it is necessary for the Councillor to be away from home on official Council business.
4. Claims may be capped at actual expenses incurred.
5. Councillors expecting to claim the Allowance will if possible declare their intention at the start of each municipal Year in order to assist with the budgeting process.

The Scheme shall be administered by the Chief Financial Officer. Should any claimant be aggrieved by the decision taken by the Chief Financial Officer with regards to the payment or non-payment of any expenses the claimant shall have the opportunity to put their case before the Independent Remuneration Panel. The Panel will submit their recommendations to Council.
APPENDIX - SUPPLEMENTARY SITE VIEWING PROTOCOL AND PROCEDURE

PROTOCOL

- All requests for site visits must come through a Member of Planning Committee or a Ward Member to the Development Control Manager within the 21 day period for comments on the application. Such requests must be accompanied by a planning reason.

- Any requests for site visits that are out of time will automatically be declined but may later be raised at the Committee meeting for consideration, if and when an application is for Committee to determine.

- Requests will be notified to Chairman of Planning Committee with brief view from the Development Control Manager as to whether a site visit is considered necessary.

- Chairman decides whether to accede to the request, following discussion with the Development Control Manager.

- Officers to decide Site Viewing Panel itinerary and arrangements before visits take place. Invitations will be extended to Planning Committee and ward Members only.

- Site Viewing Panels will be held in accordance with the procedure.

PROCEDURE

- Personal protective equipment to be worn. In the event any Member is improperly dressed they may be excluded from part of or all of a site/site visit.

- Introductions to be initiated by Chairman.

- In the event uninvited parties are in attendance Chairman will advise them they are not able to take part in the Site Viewing. Chairman will advise the purpose of the Site Viewing is for Planning Committee to see the site and that no verbal representations should be made. An opportunity to do so will be provided at Planning Committee.

- Chairman will invite Planning Officer to outline the proposal. Planning Officer will do so with reference to the plans, then briefly outline the consultation responses the issues and recommendation referring to conditions or reason(s) for refusal as necessary and pointing out any important features of the site or its surroundings.

- Planning Officer will advise Panel of any identified hazards on the site. Members having regard to the planning officer advice will be able to move around the site to view from various points.

- Members who have questions, may seek clarification of the proposals from the Planning Officer and/or the applicant, owner or agent.

- No discussion of the merits of the application will be permitted.

- Chairman will formally close the visit.
APPENDIX - SUMMARY OF RIGHTS

SUMMARY OF RIGHTS TO ATTEND MEETINGS OF A PRINCIPAL COUNCIL AND TO INSPECT AND COPY DOCUMENTS UNDER PART VA AND PART XI LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

ACCESS TO MEETINGS

1. A meeting of a principal Council (including meetings of the full Council and any of its committees or sub-committees) is open to the public. A principal Council is a County or District Council but the provisions, which apply to these, also cover other bodies such as combined Police Authorities and joint committees.

2. The public are required to be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided by a Government department in confidence, and information the disclosure of which is prohibited by any statute or by any Court order.

3. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure of ‘exempt information’. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Council has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations, and matters relating to legal proceedings.

ACCESS TO AGENDA AND CONNECTED REPORTS

4. Copies of agenda and reports for a meeting of a principal Council must be open for inspection by the public, except for any report on an item during which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, i.e. five clear working days, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days. The papers will be available for inspection at the Council Offices, Lodge Road, Daventry between the hours of 10.00 a.m. and 4.00 p.m. on weekdays.

5. A reasonable number of copies of agenda and reports must be made available for the public present at a meeting. Agenda and reports must also be available on request for the media.

INSPECTION OF MINUTES

6. Not later than 14 days after a meeting a copy of the minutes or a summary of what took place in private will be available via DAVNET (the Council’s Intranet Service) and for public inspection in the normal course of Council business at the Council Offices, Lodge Road, Daventry between the hours of 10.00 a.m. and 4.00 p.m. on every working day. This right of inspection exists for six years from the date of the meeting convened.

INSPECTION OF BACKGROUND PAPERS

7. Members of the public may also inspect a list of the background papers for any report and a copy of each of the documents included in that list. This right is available as soon as the agenda is published and continues for four years from the date of the
meeting. Background papers disclosing confidential or exempt information are not open to inspection.

8. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report – but exclude any published work. Requests for inspection of such documents should be made to the Proper Officer (namely the Monitoring Officer or, in their absence, the Executive Director (Resources)).

ADDITIONAL ACCESS FOR MEMBERS

9. Any document in the possession or under the control of a principal Council which contains material relating to any business to be transacted at a meeting is open to inspection by a Member of the Council (subject to paragraph 10 below).

10. Where a document discloses certain specified categories of exempt information it is not required to be open to inspection by a Member. This relates mainly to personal information, information relating to legal or criminal proceedings, or matters concerned with negotiations or industrial relations.

PUBLICATION OF ADDITIONAL INFORMATION

11. A principal Council must maintain a register stating the name and address of every Member of the Council and the ward or division he/she represents, the name and address of every Member of each Committee or Sub-Committee of the Council. This register is open to public inspection at the Council Offices, Lodge Road, Daventry between the hours of 10.00 a.m. and 4.00 p.m. on every working day.

12. A principal Council is required to maintain a list specifying powers delegated to its Officers, and stating the title of the Officer by whom each of those powers is exercisable. The list must be open to public inspection, but excludes short-term delegations of less than six months duration.

FINANCIAL DOCUMENTS

13. A Member of the Council has a right to inspect its accounts.

DOCUMENTS DEPOSITED WITH THE COUNCIL

14. Documents may be required to be deposited with an appointed Officer either by an Act of Parliament or statutory instrument, or pursuant to the Rules of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

BYELAWS

15. A copy of any Byelaws made by a local authority must be open to inspection by the public at its offices and any person may purchase a copy. Requests should be made to the Monitoring Officer

FEES

16. No payment is required for inspecting documents.
17. A person who is entitled to inspect a document may have copies of it, or extracts from it, subject to the payment of a fee in accordance with the Council’s current scale of charges.

**SUMMARY OF OTHER RIGHTS OF INSPECTION OF DOCUMENTS**

18. A summary of other rights of inspection of documents is held together with the register and list referred to in Paragraphs 11 and 12 above.
APPENDIX – FUNCTIONS OF A COUNCILLOR

COUNCILLOR ROLE DESCRIPTION

1 Key Purposes

- To champion the interests of the Council and the community as they relate to the improvement of the quality of life, social, economic, and environmental wellbeing of the community and its citizens.
- To represent the views and interests of their ward and its individual constituents and deal with their enquiries and representations fairly and without prejudice.
- To contribute actively to the formation and scrutiny of the Council’s policies, budget, strategies and service delivery.
- To represent the Council effectively when appointed to an outside body.
- To participate in the good governance of the Council and to act at all times with probity and propriety in the best interests of the Council.
- To work in partnership with others in the Council and partnership organisations, at Council and community level, to help achieve the above.

2 Activities

2.1 Representing and Supporting Communities

- To represent ward interests.
- To be an advocate for the Council in the ward and community they serve.
- To be a channel of communication both to the community on Council strategies, policies, services and procedures and to the Council on community issues.
- To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally.
- To liaise with portfolio holders, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.
- To promote tolerance and cohesion in local communities.

2.2 Making decisions and overseeing council performance

- To attend and participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance.
- To attend and participate in informed and balanced decision making on committees and panels to which they are appointed.
- To participate in the scrutiny of performance and reviews of services.
- To read the relevant reports and papers prior to meetings and keep up to date with matters affecting local government.
- To develop and maintain a working knowledge of the authority’s services, management arrangements, powers and duties and constraints.
- To adhere to the principles of democracy and collective responsibility in decision making.
- To promote and ensure efficiency and effectiveness in the provision of council and other public services.

2.3 Representing the Council (subject to appointment)

- To represent the Council on local outside bodies as an appointee of the Council.
To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
To represent and be an advocate for the Council on national bodies and at national events

2.4 Internal governance, ethical standards and relationships

To promote and support good governance of the Council and its affairs
To provide community leadership and active citizenship
To promote and support open and transparent government
To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
To respect the confidentiality of information provided, where stipulated, not breaching any such confidence and adhering to any embargoed agreements on confidential or sensitive issues.
To adhere to the Member’s Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office

2.5 Personal and Role Development

To participate in opportunities for development provided for Members by the authority both to enhance skills and develop knowledge about the Council and local government.

2.6 Values

To be committed to the values of the Council and the following values in public office:

- Openness and Transparency
- Honesty and Integrity
- Tolerance and Respect
- Equality and Fairness

3 Councillor Skills

To fulfil his or her role as set out above, an effective Member requires the following:

- Leadership Skills – Able to lead and champion the interests of the local community
- Chairing Skills – Ability to chair meetings in the community and facilitate discussions
- Organisational Skills and Personal Effectiveness – Able to manage casework / workload and utilise information technology (IT)
- Team Working and Relationship Building – Able to develop relationships with officers, representatives from other agencies and all sections of the community
- Communication Skills – Able to engage with community and a range of audiences, manage conflict, work with the media, develop and maintain a personal skill base covering influencing, persuading, negotiating, mediating, listening, questioning, and presentational skills
- Interpretation / Evaluation Skills – Able to interpret / evaluate information provided including performance and financial information
4 Councillor Knowledge base

- Understanding of national policies and their impact on the Councillor’s ward
- Knowledge of the issues within the ward
- Understanding of how the Council works
- Knowledge of the Council structure, key officers and the services provided by the Council
- Knowledge of the political decision-making structures of the Council and partners.
- Understanding the Code of Conduct for councillors, (including ethics and standards), and the legislation and Council policies to which Councillors must adhere.
- Knowledge of the strategic priorities and key policies of the Council
- Basic understanding of local government finances and audit processes
- Knowledge of the Council’s standards of customer care and complaints procedures
- Knowledge of partner agencies in the context of their ward
LEADER OF THE COUNCIL

In addition to the duties of a Councillor the following applies:

1. **Key Purposes**
   - To provide political leadership to the Council
   - To provide community leadership and lead partnerships
   - To appoint Members for Portfolios and to nominate Committee Chairs.
   - To represent and act as an ambassador for the authority
   - To manage and lead the work of the Strategy Group and chair meetings
   - To participate in the collective decision making of the Council
   - To work with officers to lead the organisation
   - To participate in the good governance of the Council and to act at all times with probity and propriety in the best interests of the Council

2. **Activities**

2.1 **Providing political leadership to the Council**
   - To be a political figurehead for the Council: to be the principal political spokesperson for the Council
   - To provide leadership in building a political consensus around Council policies
   - To form a vision for the Council and the community
   - To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery

2.2 **Community Leadership and Leading Partnerships**
   - To act as a leader of the local community by showing vision and foresight
   - To give leadership to local partnerships and local partners in the pursuit of common aims and priorities
   - To set the tone of the organisation by creating a climate of openness, support and respect, promoting a strong ethical culture and upholding the values of good governance
   - To negotiate and broker in cases of differing priorities and disagreement

2.3 **Portfolio Holders and Committee Chairs**
   - To designate portfolios
   - To appoint appropriate elected Members to each portfolio and nominate portfolio holders for appointment by Council to Strategy Group.
   - To nominate Committee Chairs (in accordance with political balance arrangements)
   - To designate the Deputy Leader

2.4 **Representing and acting as ambassador for the Authority**
   - To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies
   - To provide leadership and support local partnerships and organisations
   - To represent the Authority in regional and national bodies as appropriate
2.5 Managing and leading the work of the Strategy Group and chairing meetings

➢ To ensure the effective running of the Strategy Group by managing the forward work programme and ensuring its continuing development
➢ To ensure the work of the Strategy Group meets national policy objectives
➢ To ensure that the work of the Strategy Group is in accordance with and contributing to the Corporate Plan, Community Engagement Strategy and objectives of the Council’s partnerships
➢ To advise and mentor other Strategy Group Members in their work
➢ To chair meetings of the Strategy Group in line with the Constitution

2.6 Participating in the collective decision making of the Strategy Group and the Council

➢ To work closely with other Strategy Group Members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people
➢ To accept collective responsibility and support decisions made by the Council once they have been made

2.7 Working with officers to lead the organisation

➢ To liaise with SMT, and other appropriate officers, on a regular basis
➢ To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues

3. Leader of the Council - Skills

In addition to the skills required of a Councillor, in order to fulfil his or her role as set out above, an effective Leader of the Council requires the following:

✔ Leadership Skills
  o Possess advanced leadership skills,
  o Able to recognise talent and ability to negotiate the most advantageous appointments within and across political groups
  o Able to develop a vision for the Council and its partners
  o Possess advanced ‘ambassadorial’ skills (to be able to represent the Council both within and outside the authority, particularly at sub regional, regional and national level)
  o Able to lead the Council towards continuous improvement
  o Able to provide political leadership for their group
  o Able to encourage and mentor Members of their political group
  o Able to, when necessary, discipline Members of their political group.

✔ Chairing Skills – Possess advanced chairing skills

✔ Organisational Skills and Personal Effectiveness – Able to plan and prioritise the business of the Council, Strategy Group and committees (having regard to their terms of reference and the key challenges facing the Council). Able to demonstrate and encourage a high standard of ethical behaviour and commitment to good governance.
Communication Skills
- Able to facilitate effective communications within and across the Council and to ensure the community are able to engage in the Council’s decision-making processes.
- Possess advanced skills in working with the media and an ability to identify when additional support from public relation specialists is required, to ensure the Council is positively represented.
- Possess advanced listening and questioning skills.
- Possess advanced presentational and public speaking skills.

Team Working and Relationship Building
- Possess tact and diplomacy to be able to work across the full range of Council services, partners, and political groups, to the benefit of the community.
- Able to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny & Improvement and other political groups.
- Possess political sensitivity to be able to address difficult decisions across all Groups.

4. Leader of the Council - Knowledge base
- A detailed understanding of the strategic role of the Leader of the Council.
- Knowledge of community strengths, areas for improvement and key issues.
- Detailed understanding of the legally defined role of the statutory officers of the Council.
- Detailed knowledge of the work of national, regional and sub regional bodies, and the role of the Leader and Council within them.
- Detailed understanding of the national policy framework and its impact on local policy development.
- Detailed knowledge of the role of local partners and the services they deliver.
- Detailed knowledge of the Council’s Constitution, Code of Conduct, budget and audit processes and key internal policies.
- Understanding of the relationship between national politics and local political leadership.
- Understanding of the wider, national issues facing Councillors and the practical implications for Daventry District Councillors.
DEPUTY LEADER ROLE DESCRIPTION

In addition to the duties of a Councillor the following applies:

1. **Provide Support to the Leader of the Council**

The Deputy Leader is required to provide support to the Leader of the Council, and to deputise in their absence or when requested.

For Key Purposes and Activities refer to the Leader of the Council role description.

2. **Human Resources Portfolio**

Liaise with the Governance & HR Manager concerning Council employees’ terms and conditions and well being through:

- Employee relations
- People management policies
- Reward strategy
- Workforce planning

3. **Equalities Champion**

To promote, amongst members and the community, an awareness of cultural and social diversity and the benefits that that diversity brings to communities.

4. **Deputy Leader - Skills**

In addition to the skills required of a councillor, an effective Deputy Leader requires the same skills required by the Leader:

- Leadership skills
- Chairing skills
- Organisational skills and personal effectiveness
- Communication skills
- Team working and relationship building

5. **Deputy Leader - Knowledge**

- An understanding of the strategic role of the Leader/Deputy Leader of the Council
- An understanding of the legal role of the Council’s statutory officers
- Knowledge of the work of national, regional and sub regional bodies
- Knowledge of the role of local partners and the services jointly delivered with DDC
- Knowledge of the Council’s Constitution, Members Code of Conduct and key policies and strategies
- An understanding of national issues and their impact on local Councils
PORTFOLIO HOLDER ROLE DESCRIPTION

In addition to the duties of a Councillor the following applies:

1. Key Purposes
   - To provide portfolio leadership
   - To contribute to the setting of the strategic agenda and work programme for the portfolio
   - To represent the portfolio
   - To take an active part in Strategy Group meetings and decision making
   - To provide community leadership and lead partnerships
   - To participate in the good governance of the Council and to act at all times with probity and propriety in the best interests of the Council

2. Activities

2.1 Providing portfolio leadership
   - To provide leadership in the portfolio
   - To give political direction to officers working within the portfolio
   - To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
   - To be accountable for choices and performance in the portfolio
   - To liaise with the Scrutiny & Improvement Chairman, receive scrutiny reports and attend the Scrutiny & Improvement Committee, as required
   - To have an overview of the performance management, efficiency and effectiveness of the portfolio

2.2 Contributing to the setting of the strategic agenda and work programme for the portfolio
   - To work with officers to formulate policy documents both strategic and statutory.
   - To ensure work programmes are in line with and contribute to the Corporate Plan, Community Engagement Strategy and all of the Council’s Partnerships.
   - To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio’s forward work programme is kept up to date and accurate.
   - To consider learning and development needs of Members and coordinate briefing and learning opportunities.

2.3 Providing Representation for the Portfolio
   - To be a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders
   - To report as appropriate to the Leader, full Council, SMT. appropriate chair of scrutiny, regulatory bodies and the media
   - To be the principal political spokesperson for the portfolio

2.4 Take an active part in Strategy Group Meetings and decision making
   - To show an interest in and support for the portfolios of others
To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility

2.5 Community Leadership and Leading Partnerships

- To give leadership to local partnerships and local partners in the pursuit of common aims and priorities
- To set the tone of the organisation by creating a climate of openness, support and respect, promoting a strong ethical culture and upholding the values of good governance
- To negotiate and broker in cases of differing priorities and disagreement

3. Portfolio Holder - Skills

In addition to the skills required of a Councillor, in order to fulfil his or her role as set out above, an effective Portfolio Holder requires the following:

- **Leadership Skills**
  - Possess advanced leadership skills for areas of individual responsibility
  - Able to work with the Leader of the Council, the other Portfolio Holders and SMT as a team
  - Ability to make high level decisions and ability to assist development of a vision for the Council and its partners
  - Able to challenge the status quo and deal with complex strategic issues and problems
  - Possess ‘ambassadorial’ skills (to be able to represent the Council both within and outside the authority, particularly at sub regional, regional and national level)

- **Chairing Skills** – Possess chairing skills sufficient to be able to chair meetings relating to their portfolio and community issues.

- **Organisational Skills and Personal Effectiveness** – Able to manage a busy and complex workload, often to tight timescales and deadlines. Able to demonstrate and encourage a high standard of ethical behaviour and commitment to good governance.

- **Communication Skills**
  - Possess advanced communication skills to be able to work constructively with officers, councillors, & partners and engage with the community.
  - Able to facilitate effective communications within and across the Council and to ensure the community are able to engage in the Council’s decision-making processes.
  - Possess advanced skills in working with the media and an ability to identify when additional support from public relation specialists is required, to ensure the Council is positively represented
  - Possess advanced listening and questioning skills
  - Possess advanced presentational and public speaking skills

- **Team Working and Relationship Building**
  - Possess tact and diplomacy to be able to work across the full range of Council services, partners, and political groups, to be the benefit of the community
  - Able to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny & Improvement and other political groups.
o Possess political sensitivity to be able to address difficult decisions across all Groups.

1. **Portfolio Holder - Knowledge base**

   o Knowledge of the key areas relating to their portfolio and its relationship with other portfolios
   o An understanding of the strategic role of the Strategy Group within the Council
   o Understanding of the role of a Portfolio Holder as part of the executive of the Council.
   o Detailed knowledge of Council strategy, policies and operations, especially in relation to their portfolio responsibilities
   o Understanding of the legally defined role of senior officers
   o Detailed knowledge of the challenges facing local government
   o Understanding the national policy framework and its impact on local policy development
   o Knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
   o Knowledge of community needs and their priorities for action
   o Knowledge of the role of local partners and the services they deliver
   o Understanding of the Council’s Constitution, Code of Conduct, budget and audit processes and key internal policies
   o Understanding of the principles and importance of making sound, evidence based decisions.
   o An understanding of project management principles.
CHAIR OF SCRUTINY AND IMPROVEMENT (& DEPUTY)

1. Key Purposes

- To lead and promote the Scrutiny and Improvement function
- To manage and co-ordinate the Scrutiny and Improvement function
- To develop Scrutiny and Improvement
- To participate in the good governance of the Council and to act at all times with probity and propriety in the best interests of the Council

2. Activities

2.1 Leading and Promoting the Scrutiny and Improvement Function

- To maintain effective liaison with the Leader of the Council and SMT to ensure that Scrutiny and Improvement contributes to effective decision-making.
- To represent Scrutiny and Improvement at Full Council meetings and be accountable to the Council for the actions of the Scrutiny and Improvement Committee
- To ensure Scrutiny and Improvement is publicised and communicated to build understanding of its role both within and outside the Council.
- To act as a liaison with the Council, the community and external bodies in relation to the scrutiny function
- To represent the Council at regional and national forums concerned with scrutiny and improvement.
- To represent the Scrutiny and Improvement Committee on relevant boards and panels
- To ensure a balanced work programme for the Committee which includes investigative scrutiny, policy development & review and performance monitoring.
- To ensure the work programme takes into account factors such as: the work programmes of other areas of the Council, strategic priorities & risks, and relevant community issues
- To promote an objective and evidence based approach to scrutiny
- To evaluate the impact and added value of Scrutiny and Improvement activity and to identify areas for improvement

2.2 Managing and co-ordinating the Scrutiny and Improvement Function

- To chair the meetings of the Scrutiny and Improvement Committee including:
  - Setting effective agendas,
  - Managing the meetings to ensure that objectives are met,
  - Ensuring the requirements of Codes of Conduct, Standing Orders and the Constitution are met
  - Making sure necessary preparation is undertaken
  - Ensure that all participants have an opportunity to make a contribution
- To ensure that scrutiny work is properly co-ordinated and the work programme is delivered
- To maintain an overview of the work of all Task / Task and Finish Panels to ensure effective co-ordination and progress of all work
- To monitor progress of all scrutiny reviews to ensure that they are completed in reasonable time.
- To support and advise the Chairs of the Task / Task and Finish Panels.
- To receive requests for scrutiny and ensure initial investigation is undertaken to inform consideration at the Committee meeting.
To monitor the ‘Calls for Action’ and ‘call in’ procedures to advise on whether the procedure is being used appropriately.
To liaise with officers, other Members, service users, ‘expert witnesses’ and community representatives to resource and deliver the work programmes.

2.3 Development of Scrutiny and Improvement

- To maintain an overview of scrutiny and Improvement in the Council and to learn from practise elsewhere.
- To ensure the continuing development of Scrutiny and Improvement in the Council through improving both practice and how it is organised.
- To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in scrutiny and improvement matters.
- To be responsible for their own personal development and undergo appropriate development and training for any role undertaken.
- To encourage high performance from all Committee Members in both Committee and in Task / Task and Finish Panels.
- To assess individual and collective performance within the Committee and facilitate appropriate development.

3. Chair of Scrutiny - Skills

In addition to the skills required of a Councillor, in order to fulfil his or her role as set out above, an effective Chair of Scrutiny & Improvement requires the following:

- Leadership Skills
  - Lead the scrutiny function within, and outside the Council
  - Able to be objective
  - Possess ‘ambassadorial’ skills (to be able to represent and ‘champion’ the scrutiny function inside and outside the Council)

- Chairing Skills – Possess advanced chairing skills.

- Organisational Skills and Personal Effectiveness
  - Able to assimilate and analyse complex information
  - Able to oversee and prioritise scrutiny work, taking account of the available resources
  - Able to plan and co-ordinate the work of the Scrutiny & Improvement Committee and its agenda
  - Able to co-ordinate the work of Task Panels and Task and Finish Panels
  - Able to demonstrate and encourage a high standard of ethical behaviour and commitment to good governance

- Communication Skills
  - Possess advanced listening and questioning skills
  - Possess high level of communication skills to enable effective communication with officers, councillors, co-optees, partners, external bodies and members of the public.
  - Possess advanced presentational skills
  - Possess advanced public speaking skills

- Team Working and Relationship Building
  - Able to build effective relationships with fellow councillors, officers, partners etc
  - Able to build relationships with Members of all political parties
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

- Able to ensure effective contributions from each member of the Committee
- Able to support Members of the Committee

☑ Other Skills and Abilities
- Able to deal with complex strategic issues and problems on behalf of the Committee and the scrutiny function as a whole
- Able to obtain and weigh up evidence and make decisions and recommendations based on the evidence

4. Chair of Scrutiny - Knowledge base

- An understanding of the Council’s role, functions priorities and risks.
- Knowledge of local issues and expectations
- A detailed awareness of the strategic importance of the scrutiny function within the council
- A detailed awareness of the constitutional arrangements relating to the scrutiny function and particularly those of the Chair of the S&I Committee.
- A detailed awareness of the Council’s approach to scrutiny and improvement and its relationship with the other parts of the council’s decision-making structures.
- Detailed knowledge of the challenges facing the scrutiny function and the role of the Chair in addressing them.
- An awareness of changes facing local government and an understanding of how these might impact on the council’s scrutiny function
- An understanding of project management principles
LEADER OF THE OPPOSITION (& DEPUTY LEADER)

In addition to the duties of a Councillor the following applies:

1. **Key Purposes**
   - To provide political leadership to the opposition group
   - To represent the Council and the opposition group
   - To participate in the good governance of the Council and to act at all times with probity and propriety in the best interests of the Council

2. **Activities**

   2.1 **Providing political leadership to the opposition group**
   - To lead an opposition group within the Council
   - To shadow and scrutinise the Leader of the Council and the Executive in their duties
   - To challenge strategies, policies and operations.
   - To comment on, challenge and review the Council’s Administration performance in the co-ordination and implementation of its policies and procedures
   - To establish and represent the views of the group on issues of policy and priority, and to develop group policies that are credible and could be implemented by the Council
   - To manage the work of Councillors within the group, and the overall co-ordination of opposition spokespersons and the business of the group.
   - To advise the Leader of the Council of the group’s position on issues relating to external relationships

   2.2 **Representing the Council and the opposition group**
   - To represent the Council on key local partnerships, external bodies and organisations and in so doing act as an ambassador for the Council.
   - To act as principal spokesperson for their group
   - To champion and participate in Councillor Development and the personal development of opposition Councillors.
   - To represent the group on relevant formal and informal working groups
   - To participate in the development of corporate strategies and policies, as required.
   - To maintain an effective liaison with the Chair of the Scrutiny and Improvement Committee.

3. **Leader of the Opposition - Skills**

   In addition to the skills required of a Councillor, in order to fulfil his or her role as set out above, an effective Leader of the Opposition requires the following:

   - Leadership Skills
     - Able to provide political leadership to their group and manage the tensions between the political demands and expectations of the group, and the needs of the Council
     - Able to hold the Administration to account
     - Possess ambassadorial skills to be able to represent the Council both within and outside the Council including at regional and national level.
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

- Able to encourage and mentor members of their political group.
- Able to discipline members of their group, when necessary
- Possess political sensitivity to be able to address difficult issues in other groups.

✓ Organisational Skills and Personal Effectiveness – The ability to plan and prioritise the business of the group

✓ Communication Skills
  - Able to facilitate effective communication within and across the Council, and ensure the community is given the opportunity to engage in the policy development of the group
  - Possess advanced communication skills in working with the media and able to identify when additional support from public relation specialists is required, to ensure the Council is positively represented
  - Possess advanced listening and questioning skills
  - Possess advanced presentational and public speaking skills

✓ Team Working and Relationship Building
  - Possess tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community
  - Able to build effective relationships with other parts of the political management structure e.g. Scrutiny and Improvement and other political groups.

✓ Other Skills and Abilities
  - Able to assimilate and analyse complex information
  - Possess research and policy development skills

4. Leader of the Opposition - Knowledge base

- Understanding of the roles of Leader of the Council, Portfolio Holders, and the Leader of the Opposition within the Council
- Understanding of the legally defined role of the statutory officers of the Council
- Detailed knowledge of the work of national, regional and sub regional bodies, and the role of the Council within them
- Understanding of the national policy framework and its impact on local policy development
- Knowledge of the challenges facing local government
- Understanding of the Council’s strategies, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Detailed knowledge of the Council’s Constitution, Code of Conduct, budget and audit processes and key internal policies
- Knowledge of community needs and their priorities for action.
- Understanding of the relationship between national politics and political leadership
- Understanding the wider, national issues facing councillors and the practical implications for the councillors within their group.
APPENDIX - STRATEGIC OBJECTIVES OF THE COUNCIL

VISION – DEVELOP A BETTER DISTRICT

Objective 1 – Improve our Business Economy
Objective 2 – Protect and Enhance the Environment
Objective 3 – Healthy, Safe and Strong Communities and Individuals
Objective 4 – Effective and Efficient Council

To help achieve the Strategic Objectives, the following strategies and plans shall be prepared and reviewed in timely manner, for adoption at a meeting of full Council

Sustainable Community Strategy

Local Development Scheme and Local Plans, including alterations (not otherwise the responsibility of another statutory body)

Corporate Strategic Plan

Licensing Policy Statement

Medium Term Financial Plan

Annual Capital and Revenue Budget Plans

Treasury Management Strategy
APPENDIX - EXPECTATIONS OF DDC HEAD OF PAID SERVICE

1. To act as statutory Head of Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989.

   This gives statutory duty for preparation of reports to the council, where he/she considers it appropriate, with his/her proposals for:
   
   a) the manner in which the discharge by the Council of its different functions is coordinated;
   b) the number and grades of staff required by the Council for the discharge of its functions;
   c) the organisation of the Council’s staff; and
   d) the appointment and proper management of the Council’s staff.

   As soon as practicable after having prepared such a report, arrange for a copy of it to be sent to each Member of the council.

2. To represent overall corporate management and operational responsibility, including overall management responsibility for all staff, particularly at full Council and Strategy Group meetings.

3. To communicate to staff, at the start of the term of office, a clear statement about the role of the Head of Paid Service.

4. To reinforce the role of the Head of Paid Service to staff generally.

5. To ensure clear leadership at Officer level for the organisational implications of major change management issues and initiatives and that functions are properly led and resourced to meet such challenges.

6. To ensure the provision of professional advice to all parties in the Member decision-making process (full Council, Strategy Group and other committees).

7. To ensure the provision of regular briefing of all political groups on internal/external issues and activities that discharge or affect the Council’s functions.

8. To represent the Council on partnership and external bodies (as required by statute or Council).

9. To communicate to key partners, at the start of the term of office, an explicit statement about representation and leadership on various external bodies (whether by self or others) and the role of the incumbent Head of Paid Service in consequence.

10. To build effective relationships with partners that can transcend changes in Head of Paid Service and avoid negative perception.

11. To receive and ensure timely and proper response to complaints, and ultimately determine sustained complaints where previous stages of the corporate complaints procedure have not achieved resolution.

12. To be appraised by leading Members on this basis of meeting Expectations of DDC Head of Paid Service.
DDC HEAD OF PAID SERVICE PROTOCOL

A. General Introduction To Statutory Responsibilities

1. The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how this post’s statutory duties will be discharged in Daventry District Council.

2. In general terms, the Head of Paid Service’s ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
   a) addressing the staffing needs of the authority;
   b) meeting the staffing needs of the Council;
   c) appointing and properly managing the staff.

B. Working Arrangements

3. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Head of Paid Service to discharge the Council’s statutory and discretionary responsibilities.

4. The following arrangements and understandings between the Head of Paid Service and Members are designed to ensure the effective discharge of the Council’s business and functions. The Head of Paid Service will:
   a) be alerted by Members and Officers to issue(s) that may become of concern to the Council, including the manner in which the discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of its functions, the organisation of the Council’s staff and the appointment and proper management of the Council’s staff;
   b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Strategy Group, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
   c) have the right to attend any meeting of the Council (including the right to be heard and report to the Strategy Group) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Strategy Group, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
   d) in carrying out any investigation(s) and exercising any duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions;
   e) ensure the other statutory officers (Chief Financial Officer and the Monitoring Officer) are kept up-to-date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
   f) meet regularly with the Chief Financial Officer and the Monitoring Officer to consider and recommend action in connection with corporate governance issues and other matters of concern described in e) above;
Daventry District Council – Constitution (Revision 26/2019 – November 2019)

5. To ensure the effective and efficient discharge of the arrangements set out in paragraph 4 above Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Head of Paid Service and the Monitoring Officer as soon as practicable.

6. The Head of Paid Service is also available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff.

7. To ensure the effective and efficient discharge of this Protocol the Head of Paid Service will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.

8. The Head of Paid Service will record details of any advice given in pursuit of statutory duties.
KEY COMPETENCIES FOR HEAD OF PAID SERVICE

The Head of Paid Service will be appointed so as to meet the “Expectations of DDC Head of Paid Service” and “DDC Head of Paid Service Protocol.”

Key competencies are:

Ability to discharge duties in a positive way and in a manner that enhances the overall reputation of the Council.

Ability to command respect and forge positive relationships with Members, staff and external stakeholders.

Ability to act as the Council’s lead representative on wide-ranging corporate issues.

Ability to challenge existing commitments and practices to enable statutory duties to be performed.

Ability to act impartially and with neutrality in delivering advice.
N.B. The Chief Executive is appointed as Head of Paid Service by Council. The Deputy Chief Executive is appointed as Monitoring Officer by Council. The Chief Financial Officer is appointed by Council.

This diagram reflects the senior management structure of a Chief Executive, Deputy Chief Executive, and three Executive Directors. The Chief Financial Officer is the statutory designation of ‘Section 151 Officer’ which confirms unfettered responsibilities to the Head of Paid Service and Council direct if need be on financial management arrangements, along with attendance at Senior Management Team meetings.