

## **West Northamptonshire Joint Committee Agreement**

This Agreement is made on

Between

- (1)** Daventry District Council, Lodge Road, Daventry, NN11 4FP (DDC)
- (2)** South Northamptonshire Council, The Forum, Moat Lane, Towcester NN12 6AD (SNC)
- (3)** Northampton Borough Council, The Guildhall, St Giles' Square, Northampton NN1 1DE (NBC)
- (4)** Northamptonshire County Council, One Angel Square, Northampton, NN1 1ED (NCC)

### **1. Context and Purpose**

- 1.1** In August 2018, six of the District and Borough Councils, together with the County Council, in Northamptonshire resolved to submit a joint proposal for two new unitary authorities covering the county to the Secretary of State for Housing, Communities and Local Government. That proposal was duly submitted.
- 1.2** One of the proposed unitary authorities, (referred to as 'West Northamptonshire'), comprises the current administrative areas of Daventry District, Northampton Borough and South Northamptonshire Councils.
- 1.3** Subject to Parliamentary approval of such a proposal or variation thereof, a new unitary authority for West Northamptonshire would be established, with a shadow unitary authority as the interim transition body.
- 1.4** The councils within West Northamptonshire, together with Northamptonshire County Council ("the Councils") resolved, during February 2019, to form a Joint Committee ("the Joint Committee") to assist with preparations for such a transition.
- 1.5** The Councils are local authorities for the purposes of the Local Government Act 1972 and the Joint Committee is set up under the provisions of s102 of that Act.

**1.6** It is recognised by all Councils that the Secretary of State for Housing, Communities and Local Government has directed under section 15(5) and (6) of the Local Government Act 1999 that the Commissioners appointed under this direction exercise the following powers in respect of NCC, (referred to as “the Authority” in the below extract from Annex B to the Direction):

- All functions associated with the governance and scrutiny of strategic decision making by the Authority;
- All functions associated with the strategic financial management of the Authority, to include:
  - (a) Providing advice and challenge to the Authority in the setting of annual budgets for the Authority;
  - (b) Scrutiny of all in-year amendments to annual budgets; and
  - (c) The power to amend budgets where Commissioners consider that those budgets constitute a risk to the Authority’s ability to fulfil its best value duty.
- All non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as statutory officers, to include:
  - (a) The functions of designating a person as a statutory officer and removing a person from a statutory office;
  - (b) The functions under section 112 of the Local Government Act 1972 of –
    - (i) Appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and
    - (ii) Dismissing any person who has been designated as a statutory office from his or her position as an officer of the Authority.

NCC is directed to comply with any instructions of the Commissioners in relation to the exercise of the functions specified in Annex B.

**1.7** The primary purpose of the Joint Committee will be to make all necessary preparations for the establishment of any Shadow Authority for the proposed West Northamptonshire Council.

**1.8** The Joint Committee will facilitate the joint delivery of certain of their functions (the “Delegated Functions”) in line with the agreed Terms of Reference set out in Section 2 below.

**1.9** The Councils have entered into this Agreement in reliance on the rights given to local authorities to undertake administrative arrangements of this nature in sections 101, 102, 112 and 113 of the Local Government Act 1972, together with the General Power of Competence granted by the Localism Act 2011.

## **2. Functions**

### **2.1 Terms of Reference for Proposed West Northamptonshire Council**

- 1.** To consider and recommend a Constitution to be adopted by the Shadow Authority at its inaugural Full Council meeting;
- 2.** To consider and recommend a Members’ Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting;
- 3.** To agree and undertake the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer (section 151 Officer) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural meeting nominations for the three interim statutory Officers;
- 4.** To consider and recommend to the Shadow Authority at its inaugural meeting a nomination for the post of Returning Officer;
- 5.** To monitor and seek to mitigate any potential risks associated with the Local Government Reform programme (LGR), the creation of a Shadow Authority and creation of a unitary authority for West Northamptonshire and to establish/agree relevant protocols or processes to manage the risks to LGR;
- 6.** To establish and propose a Calendar of Meetings for the Shadow Council for adoption at its inaugural meeting;

7. To respond to consultations on the content of orders, consents or any other matters where specifically requested to do so by the West Steering Group.
  8. To establish/agree any protocol or process which, if not implemented timeously, may threaten the establishment of a Unitary Council within the deadline set by the Secretary of State;
  9. To receive recommendations/reports from work streams that require Joint Committee approval so long as those relate to the Joint Committee's terms of reference referenced above;
  10. To agree the process for an independent review of a scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a scheme of Members Allowances for adoption at its inaugural meeting;
- 2.2 Any variation to the Terms of Reference, which may be discussed and recommended by the Joint Committee, will be subject to approval by the Councils. Any addition/amendment/deletion to the agreed Terms of Reference will not be effective until all these councils have provided consent.

### 3. Delegations

**From Daventry District Council, Northampton Borough Council Northamptonshire County Council and South Northamptonshire Council**

<b>Power</b>	<b>Statutory Reference (as appropriate)</b>
Authority to prepare and recommend a Constitution to be adopted by the West Northamptonshire Shadow Authority at its inaugural Full Council meeting;	S.37 Local Government Act 1972
Authority to prepare and recommend a Code of Conduct for adoption by the Shadow Authority at its inaugural Full Council meeting;	S.27 Localism Act 2011
Authority to agree and oversee the recruitment and selection process to the posts of the Interim Chief Executive,	Ss.4&5 Local Government & Housing Act 1989 S.151 Local Government Act 1972

<p>Interim Head of Paid Service, Interim Monitoring Officer and Interim Chief Finance Officer for the Shadow Authority and to make recommendations as to the appointments to the Shadow Authority accordingly.</p>	
<p>Authority to make a recommendation to the Shadow Authority for the appointment of a Returning Officer for the election of councillors to the proposed unitary authority.</p>	<p>S.35 Representation of the People Act 1983.</p>
<p>Authority to make arrangements for the management of risks associated with the Local Government Reform programme, the creation of a Shadow Authority and creation of a Unitary Council for West Northamptonshire. This includes authority to establish relevant protocols or processes to manage the risks to Local Government Reform.</p>	
<p>Authority to establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting;</p>	
<p>Authority to respond to consultations by Government or other agencies/bodies on the content of orders, consents or any other matters where specifically requested to do so by the West Steering Group;</p>	
<p>Authority to establish/agree any protocol or process which, if not implemented in a timely manner , may threaten the establishment of a Unitary Council within the deadline set by the Secretary of State;</p>	
<p>Authority to develop recommendations/reports arising from Task and Finish Groups or other</p>	

workstreams that require Joint Committee approval so long as those relate to the Joint Committee's terms of reference referenced above.	
Authority to agree the process for an independent review of a Scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a Scheme of Members Allowances for adoption.	Local Government Act 1989 Local Government Act 2000 The Local Authorities (Members' Allowances) (England) Regulations 2003

**From Northampton Borough Council and Northamptonshire County Council only:**

<b>Power</b>	<b>Statutory Reference (as appropriate)</b>
Authority to undertake preparatory work for the recruitment of a permanent Chief Executive, subject to the Shadow Authority having the final say over salary and method of selection.	S.4 Local Government and Housing Act 1989.

**4. Funding**

**4.1** With regard to budget setting and planning, the councils will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations/procedure rules and policies.

**4.2** The secretariat to the Joint Committee will be provided by NBC and will cover the production and publication of the agenda and papers for the meeting, sending out the meeting summons to those required to attend, receiving and recording questions from the public in advance of meetings and securing the venue, date and time for meetings.

**4.3** The taking and drafting of Minutes and general administration of the actual Joint Committee meeting will be provided by the host council.

**4.4** Any Members' costs and expenses resulting from the Joint Committee (including those in relation to Chairman and Vice Chairman) will be funded and administered by their respective authorities.

## **5. Standing Orders**

### **5.1 Membership**

The membership of the Joint Committee shall consist of:

- 4 Elected Members from Daventry District Council
- 4 Elected Members from Northampton Borough Council
- 4 Elected Members from Northamptonshire County Council
- 4 Elected Members from South Northamptonshire Council

**5.2** Each council will select its membership subject to the respective constitutional and statutory arrangements that apply.

**5.3** Named substitutes for each council may be provided to cover in the event of apologies being received from a member of the Joint Committee. The number of named substitutes shall be as appointed by the participating councils. The names of the full and substitute membership shall appear on the summons.

**5.4** A council's representation to the Joint Committee may be amended subject to written confirmation being received by the Monitoring Officer from the respective council's Proper Officer.

## **6. Quorum**

**6.1** The quorum for meetings of the Joint Committee shall be one quarter of the membership of the Joint Committee (four members), provided that at least one representative from each of the participating councils is present.

**6.2** 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.

**6.3** 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.

## **7. Rules of Debate**

**7.1** Any Member of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will not be permitted.

**7.2** A Member may only speak once on a motion and amendment except:

**7.2.1** The mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;

**7.2.2** The mover of a motion may speak during the debate on any amendment to the motion;

**7.2.3** A Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by them which they believe has been misunderstood;

**7.2.4** The Chairman may speak before the mover of the motion or amendment replies to the debate;

**7.2.5** A Member seconding any motion or amendment may reserve their right to speak later.

## **8. Commissioners to Address the Committee**

**8.1** The Commissioners appointed by the Secretary of State to NCC (referred to in para 1.6 above) shall be entitled to speak at any meeting of the Joint Committee but are not members of the Joint Committee.

## **9. Relevance**



**9.1** Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

## **10. Points Of Order**

**10.1** Any Member wishing to raise a point of order must say at the outset the legislation, Standing Order or rule of debate which they believe has been infringed. Every point of order will be decided immediately by the Chairman, in consultation with the Monitoring Officer as necessary, whose decision will be final.

## **11. Length of Speeches**

**11.1** Except with the consent of the Chairman, the following time limits will apply to speeches:

**11.1.1** The mover of a motion or an amendment (5 minutes)

**11.1.2** The mover of a motion either speaking to an amendment or replying to the debate (3 minutes)

**11.1.3** The mover of an amendment replying to the debate on the amendment. (3 minutes)

**11.1.4** The seconder of a motion or an amendment (3 minutes)

**11.1.5** A Member speaking on a report or in a debate (3 minutes)

**11.1.6** A Councillor of any of the participating councils who is not a Member of the Joint Committee, or a member of the public (3 minutes)

## **12. After Reply Debate Is Closed**

**12.1** After the reply is made, the motion or amendment under discussion will be put from the Chair.

### **13. Motions and Amendments**

**13.1** Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing and read aloud before it is put to the meeting.

**13.2** A Member may not move or second more than one amendment on any motion.

**13.3** Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Joint Committee.

**13.4** With the consent of the Joint Committee, a Member may:

**13.4.1** Alter a motion of which they have given notice; or

**13.4.2** With the consent of their seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

### **14. Amendments**

**14.1** Every amendment must be relevant to the motion under discussion and will either:

- Refer the matter to an appropriate body or individual for consideration or reconsideration;
- Leave out words ;
- Add words, or
- Leave out words and add others.

**14.2** An amendment which forms the negative of the motion will not be allowed.

**14.3** Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with.

**14.4** If an amendment is lost, other amendments may be moved on the motion.

**14.5** If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

## **15. Procedural Motion**

### **“That the question be now put”**

**15.1** Any Member may, at the close of the speech of another Member, move “That the question be now put”.

**15.2** If the Chairman considers, in their absolute discretion, that there has been adequate debate, they may put the motion “That the question be now put” without debate. If the motion is carried:

**15.2.1** The Chairman may speak to the motion or amendment under debate, if they have not already spoken; and

**15.2.2** The mover of the motion or amendment may reply.

**15.3** The motion or amendment will then be put.

## **16. Interruptions and Disorderly Conduct**

**16.1** If a member of the public interrupts the proceedings at a meeting, the Chairman may ask them not to interrupt.

**16.2** If the interruption continues, the Chairman may order their removal from the room.

**16.3** If there is general disturbance in all or part of the public gallery, the Chairman may order that part to be cleared.

**16.4** If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, “That the named Member be not further heard”. If this motion is seconded it will be put to the vote and determined without discussion.

**16.5** If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Joint Committee for as long as he/she considers appropriate.

## **17. Minutes**

**17.1** The Joint Committee shall be requested to approve the minutes of their previous meeting. The Chair shall sign a copy of the previous meeting's minutes once agreed by Members.

## **18. Calling of meetings**

**18.1.1** The chairman of the joint committee or, if the office of chairman is vacant, the vice-chairman of the joint committee may call a meeting of the joint committee at any time.

**18.1.2** If-

- i. The chairman or the vice-chairman, if the office of chairman is vacant, refuses to call a meeting of the joint committee after a requisition for that purpose, specifying the nature of the important or urgent business, and signed by six members of the joint committee from at least three constituent authorities, has been presented to him; or
- ii. Without so refusing, the chairman or, as the case may be the vice-chairman, does not call a meeting within seven days after such requisition has been presented to him,

any five members of the joint committee on that refusal or on the expiration of seven days, as the case may be, may call a meeting of the joint committee.

**18.1.3** At least five clear days before a meeting of the joint committee—

- i. Notice of the time and place of the intended meeting shall be published at the offices of each constituent authority and, where the meeting is called by the members of the joint committee, the notice shall be signed by those members and shall specify the business proposed to be transacted at that meeting; and

- ii. A summons to attend the meeting, specifying the agenda for that meeting, and signed by the chairman, or in his absence, the vice-chairman, shall be distributed to every member of the joint committee with a copy to the proper officer of every constituent authority.

**18.1.4** Lack of service of the summons in accordance with paragraph 18.1.3 ii shall not affect the validity of a meeting.

**18.1.5** No business shall be transacted at a meeting called by the members of the joint committee other than that specified in the agenda.

## **19. Summons and Agendas**

**19.1** The Joint Committee is subject to the Local Government Act 1972 (as amended). The summons and agenda for meetings of the Joint Committee will be published 5 clear days prior to the date of the meeting.

**19.2** The summons and agenda will be issued by the lead Monitoring Officer for West Northamptonshire who shall act as Proper Officer.

**19.3** The summons and agenda will be uploaded onto the website of each partner council or a link provided to the host website.

## **20. Exclusion of Press & Public**

**20.1** Members of the press & public may be excluded from all or part of the meeting subject to the Local Government Act 1972 (as amended). A vote by Members to exclude the press & public will be taken as appropriate.

## **21. Venue(s)**

**21.1** The meeting of the Joint Committee will rotate among the offices of the participating councils in the following order:

1. Northampton Borough Council
2. Daventry District Council
3. South Northamptonshire Council
4. Northamptonshire County Council

## **22. Timing of Meetings**

**22.1** Meetings of the Joint Committee will normally commence at 6.00 p.m.

**22.2** Where it is necessary to do so, a meeting can commence at a different time as long as this is clearly indicated on the summons issued. Once a summons is issued there can be no amendment to the date and time of the meeting.

## **23. Chair & Vice Chair**

**23.1** At its first meeting the Joint Committee will elect a Chair from its membership and appoint a Vice Chair. Only full members of the Joint Committee may be elected Chair or appointed Vice Chair. The normal period of office will be for the duration of the Joint Committee or one year, whichever is the shorter.

**23.2** The Chair and the Vice Chair shall not be representatives of the same local authority.

**23.3** In the absence of both the Chair and Vice Chair from a meeting those present may appoint a Chair from their number for the duration of that meeting or until the Chair or Vice Chair joins the meeting.

**23.4** The Chair of the meeting will be responsible for ensuring the agenda business is dealt with in an orderly and efficient manner and to ensure the good conduct of members, Officers, press & public attending.

**23.5** The Chair shall have the final say at the meeting on the application of standing orders and ensuring the efficient conduct of agenda business.

## **24. Voting**

**24.1** Matters requiring determination shall be decided by a simple majority of those Joint Committee members voting and being present in the room at the time the question is put and indicated by a show of hands. If there are equal number of votes for and against a proposal the Chair will have a casting vote.

**24.2** A recorded vote will be taken where a majority of those members present request it.

**24.3** Where any Joint Committee member requests it immediately after the vote is taken their vote shall be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**24.4** 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.

## **25. Questions from Non-Member Councillors and the Public**

**25.1** The public and Councillors of any of the participating authorities who are not Members of the Joint Committee, may direct questions to the Joint Committee in relation to items to be discussed by the Committee and listed on the agenda.

**25.2** Questions to the Committee must be made in writing (or by email) to the Proper Officer (Monitoring Officer) at least 2 clear working days prior to the day of the Committee meeting.

**25.3** Those putting a question to the Committee shall restrict their comments to the business to be discussed. No supplementary question may be asked unless it is to seek clarification of the answer given.

**25.4** The Chair of the Committee meeting has discretion to extend or terminate the period of participation, which shall normally be set at 15 minutes for Non-Member councillors and 15 minutes for members of the public, if it is felt reasonable and proportionate to do so.

## **26. Duration of Meeting**

**26.1** No meeting of the Joint Committee shall exceed 2 hours unless a majority of those attending vote to continue. When agreeing to continue the meeting a new closure time will be agreed, if this is reached a further vote to extend the meeting may be taken.

## **27. Task and Finish Groups**

- 27.1** The Joint Committee may create and appoint membership to Task and Finish groups.
- 27.2** These groups do not have delegated decision-making powers but are to formulate proposals and recommendations for determination by the Joint Committee.
- 27.3** Task and Finish groups are not subject to the Local Government Act 1972 (as amended).
- 27.4** The Joint Committee will appoint from its membership a councillor to chair any Task and Finish group.
- 27.5** Stakeholders and external bodies may attend Task and Finish group meetings by invitation to act as expert witnesses.

## **28. Agenda Protocol**

- 28.1** All items for decision must be clearly itemised on the agenda of the meeting and will be as issued by the:
- Monitoring Officer (or if absent their nominated deputy).
- 29.2** The Joint Committee should ensure when considering an item for decision that the relevant professional advice has been provided either within the report or at the meeting where the report is considered.
- 28.3** Each agenda item should include a covering report, containing all relevant information, options and implications relating to the matter to be determined.
- 28.4** The advice of relevant officers or external consultants should be taken into account when considering an item for determination.
- 28.5** Each agenda item should include a clear and concise recommendation.
- 28.6** Agenda items should relate to the Committee's agreed Terms of Reference.
- 28.7** The assumption will be that reports submitted to the Joint Committee shall be open to the press & public unless application of an exemption clause is



necessary. The Monitoring Officer will advise the Joint Committee on this matter ensuring any decision to exempt an item of agenda business is lawful and proportionate.

## **29. Code of Conduct**

**29.1** A member of the Joint Committee will be subject to the Members' Code of Conduct of their respective council whilst participating in meetings of the Committee.

**29.2** The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Monitoring Officer.

## **30. Duration**

**30.1** The Joint Committee shall be constituted at its first meeting and remain in force until the Shadow Authority for West Northamptonshire is constituted, subject to Clause 31 (Termination) below.

## **32. Termination**

**32.1** At any time any participating Council may give [3] months' notice in writing to the other Councils of its intention to withdraw from the Joint Committee. If this notice is properly given, the Joint Committee will cease to exist on the expiry of the notice period and the functions delegated to it will each revert back to the relevant delegating authority.

## **33. Dispute Resolution**

**33.1** If at any time any dispute or difference shall arise between the Councils or any of them which they are not able to resolve in accordance it same shall be referred to and settled by a single arbitrator to be appointed by agreement by the Councils; or in default of agreement, nominated on the application of any of the Councils by the Secretary of State. Each Council agrees to bear its own costs incurred in conducting the arbitration.

**Signed for or on behalf of**

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**Northamptonshire County Council**

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**Northampton Borough Council**

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**South Northamptonshire Council**

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**Daventry District Council**