



NORTHAMPTON
BOROUGH COUNCIL

Council

Date: 29 September 2005

Item No:

Directorate: Finance, Governance and
Citizens

Author/Contact Officer:

Francis Fernandes
Solicitor to the Council
Ext. 7334

Title of the Report:

Review of Political Structures and
Governance Arrangements –
Constitutional Amendments and Other
Matters

Purpose of the Report

To seek Council's approval to amend the Constitution to bring into effect the
Political Structures and Governance Arrangements agreed by Council on
21 July 2005.

Recommendations

Council is recommended to:-

1. Adopt the changes to the Constitution contained in the Appendices to this report.
2. Delegate specific powers to Members of the Improvement Board, the Chief Executive and Cabinet Members sitting on the Improvement Board.
3. To set up an Audit Committee.
4. To constitute the Tree Panel as a Committee of the Council. (Appendix 13)
5. To authorise officers to advertise the Constitutional changes as required by the relevant regulations.

Summary

This report seeks specific changes to the Constitution to implement Council's decision on 21 July 2005, seeking a review of the Political Structures and Governance Arrangements for the Council. The more important aspects of the changes, include the formation of the Improvement Board which will have the main purpose of driving forward the Council's Improvement and Recovery Agenda. All the old Overview and Scrutiny Committees will cease and be replaced by one single Committee, which shall have the power to set up Task and Finish Panels. New structures include an Audit Committee and the constitution of the Tree Panel as a Committee of the Council. A contract between the Council, Improvement Board, Cabinet and Overview and Scrutiny, will set the standards and behaviours required by the bodies and Councillors in interactions between them and will be monitored by the Standards Committee.

Context

Council approved a report on 21 July 2005, which sought significant changes to the Council's Political Structures and Governance Arrangements. Agreement in principle was sought and granted but could not be implemented until formal changes to the Constitution were drafted. This report brings forward the technical aspects of the amendments to the Constitution and if adopted by Council, new political arrangements will be able to commence immediately.

Key Changes

Improvement Board

The Improvement Board is the most significant and innovative aspect of the Political Structures Review. The details of the Constitutional changes are contained in Appendix 1 to this report. By way of explanation, the Improvement Board will have wide powers delegated to it, some of its members and the Chief Executive by both Council and Cabinet and will be able to make decisions, individually or collectively on any matter related to the Council's recovery/improvement programme. The Improvement Board individually or collectively will make Executive and non-Executive decisions respectively. Membership of the Improvement Board is limited to Leader and Deputy-Leader of each group, with provision for substitute members in exceptional circumstances. It is anticipated that the Board will appoint co-opted members from relevant organisations, for example the trade unions, business community and the County Council.

The Improvement Board will however, be required to regularly report to Council and Cabinet on its decisions.

Given that there is a potential overlap of decisions made between the Improvement Board and Cabinet, there is proposed a dispute resolution procedure at Appendix 2.

Delegations to Cabinet Members

The changes to the Constitution will allow both Cabinet and individual Cabinet members, to exercise delegated powers. Both Cabinet as a body and individual members, will therefore be able to make Executive decisions.

The Constitution delegates powers to the Leader to specify a Scheme of Delegations for each Portfolio Holder within the Portfolios identified in Appendix 3. Once the delegations have been determined, copies will be sent to all Councillors for their information.

Connected to this, are the Procedural changes to the Constitution contained in Appendix 4 which allows individual Cabinet member decisions to be made in private, unless the Cabinet member determines otherwise. However, key decisions will need to be made in public. Although decisions may be made in private, there is a requirement for those decisions to be recorded and published and provided to Overview and Scrutiny Committee members as provided in the amendments to the Constitution in relation to Overview and Scrutiny Committee.

Audit Committee

Following Council's approval to the setting up of an Audit Committee, the membership and Terms of Reference of the Committee are contained in Appendix 5. Members should be aware that the role and Terms of Reference for the Committee follow very closely the advice on such Committees provided by CIPFA.

Overview and Scrutiny Committee

The amendments to the Constitution now provide for only one Overview and Scrutiny Committee. The Terms of Reference and the Overview and Scrutiny Procedure Rules are contained in Appendix 6. The Rules of Procedure differ very little from the old Rules except that the Committee will now have the power to appoint two Deputy-Chairs and the Committee will have the power to set up Task and Finish Panels to assist the Committee in carrying out reviews. Overview and Scrutiny Committee will

also have the power to scrutinise Executive decisions made by the Improvement Board (through individual members or the Chief Executive).

The Contract

The amendments to the Constitution include a “Contract” which is to form part of the Code and Protocols contained in Part 5 of the Constitution. Although termed a Contract, in law, the Council cannot contract with itself. However, the Contract specifies the roles, responsibilities and behaviours expected by the main Council Governance bodies, the interaction between them, and their expected focus on improvement and recovery. Whilst the Contract cannot be enforced in the normal way, the Standards Committee will monitor members interaction vis a vis the Contract and if there are any concerns, the Standards Committee will use any powers available to it which could include making reports to full Council on the compliance with the Contract and issues arising. Accordingly, the Terms of Reference of the Standards Committee have been amended to enable the Committee to do this. The relevant amendment is contained in Appendix 8.

Rules of Procedure - Questions

The current Constitution allows questions to be asked on the day of the Council meeting. This causes practical and substantive problems in responding to the questions both for officers, administrators and members responding to the questions. Therefore, an amendment to the Constitution is proposed which requires a 12 calendar day notice period. This ties in with a notice period for normal motions.

Officer Delegations

The officer delegation amendments contained in Appendix 10 seek to regularise the position because the current delegations refer to officers who are no longer with the Council.

General Amendments

Appendix 11 proposes changes to the Constitution to implement the changes in the name of Executive to the Cabinet.

Appendix 12 inserts Council's Recovery Plan as part of the Council's Policy Framework Documents as agreed by Council in its July meeting.

It is likely that further minor changes to the Constitution will be sought, as the Political and Governance Structures settle in. Apart from these minor changes, Council at its July meeting authorised officers to commence a review of the whole Constitution. This work will be led and directed by the Political Structures and Working Practices Review Working Group and a new Constitution will be proposed to full Council after the group has considered and finalised proposals for a new Constitution.