



# WEST NORTHAMPTONSHIRE JOINT COMMITTEE

14 MAY 2019

<b>Report Title</b>	<b>REPORT OF THE GOVERNANCE TASK &amp; FINISH GROUP</b>
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## 1. Purpose

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- 1.1 To present to the West Northamptonshire Joint Committee ('WNJC'), for consideration and approval:
- a) The recommendations of the WNJC Governance Task and Finish Group ("the Governance Task & Finish Group")
  - b) Completed parts of the draft constitution of the proposed West Northamptonshire Shadow Authority (Appendix A)
  - c) Work in progress parts of the draft constitution of the proposed West Northamptonshire Shadow Authority (Appendix B)
  - d) Proposed next steps in response to the expected issuance of a Structural Changes Order for Northamptonshire

## 2. Recommendations

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- 2.1 It is recommended that:
- a) The WNJC note the discussions undertaken and the subsequent conclusions drawn by the Governance Task & Finish Group outlined in this report; furthermore, to note that the conclusions drawn have informed the drafts at the appendices to this report.
  - b) The WNJC note that work undertaken, including the content of the Appendices to this report is based upon assumptions on the content of the expected Structural Changes Order for Northamptonshire and the documents may need to change to reflect the SCO when available.
  - c) That, with regard to recommendation b), the WNJC approve the parts of the draft constitution of the proposed West Northamptonshire Shadow Authority at Appendix A

- d) The WNJC note the work in progress of the draft constitution of the proposed West Northamptonshire Shadow Authority at Appendix B.
- e) That the WNJC note that the Task and Finish Group will be reconvened with a view to bringing a completed draft constitution to the WNJC's meeting in June 2019
- f) The WNJC thank all the Councillors who sat on the Task and Finish Group for their considerable efforts, over the extremely tight and challenging timescales for the delivery of substantial amounts of complex documentation which will shape the workings of the Shadow Council should approval be granted in the Structural Change Order (SCO).

### **3. Background**

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- 3.1 The First meeting of the West Northamptonshire Joint Committee set up the Governance Task and Finish Group with the following Terms and Conditions:
  - To consider the type of Constitution that would be suitable for the potential Shadow Authority taking account of its likely functions and duration, drawing on best practice examples.
  - To prepare a draft Constitution for potential Shadow Authority for recommendation to the West Northamptonshire Joint Committee, which will recommend a Constitution of the Shadow Authority for adoption at its inaugural Full Council meeting.
  - To prepare a draft Members' Code of Conduct for potential Shadow Authority for recommendation to the West Northamptonshire Joint Committee, which will recommend a Members' Code of Conduct to the Shadow Authority for adoption at its inaugural Full Council meeting.
- 3.2 The Governance Task & Finish Group, met on 12<sup>th</sup> April 2019 and agreed a scoping document for the groups work and it met further on 18<sup>th</sup> April 2019, 30<sup>th</sup> April 2019 and 2<sup>nd</sup> May 2019 to develop a draft constitution for the Shadow Council. All sessions were well attended, the work was member led and supported by Officer subject matter experts. It was agreed at the outset that the Dorset Constitution would be used as the base document given that Dorset have just been through unitarisation and that the structural changes order, when finally agreed, is likely to be fairly close to the Dorset SCO, subject of course to adjustments arising from local preferences.
- 3.3. A constitution is an extensive, technical document, some of which is "boilerplate" with well established technical clauses which deal with compliance issues and therefore need minimal amendment whilst others can and do need local judgement. In order to maximise member input and steer, Officers identified areas in the constitution that would very likely benefit from member input and steer, with the option for members to review and ask for consideration of any part of the constitution. The areas identified for member input were "exceptions" and included the following:

- Standing Orders
- Financial Procedure rules
- Articles of the Constitution
- Public Participation
- Call In
- Member Officer Protocol
- Code of Conduct

Whilst there is detailed drafting in the appended documentation, the broad areas agreed were as follows:

**3.4 In relation to the Standing Orders**, it was agreed by the Task & Finish Group that:

- a) Motions should be confined to matters for which the Shadow Authority has responsibility and should set out a clear call for action. The Monitoring Officer is required to consult with the Chairman of the Shadow Authority prior to making a decision to accept or decline a motion
- b) Movers of motions and reports should be able to propose alterations with the consent of the meeting. The consent of the meeting shall be signified without discussion
- c) Amendments should have the effect of removing words or adding words to a motion. They must not negate a motion or have the same effect as voting against a motion
- d) 48 hours' notice is required of all amendments to motions submitted by councillors. No notice is required for amendments to reports
- e) A threshold of 10% of the overall number of members shall be required in order to require a recorded vote (save for decisions to be taken at budget meeting)
- f) Shadow Council meetings shall start at 6.30pm and shall conclude by 10pm. Any remaining business to be transacted at a reconvened meeting by the Chairman at such date and time as may be agreed, or at the next ordinary meeting

**3.5 In relation to Financial Procedure Rules**, it was agreed by the Task & Finish Group that the Dorset Shadow Authority Financial Procedures be circulated to the Chief Financial Officers (Section 151 Officer) of all the 8 constituent authorities for comment prior to being reported back to the Task and Finish Group. The Section 151 Officers, through the lead in the West, have not at the time of writing this report signed off the Financial Procedure rules but are anticipated to do so shortly.

**Part 2: Articles**

**3.6 In relation to Article 2 (the Shadow Council),** the nomenclature in relation to the election of the Chair and Vice Chair should be consistent; and It was felt that the role of Chair should rotate between the political groups, notwithstanding the likely timescales within which the Shadow Authority would operate, and that this principle should apply to the new unitary authority. It was agreed that this would be taken up with officers from the MHCLG at the appropriate juncture.

**3.7 In relation to Article 6 (Overview and Scrutiny Committee),** The Task and Finish group considered the arrangements for Overview and Scrutiny within the Shadow Council. They were keen to ensure that the arrangements to be adopted are efficient, effective and above all transparent.

The group assessed best practice across a range of authorities. Both Northampton Borough Council, South Northants Council and Northamptonshire County Council operate a single Overview and Scrutiny committee, which in turn is able to establish thematic task and finish groups. This model is consistent with feedback received from the Centre for Public Scrutiny. Given the focussed nature of the Shadow Authority's work, the group felt that such a model would be ideal and have accordingly recommended such a structure within the draft Constitution.

The group felt that it would be logical if the Overview and Scrutiny Committee were equal in size to the Shadow Executive Committee. The group therefore recommend a committee comprising 18 shadow councillors. The group also recommend that the committee be chaired by a shadow councillor from the largest opposition group.

The group wished to ensure that the call-in arrangements were fair and equitable to all shadow councillors. The group reviewed a range of examples of best practice from other authorities before selecting a model based on that used at Central Bedfordshire Council. The group set the threshold for the number of councillors at 5% of the total number of shadow councillors. It was felt that this figure strikes the correct balance in terms of the accessibility of the call-in process.

It was agreed that the Overview and Scrutiny Committee would comprise 18 shadow councillors;

- a) It was agreed that substitutes be permitted; and
- b) It was agreed that all shadow councillors would be eligible to serve on Scrutiny task and finish groups.

**3.8 In relation to Article 7 (Shadow Executive Committee),** the view was expressed that the Shadow Council should be the body that has the authority to remove the Leader of the Shadow Council, should that be necessary.

**3.9 In relation to Article 8 (The Constitution),** the following committees for the Shadow Council:

- a) Overview and Scrutiny Committee: 18 Shadow Councillors
- b) Senior Appointments Committee: 8 Shadow Councillors
- c) Standards Committee: 8 Shadow Councillors.
- d) General Purposes Committee

As these are formal committees, normal political balance rules (proportionality) will apply.

It is also likely that a finance and possibly other committees will be needed at a later stage and these will be considered when needed.

**3.10 In relation to Article 10 (Arrangements for promoting good standards of behaviour)**, this section would be revised to ensure consistency with the Code of Conduct; and

- a) It was agreed that the Shadow Council would appoint two Independent Persons pursuant to the provisions of the Localism Act 2011. These would be selected from Independent Persons currently serving the four authorities.
- b) It was agreed that an Appeal process would be built into the arrangements.

**3.11 In relation to Article 12 (Decision Making)**, it was agreed that a financial threshold of £500k be attached to the definition of a key decision. This threshold figure is to be considered, ratified by the Section 151 officers

**3.12 In relation to Part 4 (Meeting Procedure Rules)**, it was agreed that paragraph 12.5 be amended to read 'A shadow councillor or a member of the public may ask no more than three questions at any meeting'

**3.13 In relation to Public Participation**, it was agreed that:

- Members of the public may speak on any item that is on the agenda of the meeting in question.
- Members of the public must notify the secretariat of their requested to speak at least 24 hours before the beginning of the meeting.
- The agenda shall contain the provisions for member of the public who have registered to speak to do so at the beginning of the meeting and for a time not exceeding 30 minutes.
- Members of the public and councillors may also submit questions to members of the shadow executive and committee chair for consideration at each meeting. Questions must be submitted in writing not later than three days before each meeting. The agenda shall make provision for questions to be considered and answered. The time allocated for this item shall not exceed 30 minutes. Members of the public and councillors may ask one supplementary question upon receipt of a response.

The above will be refined further following extensive discussion at the Task and Finish Group meeting on 2 May 2019.

**3.14 In relation to Call-In**, it was agreed that:

- The call-in procedure shall be based on the model adopted by Central Bedfordshire Council.
- The number of councillors required to instigate a call-in request shall be 5% of the overall number of councillors.
- There shall be no requirement for the councillors wishing to instigate a call-in to represent more than one political group.

**3.15 Member Officer Protocol**, it was agreed that:

- A protocol based on that in place at Northamptonshire County Council should be developed, with input from the recently completed audit of member-officer relations at Northampton Borough Council. The draft should be written in “plain English”.
- The protocol should reiterate the Nolan Principles as set out within the Code of Conduct.
- Every councillor should be given a copy of the member-officer protocol and be asked to sign to confirm they will abide by it.

**3.16 Code of Conduct**, it was agreed that:

- The Code of Conduct adopted by Stratford-Upon-Avon District Council should be used as a basis for the Shadow Authority’s Code of Conduct.
- It was agreed that the threshold for the declaration of gifts and hospitality should be £10.

**4. Implications (including financial implications)**

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**4.1 Policy**

4.1.1 None arising directly, as the material presented is in draft form

**4.2 Resources and Risk**

4.2.1 Ongoing support of the Governance Task & Finish Group will be required once the expected Structural Changes Order for Northamptonshire has been received.

**4.3 Legal**

4.3.1 The Constitution once drafted in its final form will be a legal document outlining the workings of the Shadow Council

**4.4 Equality and Health**

4.4.1 There are no direct equality and health implications arising directly, as the material presented is in draft form

**4.5 Consultees (Internal and External)**

4.5.1 Members of the Task & Finish Group, County Monitoring Officer Group, County Chief Finance Officer Group

**5. Background Papers**

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5.1 Agendas and papers presented to the West Northamptonshire Joint Committee on 26<sup>th</sup> March 2019 ref. Governance Task & Finish Group

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