



**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**

**23 January 2006**

**Item No.**

Directorate:  
Finance, Governance & Citizens  
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**POLITICAL STRUCTURES AND  
MISCELLANEOUS MATTERS**

**Recommendations**

That Council:

1. Agrees changes to allow delegated decision-making by Portfolio Holders to take place in non-formally constituted meetings unless members of the public or Councillors indicate, in writing, that they would wish a public meeting to consider an item identified on a published list.
2. Delegates to the Improvement Board powers to determine the format and structure of future Council meetings.
3. Delegates powers to the Solicitor to the Council to make amendments to the Constitution to enable the implementation of recommendations 1 and 2 above.  
  
Nominates councillors to the Constitutional Review Working group and notes the timetable for the commencement of the Constitutional review.
5. Appoints Cllr Mathews as the Chair of the Tree Panel.

**Background**

Delegated Decision Making

Council considered and approved a major review of the Council's Political Structures and Governance arrangements at its meetings on 29 September 2005. This report seeks Council's authority to implement some changes following on from that report.

An important aspect of the changes to the Council's new political structures included constitutional changes to allow the Leader to specify a scheme of delegations for each Cabinet Portfolio Holder within their respective Portfolio Area. The scheme of delegations

will be finalised shortly and delegated decision-making will commence soon after. The practical impact of this is that Portfolio Holders will have legal powers, within the scheme of delegations to make decisions in relation to areas within their Portfolio. Whilst the principle of delegated decision has already been approved by full Council, Councillors raised concerns about the proposed format of the Portfolio Holder meetings. The Political Structures report had suggested meetings in private unless the decision was a Key decision. However, Councillors had concerns about this and indicated a clear preference for Portfolio Holder decision-making to take place in public. This report identifies practical and substantive problems with the suggested approach and identifies a way forward which goes some way towards providing a resolution.

### The Law

The changes brought about by the modernisation agenda and the Local Government Act 2000 changes, have been extremely wide ranging. One of the main drivers for the changes was to bring about clear efficiencies balanced by effective accountabilities in Council decision-making. The Law only requires Executive decisions that are Key Decisions to be made in public. Key decisions are defined by the Local Authority (Exec. Arrangements) (ETC) (England) Regulations 2000 as an executive decision which is:

*“likely to result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority’s budget for the service or the function to which the decision relates or to be significant in terms of its effects on Communities living or working in an area comprising two or more wards or electoral divisions in the area for Local Authority”.*

Non-key executive decisions do not need to be made in public and the regulations quite clearly anticipate this. In fact a number of Local Authorities do not hold delegated decision making in public.

There is a balance to be drawn between efficiencies and transparency in decision-making. If delegated decisions were to be made in public, normal meeting procedures would need to be engaged to support the meeting. Therefore, the meetings would have to be anticipated and agreed; agendas and documents published and meetings supported and resourced in the normal way. This would, without a doubt, slow the decision-making and negate the very advantages sought from delegated decision-making powers.

Holding meetings in private does not diminish the accountability or transparency of the decision-making. Current regulations require records of delegated executive decisions to be made and published. There are similar provisions in the Council’s Constitution which ensure that this will happen. There is further accountability in that delegated decisions will, under proposed amendments to the Council’s Constitution, be automatically notified to the Chair of Scrutiny and there will be an opportunity to call-in decisions in the normal way.

This report proposes a halfway house between public and private meetings. It is proposed that a list of non-Key delegated Portfolio Holder decisions will be published at least 7 working days before the decision is actually to be made. The list will be in a similar format to the Forward Plan, although this list will be non-statutory and separate from the Forward Plan. If members of the public or Councillors indicate, in writing, within this 7 day window that they wish a particular item to be considered in a public meeting then a meeting will be constituted in the normal way and will be open to the public.

### Tracking the Decision-making

The decision-making would track as follows: If an item was identified as a Key decision, it would appear on the Forward Plan wherever the decision was being made i.e Cabinet; Improvement Board; Portfolio delegated decision etc. These decisions would have to be made in public.

If a Portfolio Holder decision was a non-Key decision then it would be published in the non-statutory list and would be held in private *unless* Councillors or members of the public indicated in writing within 7 days that they wanted the decision to be made in public. A meeting to consider the issue in public would then be arranged in the normal way and similar rules to current public meetings would apply. A simple table illustrates this:

	<b>Key Decision</b>	<b>Non-Key Decision</b>
Meeting arrangement	in Public	In Private (unless member of public/Councillor request
	Noted in Forward Plan	Noted in Non-Statutory list

Changes to the Constitution will need to be made to allow all this to be implemented.

### **Format and Structure of Council Meetings**

Following the political structures changes, the format and structure of Council meetings have been touched upon and discussed in past Council meetings. Councillors will be aware that the whole constitution is being reviewed and as part of that review fundamental changes to the format and structure of full Council meetings will be developed by a member led group. Changes will be proposed to full Council at a later date. However, there is a need to make changes in the interim to continue progress on modernising the Council's decision –making and to reflect the evolving new structures. The Improvement Board, given its cross-party involvement and its focus on Improvement, is best placed to consider these interim arrangements. Therefore, it is proposed that the Improvement Board should consider this issue and make the relevant changes. It is therefore recommended that powers to enable this to happen are delegated to the Improvement Board, with delegated Powers to the Solicitor to the Council to make the relevant changes to the Constitution to implement what is agreed.

### **Review of the Constitution**

The review of the Constitution has been identified as a project within the Recovery Plan. Whilst a Working group was set up to look at the Constitution, the last meeting was some time ago and changes in circumstances may need membership changes. This report seeks nominations to the Constitutional Review Working group. The Working group will be set up as soon as possible after nominations have been confirmed and its work will commence with scoping of the project; setting time-scales; agreeing the appointment of a facilitator and considering desktop research that will identify best practice from leading authorities. The following are target time-scales: 15<sup>th</sup> Feb, appointment of a facilitator; 1<sup>st</sup> March Desk-top Research; 15<sup>th</sup> March paper proposal and an options review; 30<sup>th</sup> March detailed project plan. The target date for presentation and adoption of the new Constitution is the August full Council meeting.

### **Tree Panel**

The Chair of the Tree Panel remains to be appointed by full Council. The Improvement Board discussed the appointment at its meeting on 19 January 2006 and resolved to recommend Cllr Richard Mathews for appointment to the Chair of the panel. Full Council is asked to confirm this recommendation.