
NORTH NORTHAMPTONSHIRE JOINT COMMITTEE

Date: 16th September 2019
Time: 6.30 pm
Location: Council Chamber
Borough Council of Wellingborough
Swanspool House
Wellingborough
NN8 1BP

Committee Administrator: Anne Ireson
☎ 01536 534398
✉ democracy@kettering.gov.uk

A G E N D A

- | Item No | Subject | |
|---------|---|----------------------|
| 1. | Apologies | |
| 2. | Minutes of the meeting of the North Northamptonshire Joint Committee held on 24 th June 2019 to be approved and signed by the Chair. | |
| 3. | Declarations of Interest | |
| | - <i>Disclosable Pecuniary Interests</i> | |
| | - <i>Personal Interests</i> | |
| 4. | Matters of urgency arising since the summons and agenda were issued, and communicated to the Chair, which require the Joint Committee's determination | |
| 5. | Chair to inform members of requests received from the public to address the Joint Committee in accordance with Standing Orders. | |
| 6. | Update on Local Government Reform in Northamptonshire | <i>Theresa Grant</i> |
| 7. | Governance Working Group – Interim Report | <i>Cllr Ekins</i> |
| 8. | Statutory Officer Appointments Working Group –
Interim Report | <i>Cllr Jelley</i> |
| 9. | Independent Remuneration Panel Working Group –
Interim Report | <i>Cllr Addison</i> |
| 10. | Terms of Reference Working Group – Interim Report | <i>Cllr Jenney</i> |
| 11. | Close of Meeting | |

Agenda issued 6th September 2019

Membership of the North Northamptonshire Joint Committee

Borough Council of Wellingborough:	Cllr Martin Griffiths Cllr Tom Partridge-Underwood Cllr Andrew Scarborough
Corby Borough Council:	Cllr Tom Beattie Cllr Jean Addison Cllr Kevin Watt
East Northamptonshire District Council:	Cllr Steven North Cllr David Jenney Cllr John Farrar
Kettering Borough Council:	Cllr Russell Roberts Cllr Ian Jelley Cllr Mick Scrimshaw
Northamptonshire County Council:	Cllr Victoria Perry Cllr Jonathan Ekins Cllr Jason Smithers

Substitute Members

Councillors Mark Pengelly, Bob Eyles and David Sims (Corby); Councillors Helen Howell, Andrew Mercer and tbc (East Northamptonshire); Councillors Lloyd Bunday, Lesley Thurland and Clark Mitchell (Kettering); Councillors Tim Allebone, Barry Graves and Elayne Francis (Wellingborough); tbc (Northamptonshire County Council)

Reporting on Meetings of the North Northamptonshire Joint Committee

Members of the press and public are entitled to report on meetings of the North Northamptonshire Joint Committee, except in circumstances where they have been excluded in accordance with national rules.

If you wish to report on this meeting, please telephone or email the Committee Administrator at least two days before the meeting to enable us to provide reasonable facilities for you to do so.

If you are planning to attend, and do not wish to be recorded or photographed, please inform the Chair at the start of the meeting.

Public Participation in Meetings of the North Northamptonshire Joint Committee

If you want to ask a question or address the Committee on any item on the agenda, you must write to or email the Committee Administrator, using the email address given on the front page of this agenda, at least two clear working days prior to the day of the meeting. If you want to ask a question, then your full question must be submitted so that a response can be provided at the meeting. If a substantive response cannot be given, then a written response will be provided instead. You will be allowed up to three minutes to either ask your question or address the Committee.

Private and Confidential Items

The press and members of the public can be excluded from business of the meeting on the grounds that it involves items of business which include the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972. The reason for discussing the issue in private is indicated on the Order of Business.

MEETINGS AT THE BOROUGH COUNCIL OF WELLINGBOROUGH

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NORTH NORTHAMPTONSHIRE JOINT COMMITTEE

**Meeting held on 24th June 2019
at Kettering Borough Council**

Present: Councillor Martin Griffiths (Borough Council of Wellingborough) – Chair
Councillor Tom Beattie (Corby Borough Council) – Vice Chair
Councillor Jean Addison (Corby Borough Council)
Councillor Jonathan Ekins (Northamptonshire County Council)
Councillor John Farrar (East Northamptonshire District Council)
Councillor Ian Jelley (Kettering Borough Council)
Councillor David Jenney (East Northamptonshire District Council)
Councillor Steven North (East Northamptonshire District Council)
Councillor Tom Partridge-Underwood (Borough Council of Wellingborough)
Councillor Victoria Perry (Northamptonshire County Council)
Councillor Russell Roberts (Kettering Borough Council)
Councillor Andrew Scarborough (Borough Council of Wellingborough)
Councillor Mick Scrimshaw (Kettering Borough Council)
Councillor Jason Smithers (Northamptonshire County Council)
Councillor Kevin Watt (Corby Borough Council)

Also Present: Theresa Grant (Chief Executive, Northamptonshire County Council)
Liz Elliott (Chief Executive, Borough Council of Wellingborough)
Martin Hammond (Executive Director, Kettering Borough Council)
Norman Stronach (Chief Executive, Corby Borough Council)
Paul Goult (Monitoring Officer, Corby Borough Council)
Mark Dickenson (Chief Finance Officer, Kettering Borough Council)
Sharon Richardson (Local Government Reform Team)
Anne Ireson (Committee Administrator)

NNJC.01 ELECTION OF CHAIR

It was proposed by Councillor David Jenney and seconded by Councillor Jason Smithers that the Chair be elected by secret ballot.

The motion was not carried.

It was proposed by Councillor Tom Partridge-Underwood and seconded by Councillor Andrew Scarborough that Councillor Martin Griffiths be elected Chair.

It was proposed by Councillor David Jenney and seconded by Councillor Jason Smithers that Councillor Steven North be elected Chair.

The Committee having agreed that it was not necessary for nominated councillors to give a brief speech, the matter proceeded to the vote as follows:-

Councillor Griffiths (10)
Councillor North (4)
Abstention (1)

RESOLVED that Councillor Martin Griffiths be elected Chair of the North Northamptonshire Joint Committee.

Councillor Griffiths took the Chair.

NNJC.02 APPOINTMENT OF VICE CHAIR

It was proposed by Councillor Jean Addison and seconded by Councillor Kevin Watt that Councillor Tom Beattie be appointed Vice Chair.

It was proposed by Councillor Jason Smithers and seconded by Councillor Jonathan Ekins that Councillor Victoria Perry be appointed Vice Chair.

Voting was as follows:-

Councillor Tom Beattie (9)
Councillor Victoria Perry (4)
Abstentions (2)

RESOLVED that Councillor Tom Beattie be appointed Vice Chair of the North Northamptonshire Joint Committee.

NNJC.03 APOLOGIES

None.

NNJC.04 DECLARATIONS OF INTEREST

None.

NNJC.05 MEMBERS OF THE PUBLIC

The Chair made some opening remarks to the Committee. It was felt that the vast experience of the Committee represented a golden opportunity to deliver transformed services for residents of North Northamptonshire by building on progress through the existing joint arrangements of the Joint Planning Committee and Joint Delivery Committee.

Discussion was held in relation to the public's right to speak on items on the agenda. The agenda indicated that, as the terms of reference and standing orders had yet to be agreed at the meeting, there would not be an opportunity at the first meeting for members of the public to speak on items on the agenda. However, it was felt that the Committee should allow people to speak as a gesture of goodwill.

Following debate, it was acknowledged that, although potential speakers may have been discouraged from attending as public participation had not formed part of the agenda, it was felt that in the interests of openness and transparency members of the public present at the meeting should be given the opportunity to speak for three minutes on items on the agenda.

Four members of the public indicated that they wished to speak.

*(At this juncture the Chair asked if there were any objections from persons present at the meeting to being filmed.
There were no objections)*

NNJC.06 TERMS OF REFERENCE

A report was submitted which presented the terms of reference that had been agreed by sovereign councils for the North Northamptonshire Joint Committee.

Following a question regarding timing of future meetings, it was **agreed** that this should be prioritised as part of the work for the appropriate working group and reported back to the Committee at the earliest opportunity.

Debate ensued on the nature of the joint committee as a voluntary body and it was noted that the committee could not unilaterally amend, add to or delete from its Terms of Reference, with changes having to be agreed by each of the partner authorities through their respective Full Council meetings. This potentially could mean that the Joint Committee in its present form could be dissolved and re-constituted with new Terms of Reference should one partner authority not approve any changes. Additionally, references imposed by Government in the Structural Changes Order could potentially impact on the work of the Joint Committee, and the terms of reference would therefore need to be monitored to ensure they

remained fit for purpose and encompassed the required level of decision making.

It was noted that Item 8 on the agenda proposed the creation of a Terms of Reference Working Group.

RESOLVED that:-

- (i) the Terms of Reference for the North Northamptonshire Joint Committee be noted; and
- (ii) it be noted that any additions, amendments or deletions to the Terms of Reference required the prior approval of all sovereign councils.

NNJC.07 AGREEMENT AND STANDING ORDERS

A report was submitted which sought approval for procedures and standing orders in relation to the operation of the Joint Committee.

Discussion was held on the following aspects of public participation as contained in Section 13 of the proposed draft Agreement and Standing Orders which had been submitted for consideration:-

- The timescale for requests in writing to be submitted to the Proper Officer and the need to adopt the best practice in the interests of public participants
- The overall discretion of the Chair, as set out in paragraph 11.5 of the draft Agreement and Standing Orders
- The timing of speakers' contributions to the meeting

During debate, it was felt that it was important that public speakers address the committee in a relevant way, which would be best achieved if they made their contribution immediately after the report author had introduced the report rather than at the start of the meeting.

It was felt that two clear working days' notice should be given if a question was to be asked or a member of the public wished to comment on an agenda item. Additionally, restricting the number of speakers or the overall time allocated for public speakers might be unfair to speakers and hinder wider discussion, particularly on items of a contentious nature.

It was considered to be important that members of the public could influence decision-making, but there was also a need to stress that public speakers could only speak, or ask questions, on items that were listed on the agenda and were within the remit of the committee. It was noted that it was intended to include a Frequently Asked Questions section on the planned website, which could include guidance on public right to speak.

Members also felt that no arbitrary limit should be placed on public participation as it sent out wrong signals about the way the Joint Committee was to be run. However, it was agreed that public participants should be required to inform the Proper Officer beforehand, and that two clear working days' notice was appropriate to allow an informed response to any questions to be given at the meeting.

Following the conclusion of debate, the following amendments were proposed to the Agreement and Standing Orders.

Paragraph 13.2 be deleted and replaced with the following:-

“13.2 Public participation will normally be taken at the start of each item, after the report has been introduced by its author. A speaker will be allowed up to three minutes.”

Paragraph 13.4 be deleted.

RESOLVED that the Agreement and Standing Orders be approved subject to the amendments outlined above.

NNJC.08 PUBLIC SPEAKERS

It having been previously agreed to allow public speakers at the meeting, the four members of the public who had indicated their wish to speak were invited to address the Committee on items on the agenda.

Councillor Jim Hakewill

Councillor Hakewill addressed the Committee on the subject of public participation, stating that people would only have a limited amount of time following publication of the agenda in which to notify the Proper Officer of their intention to speak at the meeting and ward councillors should not have to give notice. Councillor Hakewill also sought assurances that agendas and minutes of working groups would be available to members of the public and that a method of counting down the three minutes allowed would be utilised to help public speakers time their contribution.

In response, Councillor Hakewill was advised that working groups were constituted of officers and members and were not decision-making bodies, with recommendations being reported to the Joint Committee for decision. It was envisaged that working groups would not be held in public, but any associated papers would be available for public inspection.

Dorothy Maxwell

In addressing the Committee, Dorothy Maxwell made the following points:-

- Agendas and minutes should be distributed to all councillors in North Northamptonshire
- Finance and funding should be transparent
- The names of councillors on the Committee should be made available to the press

In response, it was noted that agendas and minutes would be posted on Kettering Borough Council's website with links included on all partner authorities' websites. If individual authorities wished to circulate further to their members, they could do so.

The cost of the transformation programme would be of considerable interest and would be communicated to members of the public throughout the whole process. The speaker was informed that there was no need for a single scrutiny of finance across the whole programme, as individual authorities carried out their own scrutiny. Also, there would be a programme of dates for meetings going forward, which would give an additional opportunity for scrutiny of any financial information.

The names of members of the Committee were contained on the agenda, which was a public document that was also sent to the press.

Members then discussed the role of the Leaders' Oversight Board where any financial information would be broken down in detail.

Councillor Clark Mitchell

Councillor Mitchell requested that the work of the working group relating to the timing of meetings be prioritised and recommendations brought back to the next meeting of the Joint Committee.

In response, it was agreed that this request would be forwarded to the relevant working group.

Martin Evans

Martin Evans expressed support for the decision taken in relation to public speaking. He asked how the administrative costs of 78 councillors on the Shadow Council could be justified.

In response, the speaker was advised that the Structural Changes Order would be likely to contain a recommendation for 78 councillors for North Northamptonshire. However, following the initial elections, an independent boundary review would be carried out during the first four years of the new Council.

NNJC.09 LOCAL GOVERNMENT REFORM UPDATE AND PRESENTATION

A presentation was given by Sharon Richardson of the Local Government Reform Team.

The presentation outlined the following topics:-

- The timeline for phases between April 2019 until April 2021
- Integrated programme workstream portfolios and lead SROs
- The challenge
- Mobilisation of the integrated programme
- Recruitment
- The approach for delivering unitary
- Baselining
- Analysis
- Timeline for baselining and disaggregation work

Following the presentation, Members queried whether only permanent staff were eligible to be appointed to the Integrated Programme and it was noted that enquiries from both permanent staff and those on fixed term contracts may be considered, with the programme resourced firstly with councils' own staff to keep costs as low as possible.

Discussion was held on the development and approval of the Disaggregation Rule Book, and it was felt that there needed to be clarity on the presumption of disaggregation unless there was a clear reason not to disaggregate services, as the two Unitary Authorities would develop in different ways and opportunities should not be missed to work more effectively for future services. It was acknowledged that services, such as Children's Services, represented a good example of a service that could not be disaggregated.

It was noted that services would be disaggregated unless there was a good reason not to do so. If a decision was made not to disaggregate a service, there would be a robust evidence base to support that decision. An example was given of a high cost contract that could cost millions of pounds to the taxpayer to split apart. Such decisions would be routed through the design and discovery boards, which would be leader-led.

In response to a question for opportunities for members of the public to have an input into certain aspects of the work, it was noted that the Communication and Engagement Strategy was committed to engaging with the public. Additionally, the local elections next year were an opportunity for members to engage with the public on the blueprint for the new authorities. By May 2020, work would be at the implementation phase and there would be lots of different ways to engage with the public on the process.

Members sought information on how the Joint Committee could oversee the detail of the process, and it was noted that the Committee had responsibility for the delivery of the programme and managing risk as details came through for approval. Regular updates would also be provided. SROs were accountable across the whole of the county until implementation and the North Northamptonshire Joint Committee would also receive county-wide updates. Reports would be submitted by the Leaders' Oversight Board and presented by members, with SROs available to give assistance and more detail if required.

In conclusion to the debate, the thanks of the Joint Committee were extended to Sharon Richardson and Theresa Grant for the presentation and answering members' questions.

NNJC.10 ESTABLISHMENT OF WORKING GROUPS

A report was submitted which considered the establishment of four working groups and sought agreement for the Terms of Reference, membership and reporting timeline of each group. It was noted that working groups were non-decision-making, looking at dedicated areas of interest to come up with options and ideas to present recommendations back to the Joint Committee.

Operational procedures were outlined in respect of appointment of Chairs of Working Groups.

It was proposed by Councillor Victoria Perry and seconded by Councillor Mick Scrimshaw that Councillor Jonathan Ekins be appointed Chair of the Governance Working Group

The motion was unanimously carried.

It was proposed by Councillor Steven North and seconded by Councillor John Farrar that Councillor David Jenney be appointed Chair of the Statutory Officer Appointments Working Group.

It was proposed by Councillor Tom Partridge-Underwood and seconded by Councillor Russell Roberts that Councillor Ian Jelley be appointed Chair of the Statutory Officer Working Group.

Voting was as follows: Councillor David Jenney (6); Councillor Ian Jelley (8).

It was proposed by Councillor Victoria Perry and seconded by Councillor Jonathan Ekins that Councillor Jason Smithers be appointed Chair of the IRP Working Group.

It was proposed by Councillor Tom Beattie and seconded by Councillor Andrew Scarborough that Councillor Jean Addison be appointed Chair of the IRP Working Group.

Voting was as follows: Councillor Jason Smithers (3); Councillor Jean Addison (8)

It was proposed by Councillor Martin Griffiths and seconded by Councillor Steven North that Councillor David Jenney be appointed Chair of the Terms of Reference Working Group.

Unanimously agreed.

RESOLVED that:-

(i) the establishment of the following working groups be approved:

- Governance Working Group
- Statutory Officer Appointments Working Group
- Independent Remuneration Panel (IRP) Working Group
- Terms of Reference Working Group

(ii) the following Members be appointed Chair of the respective working groups, and a maximum of four further Members appointed to each working group as detailed within the report:

Councillor Jonathan Ekins – Governance Working Group
Councillor Ian Jelley – Statutory Officer Appointments Working Group
Councillor Jean Addison – IRP Working Group
Councillor David Jenney – Terms of Reference Working Group

(iii) the terms of reference for each of the working groups as contained at Appendix 1 to the report be approved and the operational procedures as detailed within the report be approved.

NNJC.11 SCHEDULE OF MEETINGS

A report was submitted which sought approval for a draft schedule of meetings for the North Northamptonshire Joint Committee for 2019/20.

RESOLVED that the schedule of meetings for the North Northamptonshire Joint Committee be approved as detailed in Appendix 1 of the report.

The Chair thanked Members and Officers for their attendance and contribution to the meeting.

(The meeting started at 6.30 pm and ended at 8.20 pm)

Signed
Chair

Al-kbc

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Report Originator	Councillor Jonathan Ekins Paul Goult	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	16 th September 19	
Title	Governance Working Group – Interim Report		

1. PURPOSE OF REPORT

For Members to receive an interim report from the Chair of the Governance Working Group regarding progress made to date on the compilation of a draft Constitution for the North Northamptonshire Shadow Council.

2. BACKGROUND

The North Northamptonshire Joint Committee agreed at its meeting on 24th June 2019 to establish a working group to draw-up a draft Constitution for adoption by the Shadow Council. Any draft Constitution would need to be referred by the Joint Committee for consideration by the Shadow Council at its inaugural meeting (likely to be May 2020).

Councillor Jonathan Ekins (NCC) was appointed Chair of the Working Group. The other members of the Group include – Cllr Bob Eyles (CBC), Cllr Andy Mercer (ENC), Cllr Lloyd Bunday (KBC) & Cllr Barry Graves (BCW). The Group was supported by officers from CBC, NCC, ENC & BCW.

The Group has now met twice in Wellingborough on 8th August 2019 & 3rd September 2019.

3. REPORT

The Group received a copy of a draft Scoping Report based upon a template previously used by West Northamptonshire Joint Committee with minor amendment.

The Group noted that a large part of the draft Constitution’s text would be dictated by law and statutory guidance, therefore it was keen to concentrate on “exceptions”, those areas of the Constitution where there could be “local choice”.

These “local choice” items included –

- Committee Structure
- Overview & Scrutiny Arrangements
- Public Participation and Access to Information

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- Member Officer Protocol
- Code of Conduct for Members
- Standing Orders
- Financial Procedure Rules

It was noted by the Group that the section relating to Member Allowances was being considered by a separate body, but would eventually need to be included in the Shadow Council's Constitution.

It was further agreed by the Group that it would utilise recent examples of other Shadow Council Constitutions e.g. Dorset Council, whilst ensuring that any content was compliant with the likely requirements of the Northamptonshire Structural Change Order (SCO).

Initial Discussions on “local choice” issues

Committee Structure

The Group recognised that the Structural Change Order would specify that the Shadow Council would operate under executive arrangements.

The following structure would be proposed –

- Executive Committee
- Overview & Scrutiny Committee
- Standards Committee
- Senior Officer Appointments Committee

It was felt that there may also be a potential role for an Audit committee and a Governance committee (particularly if there was an early indication by Shadow Members that they wished the governance arrangements to be reviewed going forward).

Executive Committee

In relation to the Executive Committee it was noted that the membership of this could be a maximum of 10 Members.

Overview & Scrutiny Committee

In relation to the Overview & Scrutiny Committee it was recognised that the duties and responsibilities of the Shadow Council did not extend to the delivery of local authority services during the Shadow Period and that the Shadow

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Council would not have a General Fund, Housing Revenue Account or Capital Programme to monitor.

The view of the Group at this stage was that the Committee focus on policy development. The Group recognised that “call-in” procedures needed to be in place but hoped that the Executive Committee would ensure that Overview & Scrutiny were able to input in policy development at an early stage.

Standards Committee

It was noted that a Standards Committee would need to be created. This would cover alleged breaches of the adopted Code by the 78 newly-elected Members only when undertaking their role on the Shadow Council.

Senior Officer Appointments Committee

It was recognised that during the course of 2020/21 the Shadow Council would need to make permanent appointments to the roles of Head of Paid Service. Whilst the final decision on the designation of these statutory officer appointments would rest with the Shadow Full Council, the preliminary work would need to be undertaken by Members in Committee.

Other

The possibility of creating a Governance Committee was discussed. This would have responsibility for overseeing the creation of a Constitution for the unitary authority (effective from 1st April 2021) and may, if instructed by the Shadow Council, review governance arrangements for the unitary i.e. move from executive to alternative arrangements.

It was further suggested that there may be a need to create a committee with an “audit function”. This would be considered further.

During discussion, the Group expressed an interest in scrutinising any Member Induction & Training package being developed. Members recognised that it would be particularly important that the Shadow Period was fully utilised in order to maximise the future input of newly elected Members.

Overview & Scrutiny Arrangements

In relation to “call-in” it was suggested that it would require at least four Members to submit a request and it would need to be validated by the Interim Monitoring Officer to ensure compliance with the Overview & Scrutiny Procedure. This Procedure would be subject to future debate.

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The Group were minded to suggest that the Committee consist of 11 Members, that political balance rules applied, that the Chair of the Committee be a representative of the largest opposition political group, the Vice Chair be a member of the majority political group.

The Committee would be entitled to create sub-committees or “task and finish” groups as deemed necessary.

Further work on drafting an Overview & Scrutiny Procedure would be conducted by officers for the Working Group’s next meeting.

Public Participation and Access to Information

It was noted that the rights of the press and public to attend & record meetings and to access information is protected by statute. The extent to which the public may participate in meetings is a matter of local choice.

There was a lengthy discussion regarding what, if any, limitations were placed on public participation. The Group were reminded that they were considering a policy for the Shadow Council not the unitary, that any policy needed to be proportionate, and that the proper business of any meeting needed to be completed in a timely and efficient manner.

Public Statements

It was recognised that members of the public may wish to address Members, prior to consideration of reports. The Group were suggesting that:-

- A member of the public be allowed to address a meeting for a maximum of three minutes on an item listed on the agenda only; this may be varied at the discretion of the Chair;
- Such a request to address committee to be registered with the clerk of the meeting two clear working days prior to the meeting taking place; and
- A speaker would address the meeting immediately prior to the agenda item being discussed.

Petition

The Group were suggesting that a petition may be presented to Members. The exact details of signature threshold etc were to be confirmed. The Group felt that a “lead” petitioner could address Members for a maximum of five minutes when presenting their petition.

Public Questions

The Group were suggesting that –

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- Notice of a question had to be delivered, in writing or electronically, to the Proper Officer, 10 clear working days prior to the meeting;
- The Proper Officer could reject a question if it was not relevant to the business of the Shadow Council, was deemed defamatory or vexatious, was a repetition of a question which had been put to a meeting in the previous six months or that required the disclosure of confidential or exempt information; and
- The question and response would be read at the meeting by the Chair, circulated to all Members and recorded in the minutes.

Member Questions

- As above, questions submitted by Members need to be received, in writing or electronically, by the Proper Officer ten clear working days prior to the meeting;
- The question and response would be read at the meeting by the Chair, circulated to all Members and recorded in the minutes; but
- A Member may ask a supplementary question through the Chair.

At its meeting on 3rd September 2019, the Working Group considered Shadow Executive Committee Procedure Rules and Responsibility for Functions. Officers were requested to provide further additional information prior to any draft versions of these documents being agreed for recommendation.

The Governance Working Group agreed a timetable of meetings during 2019 in order to progress the compilation of a draft Constitution for submission to the Joint Committee.

4. Financial Implications

There are currently no direct additional costs related to the work of the Working Group. Officer support will continue to be drawn from partner authorities.

5. Legal Implications

The Working Group is tasked with compiling a draft Constitution for the Shadow Council, incorporating all relevant laws and statutes. Any future Structural Change Order will task the inaugural Shadow Full Council meeting with adopting a Constitution, to include executive governance arrangements.

6. Conclusion

The Working Group has made good progress in identifying the key issues of “local choice” and commencing consideration of those items. Officers have

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been requested to draft documentation, based upon preferences expressed at the Working Group.

The final consultation and sign-off on the draft Constitution will need to be made by the Joint Committee, prior to its submission to the inaugural meeting of the Shadow Full Council.

7. RECOMMENDATION

- i) **Note the progress made by the Governance Working Group and the agreed Scoping Report.**

Appendix:

Copy of approved Scoping Report

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Appendix 1 – Terms of Reference

1. To consider and recommend a Constitution to be adopted by the North Northamptonshire 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) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers;
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer;
5. To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so that the earliest possible appointment can be made by the Shadow Authority;
6. To monitor and seek to mitigate any potential risks associated with the Local Government Reform (LGR) programme, the creation of a Shadow Authority and creation of a unitary council for North Northamptonshire and to establish/agree protocols or processes to manage the risks to LGR;
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting;
8. To respond to consultations on the contents of orders, consents or any other matters where specifically requested to do so by the North Northamptonshire Steering Group;
9. 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;
10. 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; and
11. 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.

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NORTH NORTHAMPTONSHIRE JOINT COMMITTEE (NNJC)

GOVERNANCE WORKING GROUP

SCOPING DOCUMENT

Agreed by the Working Group 08/08/19

Councillor Jonathan Ekins (Chair)	Northamptonshire County Council
Councillor Andrew Mercer	East Northamptonshire Council
Councillor Bob Eyles	Corby Borough Council
Councillor Lloyd Bunday	Kettering Borough Council
Councillor Barry Graves	Borough Council of Wellingborough

1. Purpose/Objectives of this Working Group

- To consider and prepare a draft Constitution for the North Northamptonshire Shadow Authority only, for recommendation to the NNJC, which will recommend a Constitution to the Shadow Authority for adoption at its inaugural Full Council meeting.
- To consider and prepare a draft Members' Code of Conduct for the Shadow Authority (which will be incorporated into its Constitution) for recommendation to the North Northamptonshire Joint Committee, which will recommend a Members' Code of Conduct to the Shadow Authority for adoption at its inaugural Full Council meeting.

2. Outcomes Required

- A draft Constitution for the North Northamptonshire Shadow Council that:
 - is suitable for the specific functions that the Shadow Council will fulfil;
 - will ensure the Shadow Council is properly constituted in accordance with the Structural Change Order and the local government legal framework; and
 - if required, could be adapted in the future to become the first Constitution of the North Northamptonshire Council.
- A draft Members' Code of Conduct for the North Northamptonshire Shadow Council that includes draft arrangements for dealing with alleged breaches of the Code.

3. Information

Information required

- Examples of best and recent practice
- Legal advice
- Democratic Services input
- Structural Change Order (SCO)

Methods used to gather and receive information

- Officer reports
- Presentations
- Desktop research

4. Timetable for completion of the Tasks

The dates and times of the Governance Working Group are as set out in the table below. It is unlikely that all of these meetings will be required.

Date	Time	Location
3 rd September 2019	9:30 am	Wellingborough
26 th September 2019	9:45 am	Wellingborough
24 th October 2019	9:30 am	Wellingborough
31 st October 2019	9:30 am	Wellingborough

Whilst the Structural Change Order (SCO) is unlikely to have completed its Parliamentary process until December 2019, it is suggested that the work of the Group be concluded by the NN Joint Committee of 12th November 2019. Allowing this longer time frame would allow the Group to respond to any issues arising out of the final text of the Order when it is laid in Parliament (October 2019).

An interim report to be presented to the NN Joint Committee by the Group Chair on 16th September 2019.

5. Responsible Officers

Paul Goult	Monitoring Officer & Democratic Services Manager	Corby Borough Council
Paul Hanson	Democratic Services Manager	Northamptonshire County Council
Carol Mundy	Democratic Services	Borough Council of Wellingborough
Ben Smith	Democratic Services Manager	East Northamptonshire Council

6. Proposed Methodology

Background

The currently understood timeline of Local Government Reorganisation in Northamptonshire anticipates the creation of a unitary authority for North Northamptonshire in April 2021. This would likely mean the creation of a shadow authority for North Northamptonshire in May 2020.

The SCO is anticipated to be laid before Parliament after the 2019 Summer Recess. Completion of the Parliamentary process on the SCO might be expected by the end of 2019. The first meeting of the Shadow Authority would take place within 14 days of the designated election day of 7th May 2020. Therefore, it is estimated, the first meeting of the Shadow Authority would take place by the end of May 2020.

In summary, the role of the Shadow Authority will be to do all that is necessary to prepare for the establishment of the North Northamptonshire Council in April 2021 and the taking on of full local government functions and powers from that time. Until April 2021, the Shadow Authority will have no service delivery role as the current Councils will continue in existence until then. However, the Shadow Authority will still require standing orders and rules of procedure to govern how business is transacted.

Therefore, it will be necessary for the Shadow Authority to adopt a Constitution (and a Members' Code of Conduct) at its first meeting, as it will require a Constitution in order to start operating.

While there are a number of reasons that could cause the anticipated timetable to change and be delayed, it is currently necessary to work on the basis that a Constitution for the Shadow Authority will be required in May 2020. The North Northamptonshire Joint Committee has been given the role of preparing a Constitution for recommendation to the Shadow Authority at its inaugural meeting.

Template Constitution

Due to the shortness of time, it is recommended that a suitable pre-existing Constitution be used as a starting point and is adapted to suit the requirements of the North Northamptonshire Shadow Council.

The Dorset, Bournemouth and Poole area has recently undergone local government reorganisation resulting in the creation of two new unitary authorities from the start of April this year. They are one year ahead in the process, of the anticipated timetable in Northamptonshire. This means that they have already created Constitutions suitable for a shadow authority. It is suggested therefore that the Dorset Shadow Authority Constitution be used as the template for the North Northamptonshire Shadow Authority Constitution. Dorset Shadow Council's Constitution is suggested rather than Bournemouth and Poole's only on the basis that the County Monitoring Officer Group

started to consider this Constitution last year. The Bournemouth and Poole Constitution can also be used as a reference if it is available and significantly different to the Dorset Shadow Constitution.

At this point in time, an assumption is being made that any SCO made in relation to Northamptonshire will closely follow recent examples of other local government reorganisations including in Cheshire and in Dorset.

The Dorset Shadow Authority Constitution necessarily incorporated the requirements of the Bournemouth, Dorset and Poole SCO. This is a benefit of using the Dorset Shadow Authority Constitution as a starting point in North Northamptonshire.

It should also be noted that the West Northamptonshire Joint Committee has already considered the drafting of a constitution, based upon the Dorset model. It is important that the local choices of North Northamptonshire members are reflected in any constitution drafted by this working group, however there may be merit in considering using the West Northamptonshire draft as a template.

Work Packages

It is proposed to split the component parts of the Constitution into a number of different work packages as set out below, in order that (where resources are available) different subject matter experts can work on different parts, with the Officers supporting this Working Group having broad oversight of the entire document.

- Summary and Explanation
- Articles
- Responsibility for Functions
- Rules of Procedure
 - Council Procedure Rules
 - Access to Information and Open Government
 - Budget and Policy Framework
 - Financial Regulations
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
- Members' Code of Conduct and Arrangements for dealing with alleged breaches of the Code
- Other Protocols eg. Protocol on Member/Employee Relations
- Members' Allowances Scheme (*Note: the narrative for this to be provided by the Independent Remuneration Panel once established*)
- Provisions relating to Officers including Employment Procedure Rules

(Please note this is not an exhaustive list and may evolve as work commences).

'Exceptions'

Every Constitution is made up of a combination of legal and technical sections that are broadly the same in all Constitutions and other elements where there is more discretion and local choice available in the arrangements that are operated by the Council. It is therefore proposed that the Constitution for the Shadow Authority is drafted by exception. Officers would draft the standard legal and technical parts and the skills of the Members of this Working Group would be deployed to consider only those areas of the Constitution which are of greatest political and practical importance and to advise Officers of their preferred way forward.

The suggested areas for consideration and Member input by the Working Group are suggested below, together with some initial Officer suggestions for discussion by Members:

A. What Committees will the Shadow Authority need/want?

It is suggested that initially, the Shadow Authority will require the following Committees:

- The Shadow Executive Committee – (there are likely to be details about the composition of this Committee in the Structural Changes Order).
- Standards Committee
- Overview and Scrutiny Committee – (see further details in section B below)
- Senior Appointments Committee – (to deal with appointments of Senior Officers and potentially any disciplinary or appeals matters).

It is considered that the Shadow Authority will not be able to operate without the Committees listed above. There may be other types of Committees that the Shadow Authority could potentially have, for example Audit and Governance or General Purposes (for non-executive functions where it may not be practical to convene the entire Full Council). However, consideration needs to be given to the resourcing of such Committees, as the sovereign authorities will still be operating their own committees at this time.

Consideration also needs to be given to the limited functions and decision making power of the Shadow Authority and the need for the governance arrangements to be proportionate and manageable in practice. It would always be possible for the Shadow Authority to amend its Constitution during its lifetime, to establish additional Committees if a need arose.

B. Overview and Scrutiny Arrangements

- Structure and Composition – eg. one Committee or multiple Committees?
- Will it have Sub-Committees?
- Will it have Scrutiny Panels/Scrutiny Working Groups?
- Call-in rules?
- The need to be clear about the likely purpose of Overview and Scrutiny in the Shadow Authority context.

Northamptonshire County Council has a single Overview and Scrutiny Committee. The County Council's approach to overview and scrutiny was recently reviewed by the Centre for Public Scrutiny and this was the approach that they recommended.

Corby Borough Council operate a single Overview & Scrutiny Panel (OSP) however given the council's committee-style governance structure, the OSP tends to focus on monitoring service delivery rather than reviewing decisions made by the main policy committee.

Kettering Borough Council (which operates executive arrangements) operates two scrutiny committees. One predominately relating to audit & financial scrutiny, the other scrutinising service delivery.

Neither the Borough Council of Wellingborough or East Northamptonshire Council have dedicated overview & scrutiny committees, with scrutiny-type functions undertaken by other committees.

It is recommended that a single Committee approach would lend itself well to a Shadow Authority where there is a need to focus and where there is unlikely to be the resource to administer multiple Overview and Scrutiny Committees.

C. Public Participation and Access to Information

The rights of the press and the public in relation to attending and recording meetings and to access information etc. will as a minimum need to reflect the requirements in legislation. However, as Members will be aware, the extent to which the public may participate in meetings is a matter of local discretion and there is a continuum ranging from limited public participation to more extensive public participation rights being granted. For example, elements of some different models are set out below as a starting point for discussion by Members:

- A limited number of members of the public may speak on any topic at the beginning of the meeting.
- Members of the public may speak only on items on the public agenda.
- Members of the public may speak only to ask questions.
- Member access to information, "right to know" provisions protocol? constitutional rules?

D. Member Officer Protocol

Dorset Council's Constitution has a Member/Officer Protocol and it is considered best practice in governance terms for the interface between different parties to be properly managed

E. Terminology to refer to Members of the Shadow Executive Committee

'Portfolio Holder' may be clearer than 'Shadow Executive Committee Member' due to 'shadow' usually being associated with the role of opposition spokespersons.

F. Code of Conduct for Members of the Shadow Authority and Arrangements for Dealing with Allegations of Breaches.

The following matters will require consideration:

- The general structure of the Code of Conduct? For example, some Codes contain much more detail than others. Possibility of choosing one of the Codes of the member Councils of the NNJC and adapting as required?
- What approach should be taken with respect to personal interests that are locally defined (as opposed to the statutorily defined Disclosable Pecuniary Interests)?
- What process should be used for dealing with allegations of breaches of the Code? Again, there is a lot of variation amongst the approaches of different Councils to dealing with complaints about alleged breaches of a Members' Code of Conduct. For example, some councils have very streamlined arrangements for dealing with alleged breaches and others follow lengthy processes. Some Councils delegate a significant amount of the work in assessing cases to the Monitoring Officer who can act as a filter, whereas others might refer more matters to a Standards type committee. Possibility of choosing the Arrangements for dealing with alleged breaches of one of the member Councils of the NNJC and adapting as required?
- The need for a statutory Independent Person to meet the requirements of the Localism Act 2011.

G. Standing Orders

The rules of debate in the Constitution should be based on the Local Government Act 1972, Standing Orders Regulations and the model standing orders that underpin every local authority constitution. Areas of discretion include:

- Time and place of meetings
- Scope of questions and addresses
- Questions by councillors – to the Executive and/or Overview and Scrutiny chair
- Motions – deadline for submitting, number of motions that may be considered and scope of motions
- Amendments – the deadline for submitting amendments to motions
- Alterations – the rights of Members to alter a motion that they have placed on the agenda and/or proposed
- Recorded votes – threshold for requesting all votes to be recorded.

H. Financial Procedure Rules

The Financial Procedure Rules will need to be relevant to the role and functions of the Shadow Authority. It is suggested that the Financial Procedure Rules are referred to the Section 151 Officers of the Member authorities initially and then brought back to this Working Group for consideration.

Officers will expand on the topics set out in paragraphs A to E above at this first meeting of the Working Group and seek Members' views and direction in order to enable the drafting of the Constitution to be commenced. The topics set out in paragraphs F to H above will be considered at a later meeting of the Working Group.

Matters relating to the establishment of an Independent Remuneration Panel and that Panel proposing a Shadow Council Scheme of Allowances is being considered by a separate working group.

7. Resolutions

The Working Group resolved to:

- a) Agree the scope of the Working Group as set out in this document;
- b) Consider and discuss the 'exceptions' set out at section 6 of this document at paragraphs 'A' to 'E' and provide direction on these topics to officers at Working Group meetings to enable the drafting of the Shadow Constitution for North Northamptonshire to commence;
- c) Advise Officers of any additional 'exception' areas it wishes to add for consideration by the Working Group;
- d) Agree a timetable of meetings for the Working Group during 2019/2020 (see above).

Committee	Joint Committee	Item 8	Page 1 of 2
Report Originator	Councillor Ian Jelley	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	16 th September 2019	
Title	Statutory Officer Appointments Working Group – Interim Report		

1. PURPOSE OF REPORT

For Members to receive a report from the Chair of the Statutory Officer Appointments Working Group regarding their discussions to date.

2. BACKGROUND

2.1 The North Northamptonshire Joint Committee agreed at its meeting on 24th June 2019 to establish a working group to consider the following:-

- *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) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers;*
- *To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer; and*
- *To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so the earliest possible appointment can be made by the Shadow Authority.*

2.2 Councillor Ian Jelley (KBC) was appointed Chair of the Working Group. The other members of the Group include – Cllr Tim Allebone (BCW), Cllr Mark Pengelly (CBC), Cllr Helen Howell (ENC) & Cllr Sandra Naden-Horley (NCC). The Group is supported by officers from CBC & KBC.

2.3 The Group has met twice to date on 15th August 2019 & 4th September 2019.

3. REPORT

3.1 A brief report is attached detailing key discussion points arising from the first two meetings of the Group.

3.2 In addition to the topics referred by the Joint Committee to the Group it was noted that there may be a requirement in the Structural Change Order for the permanent appointment of Chief Finance Officer and Monitoring Officer prior to

NORTH NORTHAMPTONSHIRE

Committee	Joint Committee	Item 8	Page 2 of 2
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Vesting Day. Preparation for this was not currently covered by the Joint Committee's Terms of Reference. This matter was the subject of discussion by another working group established by the Joint Committee.

- 3.3 It should be noted that the Working Group during its discussion also raised the issue of branding for both the Shadow Council and the new unitary authority. Whilst not a direct matter for this working group, it was a matter that they wished to raise with the Joint Committee. There would be a need to ensure advertisements and documentation associated with recruitment was appropriately branded.

4. FINANCIAL IMPLICATIONS

- 4.1 There are currently no direct additional costs related to the work of the Working Group. Officer support will continue to be drawn from partner authorities.

5. LEGAL IMPLICATIONS

- 5.1 The Working Group is tasked with drafting recommended processes and procedures relating to the designation of interim Statutory Officers for the Shadow Authority and the permanent appointment of a Head of Paid Service for the new unitary authority.

6. CONCLUSION

- 6.1 The Working Group is progressing with its mandate and will refer back to the Joint Committee recommendations in due course.

7. RECOMMENDATION

- i) Note the report and appendices circulated;
- ii) Agree for the Group to extend its consideration to the permanent designation of respective roles of permanent Chief Finance Officer and Monitoring Officer if included within the Structural Change Order; and
- iii) Note the request for the NNJC to provide some guidance in relation to the branding of the Shadow Council (for use on documentation etc).

Appendices:

Copy of Chair's Report

Copy of briefing note from meeting of the Working Group 15th August 2019

Copy of Scoping Report

Report to the North Northants Joint Committee from the Statutory Officers working Group

Chair. Cllr Ian Jelley

The working party has held two meetings since the last NNJC meeting. The first on the 15th August, and the second on 4th September.

The minutes of the first meeting are attached to this report as an appendix.

At the first meeting the working party was given an update on the draft Structural Change Order, and a briefing on the role of the working party going forward.

The working party had been given a draft Scoping document in advance of the meeting which outlined the purpose of the working group, the outcomes required, timetable of completion of the tasks and the proposed methodology.

The primary function of the working group is to consider and prepare a report for the Shadow Authority for prior approval by the NNJC which will recommend an appointment process for the selection of: -

- Interim Head of Paid Services
- Interim Chief Finance Officer
- Interim Monitoring Officer

and if appropriate a Returning officer for the purpose of the first Unitary elections. The above to be within the provision of the Structural Change Order.

In addition to recommend a recruitment and selection process for:-

- Permanent Head of Paid Service.

The group noted that it was possible for MHCLG to request that the permanent positions of Monitoring Officer and Chief Finance Officer would also be filled by the 31st December 2020.

The group agreed for the Chair to ask the NNJC whether this work should be undertaken, as it was likely that this would need to be required at a later date anyway.

The meeting considered the rest of the Scoping report, and other outcomes required. This process will be supported by Sam Maher (Director of HR for East Midlands Council) and would scrutinize the work of the group and provide a level of independent assurance in the ongoing work.

It was also requested and agreed that Sarah Macintosh and Stella Jinks from HR at KBC and CBC would be supporting the working group to produce draft job descriptions and person specifications for all of the proposed positions as detailed earlier in this report.

The deadline for the completion of the work was considered and proposed as the end of November 2019

HR officers advised members in relation to interim appointments and the potential for recruitment from deputy statutory officers or even secondment from officers from other authorities if need be.

The group also discussed the process of recruitment by in house processes or external agencies as both processes had been used before and were very successful, and the use of professional bodies (Penna) in respect of internal and external advertising of positions, to be discussed further at the next meeting

The appointment of a Returning Officer for the elections in 2020 is likely to be included in the SCO in November, so was not part of the current debate

Finally, it was also recommended by members that NNJC consider the branding and aesthetics of any potential adverts for interim and permanent positions and give advice to the working party.

Members also agreed for contact to be made with LGSS and EMC HR in respect of the colleagues from these authorities and the work being done by the working group.

Attached as an appendix is the updated Scoping Document with confirmation of the resolutions from the first meeting in points 7 of the report.

The group agreed to a second meeting to be held on 4th September at Corby Cube.

Meeting 4th September 2019

This meeting was to discuss the draft job descriptions, person specifications T & Cs timetables, advertisements and appointments processes.

The target dates for appointments for the interim and permanent post were discussed and confirmed.

The interim positions and draft job descriptions and person specs were discussed, and will be further discussed and agreed at the next meeting. HR confirmed that these positions would be advertised internally at each North Northants authority and NCC.

Members asked for an understanding of how officers appointed to the interim positions would work in relation to their own positions in their Borough or District Council and the job they would be expected to do within the Shadow Authority? HR to clarify at the next meeting.

In respect of the permanent position/s members asked that officers' contact two or three successful unitary authorities to secure job descriptions and person specifications for the statutory positions, so that they could be compared to the drafts that we had based on borough and district descriptions.

Members felt that there needed to be a clear understanding of any differentials between the descriptions and responsibilities between borough & district officers and unitary officers, as we had not been in this position before and this was a much bigger job than we had been involved in before. This would include the importance of

a good sound understanding of a balanced budget, safe and legal services from day one and commitment to the new Unitary Authority to regain public and business confidence in delivering good services in North Northamptonshire, in light of the position that we are in today.

Members asked if we could confirm what we think the budget for the new Unitary is likely to be, and felt this must be included in the job descriptions and advertisements. Positions would be advertised Internally and externally.

A further meeting is arranged for 25th September to progress the work of the group agree and propose the advertising and appointments process.

The members of the group were happy that we were making good progress, and further reports will be brought back to the future meetings of the NNJC.

Councillor Ian Jelley

Chair of the Statutory Officers Appointments Working Group.

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North Northamptonshire Joint Committee

Statutory Officer Appointments Working Group

Meeting held: 15th August 2019

Present:- Cllr Ian Jelley (Chair), Cllr Helen Howell (ENC), Cllr Sandra Naden-Horley (NCC), Cllr Mark Pengelly (CBC), Sarah Macintosh (KBC), Paul Goult (CBC), Stella Jinks (ENC/CBC/BCW), David Pope (KBC)

19.SO.01 Welcome by the Chair & Introductions

Councillor Ian Jelley welcomed attendees to the meeting

19.SO.02 Update on the Statutory Change Order & Role of the Working Group and Timelines

Paul Goult provided the meeting with an update on the Statutory Change Order (SCO).

It was heard that advice received from MHCLG intimated that the SCO would be laid in parliament during October 2019 with an intention for the necessary legislation to allow for the unitary process to formally take shape being in place by the end of the year. In addition, MHCLG had provided an indication of the key issues to be addressed over the next few months.

Elections for the shadow authority were planned for 7th May 2020, at which point 78 new members for North Northamptonshire would be elected. The shadow authority would then have until 1st April 2021 to ensure everything was in place to allow the new unitary authority to adopt the powers of the County Council and existing borough and district authorities.

Ahead of the May 2020 elections, the County Council and the four borough and district authorities in the north of the county had formed the North Northamptonshire Joint Committee (NNJC). The committee had identified a number of topics for consideration going forward, one of which related to Statutory Officer (SO) Appointments. The SCO would provide authority to the NNJC to arrange the process for the selection and recruitment of:

- Interim Head of Paid Service
- Interim Chief Finance Officer
- Interim Monitoring Officer

- And, if appropriate a Returning Officer for the purpose of the first elections to the new unitary body

In addition, the NNJC had asked the group to consider the recruitment and selection process for the permanent Head of Paid Service for the new unitary body. It was likely that the SCO, once laid, would also mention the same processes for both the Chief Finance Officer and Monitoring Officer. The meeting noted that it was possible that the MHCLG would request that these permanent positions be filled by 31st December 2020.

It was **AGREED** that the group ask the NNJC whether work should be undertaken in relation to the recruitment of a permanent Chief Finance Officer and Monitoring Officer for the new unitary as it was likely this would be required at a later date.

19.SO.03 Consideration of Draft Scoping Report

The meeting considered the draft scoping report that provided the objectives and required outcomes of the group's work. The report also provided details of responsible officers and a proposed methodology to allow for completion of the work.

The meeting heard that Sam Maher, Director of HR and Councillor Development at East Midlands Councils (EMC) would provide scrutiny of the work of the group to provide a level of independent assurance. Sam had a significant level of experience in relation to Statutory Officer appointments and this knowledge could prove to be very valuable going forward.

It was **AGREED** that Sarah Macintosh and Stella Jinks would obtain examples of SO job descriptions from EMC with a view to putting together a draft version prior to the next meeting of the group. In addition, personal profiles to fit each position could be prepared.

The group heard that it was working to a suggested deadline of November for completion of its work, with an interim report taken to the NNJC from the group Chair at the meeting on 16th September.

It was noted the SCO would be likely to specify that the interim SO positions would be appointed from among existing local authority statutory officers in North Northamptonshire.

There was also an assumption that the permanent position of Head of Paid Service for the new unitary body would be recruited to through an open advert.

In response to a question whether there was confidence that the interim roles could be appointed to from the existing staff pool, it was heard that consideration needed to be given to the addition of extra workloads on SOs and whether this would require additional remuneration.

The group received advice in relation to the adoption of a number of plans covering a series of possible eventualities in relation to interim SO appointments, including the potential for recruitment from deputy SO positions, secondments from other authorities or transition of officers from among the authorities comprising West Northamptonshire.

It was noted that in relation to the possible requirement to appoint a Returning Officer for the elections in May 2020, it was likely that this issue would be covered as part of the SCO.

It was **AGREED** that the NNJC be recommended to consider the branding and aesthetic of any potential adverts for both the interim and permanent SO positions.

It was **AGREED** that contact be made with the LGSS in relation to the work of the group.

It was **AGREED** that the Chair draft an interim report to be presented to the September meeting of the NNJC with the draft scoping document as an appendix.

19.SO.04 FUTURE MEETING DATES

It was **AGREED** the next meeting of the group take place on 4th September at 10am. Further meetings would be scheduled as required.

Signed _____

(Chair)

(The meeting started at 10:00am and ended at 10:41am)

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NORTH NORTHAMPTONSHIRE JOINT COMMITTEE (NNJC)
STATUTORY OFFICER APPOINTMENTS WORKING GROUP

SCOPING DOCUMENT

1. Purpose/Objectives of this Working Group

- To consider and prepare a report for the North Northamptonshire Shadow Authority, for prior approval by the NNJC, which will recommend a recruitment process for the selection of:-
 - Interim Head of Paid Service (HoPS);
 - Interim Chief Finance Officer (CFO);
 - Interim Monitoring Officer (MO);
 - And if appropriate a Returning Officer (RO) for the purpose of the first elections to the new unitary body; and

- To recommend a recruitment process for the selection of:-
 - Permanent Head of Paid Service (HoPS).

2. Outcomes Required

Interim Appointments (Internal applicants only)

Draft job descriptions/person specifications for the interim positions (compliant with relevant legislation);

A recruitment process (compliant with the Structural Change Order) for the interim positions;

A selection process for the interim positions; and

Any terms & conditions issues identified that require determination.

Permanent Appointment

Draft job descriptions/person specification for the position of permanent Head of Paid Service (compliant with relevant legislation);

A recruitment process (compliant with the Structural Change Order) for the permanent position of Head of Paid Service;

A selection process for the position of permanent Head of Paid Service; and

Any terms & conditions issues identified that require determination.

3. Information

Information required

- Examples of best and recent practice (to include West Northamptonshire, Dorset etc)
- Legal advice where required
- Human Resources input including from East Midlands Councils (EMC)
- Structural Change Order (SCO)

Methods used to gather and receive information

- Officer reports
- Presentations
- Desktop research

4. Timetable for completion of the Tasks

The dates and times of the Statutory Officer Appointments Working Group are as set out in the table below. It is unlikely that all of these meetings will be required.

Date	Time	Location
4 th September 2019	10:00 am	Kettering
TBC		Kettering
TBC		Kettering

As the Structural Change Order (SCO) is unlikely to have completed its Parliamentary process until December 2019, it was agreed that an interim report only be presented to the North Northamptonshire Joint Committee by the Group Chair on 16th September 2019. This would allow the Group to respond to any issues arising out of the final text of the Order when it is laid in Parliament (October 2019).

The Group recognised there were three distinct topics to be covered:-

- i) Interim statutory officers;
- ii) Permanent Head of Paid Service; and
- iii) Permanent Chief Finance Officer and permanent Monitoring Officer (this to be confirmed by NNJC).

5. Responsible Officers

Sarah Macintosh	Human Resources Manager	Kettering Borough Council
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Stella Jinks	Human Resources Manager	Shared Service - Corby BC, BC of Wellingborough, East Northamptonshire DC
David Pope	Democratic Services	Kettering Borough Council
Sam Maher	Director of HR and Councillor Development	East Midlands Councils
LGSS	Northamptonshire County Council	To be invited to attend and contribute

6. Proposed Methodology

Background

The Structural Change Order is likely to state:-

“Each shadow authority must designate...on an interim basis, an officer of the county council, one of the North Northamptonshire councils or one of the West Northamptonshire councils ...to be responsible for performing, in relation to each shadow authority, the duties ...” of the Head of Paid Service, Chief Finance Officer and the Monitoring Officer.

The Shadow Period

Currently elections for North Northamptonshire Council are due to take place on 7th May 2020. The first meeting of the Shadow Full Council will be held before the end of May 2020.

At that Shadow Full Council meeting Members will need to appoint an Interim Head of Paid Service, Interim Chief Finance Officer and an Interim Monitoring Officer. These appointments need to be made to ensure that the new authority complies with legislation.

Once appointed these statutory officers may deputise functions to colleagues where it is appropriate to do so.

The draft Structural Change Order may detail that permanent statutory officers should be appointed and in post by 31st December 2020. Effectively this means that any interims appointed may be in post for May – December 2020 only.

Those acting as interim may apply for the permanent positions and would be considered *without prejudice* with other applicants as part of a competitive process.

Head of Paid Service (HoPS)

The Local Government and Housing Act 1989 (s.4) requires each local authority to designate one of their officers as the Head of Paid Service.

The Head of Paid Service would be responsible for the staffing and management of the local authority. They would be the senior officer employed by the local authority.

Chief Finance Officer (CFO)

The Local Government Act 1972 (s.151) and the Local Government and Housing Act 1989 (s.6) requires each local authority to designate one of their officers as the Chief Finance

Officer. The Chief Finance Officer is required by law to be an accountant and member of an appropriate body.

The Chief Finance Officer would be responsible for the financial affairs of the local authority.

Monitoring Officer (MO)

The Local Government and Housing Act 1989 (s.5) requires each local authority to designate one of their officers as the Monitoring Officer.

The Monitoring Officer would be responsible for ensuring that the local authority operates in a legal manner and avoids contravention of law or code of practice and avoids maladministration.

Permanent Appointments

The Structural Change Order is likely to require permanent appointments to be made, with successful candidates in post, by 31st December 2020. This would apply to all three statutory officer posts.

Currently the Group has a mandate from the North Northamptonshire Joint Committee to consider the appointment process for the permanent Head of Paid Service only, however given that this mandate is likely to be amended in due course; the Group wishes to be proactive in consideration of the other two positions as well.

Other

The issue of appointment of local Returning Officer (and Electoral Registration Officer) for the May 2020 elections is now likely to be determined as part of the Structural Change Order; the Group does not currently need to consider that appointment.

The Group may need to consider including reference to the appointment of Returning Officer (and Electoral Registration Officer) in the job description for the Interim Head of Paid Service (to cover any by elections) and the permanent Head of Paid Service.

Work Packages

There are certain specific tasks which need to be addressed. These include:-

Interim Appointments

- A job description/person specification for the role of Interim Head of Paid Service;
- A job description/person specification for the role of Interim Chief Finance Officer;
- A job description/person specification for the role of Interim Monitoring Officer;
- The recruitment process to be followed with respect to each of the interim roles;
- The selection process to be followed with respect to each of the interim roles;
- Any terms and conditions issues which may need to be addressed; and
- A timetable for the recruitment and selection process for the respective roles, remembering that the Shadow Full Council (May 2020) will need to make the actual appointments.

Permanent Appointment

- A job description/person specification for the role of permanent Head of Paid Service;
- The recruitment process to be followed with respect to the post of Head of Paid Service;
- The selection process to be followed;
- Any terms and conditions issues which may need to be addressed;
- A timetable for the recruitment and selection process for the permanent role (with the potential need for the successful candidate to be appointed and in post by 31st December 2020).

(Please note this is not an exhaustive list and may evolve as work commences).

7. Resolutions

The Working Group resolved to:

- a) Agree the scope of the Working Group as set out in this document;
- b) Suggest to the North Northamptonshire Joint Committee that it be permitted to consider proposals for the recruitment & selection process for the permanent appointments of Chief Finance Officer and Monitoring Officer;
- c) That the working group be kept updated in relation to work on branding for the Shadow Council; and
- d) Agree a timetable of meetings for the Working Group during 2019/2020; the next meeting to be on 4th September 2019.

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Committee	Joint Committee	Item 9	Page 1 of 3
Report Originator	Councillor Jean Addison Paul Goult	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	16 th September 19	
Title	Independent Remuneration Panel Working Group – Interim Report		

1. PURPOSE OF REPORT

For Members to receive an interim report from the Chair of the Independent Remuneration Panel Working Group regarding progress made to date on the work of the group.

2. BACKGROUND

The North Northamptonshire Joint Committee agreed at its meeting on 24th June 2019 to establish a working group to draw-up proposals for the establishment of an Independent Remuneration Panel. The purpose of a Panel would be to draw-up a recommended remuneration scheme for Shadow Councillors (i.e. Member Allowances).

Any recommendations would apply to the Shadow Council only and for 2020/2021. Any agreed scheme would not cover the new unitary authority after Vesting Day (1st April 2021); that will require a separate exercise.

Any proposed remuneration scheme would need to be determined by the Shadow Council at its inaugural meeting (likely to be May 2020).

Councillor Jean Addison (CBC) was appointed Chair of the Working Group. The other members of the Group include – Cllr Ken Harrington (BCW), Cllr David Brackenbury (ENC), Cllr Lesley Thurland (KBC) & Cllr Gill Mercer (NCC). The Group was supported by officers from CBC & BCW.

The Group's inaugural meeting was held in Corby on 30th August 2019.

3. REPORT

Any Structural Change Order (SCO) agreed by Parliament would likely include the following or similar:-

Each shadow authority must formulate proposals for the schemes of members' allowances to be adopted by North Northamptonshire Council and West Northamptonshire Council; and

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Each shadow authority must prepare and adopt a scheme for the payment of allowances to its members; and the Local Authorities (Members' Allowances)(England) Regulations 2003 apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

The Working Group received a copy of a draft Scoping Report at their meeting on 30th August 2019. This was agreed by the Group and is attached for information.

The Working Group discussed the composition of the Panel. It was noted that statute required that the Panel comprised at least three independent members.

It was considered in the interests of expediency, to invite all existing Independent Panel members from across the five sovereign councils to be contacted, and to be requested to submit an expression of interest should they wish to be considered for appointment. The Working Group would then consider short listing. Any nominations for appointment would be forwarded to the Joint Committee for ratification.

The Working Group also requested various other items of information which may assist the Group in scoping its requirements for the Panel; these would be collated by officers. These included reports and similar from other authorities subject to reorganisation.

The Working Group also discussed the potential to request that the Panel consider any civic allowances applicable for the Shadow Council. Civic allowances are covered by separate legislation.

The Working Group agreed to meet again on 23rd September 2019. At its next meeting it will:-

- Consider any expressions of interest received for membership of the Independent Panel;
- Agree the proposed recommended composition of the Panel including appointment of Chair;
- Consider the scoping report to be presented to the Panel outlining the outcome required and providing an indicative timetable; and
- Consider appropriate fees and recompense for Panel members.

The Working Group would be seeking to provide its final report and recommendations to the Joint Committee meeting of 12th November 2019.

4. Financial Implications

There are currently no direct additional costs related to the work of the Working Group. Officer support will continue to be drawn from partner authorities.

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It was noted that there would be a need to cover the reasonable costs associated with meetings of the Independent Remuneration Panel and any fees or expenses of Panel members.

5. **Legal Implications**

The Working Group is tasked with compiling a process for the appointment of an Independent Remuneration Panel under appropriate statute. Any Panel appointed would report into the Shadow Authority only.

6. **Conclusion**

The Working Group had made good progress in agreeing its scoping report and identifying the next steps required. It was recognised that it was important that matters be progressed as soon as possible, in order that processes could be put in place for production by the Panel of final recommendations.

7. **RECOMMENDATION**

- i) **Note the progress made by the Independent Remuneration Panel Working Group and the agreed Scoping Report.**

Appendix:

Copy of approved Scoping Report

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NORTH NORTHAMPTONSHIRE JOINT COMMITTEE (NNJC)

INDEPENDENT REMUNERATION PANEL WORKING GROUP

SCOPING DOCUMENT

1. Purpose/Objectives of this Working Group

In respect of the establishment of an Independent Remuneration Panel for the purpose of recommending a Scheme of Allowances for the Shadow Authority to include:-

- Scope and timetable of the Review
- Appointment of Panel Members
- Remuneration of Panel Members

2. Outcomes Required

- Confirm the scope of the Panel's Review –
The Local Authorities (Members' Allowances) (England) Regulations 2003
Local Government Act 1972 s.3 (5)
- To consider the appointment of Panel Members and formulate recommendations to the NNJC.
- To consider the remuneration of Panel Members whilst undertaking their responsibilities.

3. Information

Information required

- Examples of best and recent practice
- Monitoring Officer input
- Structural Change Order (SCO)

Methods used to gather and receive information

- Officer reports
- Presentations
- Desktop research

4. Timetable for completion of the Tasks

The dates and times of the Independent Remuneration Panel Working Group are as set out in the table below. It is unlikely that all of these meetings will be required.

Date	Time	Location
23 rd September 2019	9:30 am	Corby
TBC		Corby
TBC		Corby

Whilst the Structural Change Order (SCO) is unlikely to have completed its Parliamentary process until December 2019, it is suggested that the work of the Group be concluded by the NN Joint Committee of 12th November 2019.

An interim report to be presented to the NN Joint Committee by the Group Chair on 16th September 2019.

5. Responsible Officers

Paul Goult	Monitoring Officer & Democratic Services Manager	Corby Borough Council
Karen Denton	Interim Monitoring Officer Designate	Borough Council of Wellingborough
Laura Flood	Democratic Services	Corby Borough Council

6. Proposed Methodology

Background

The Structural Change Order is likely to require that each shadow authority formulate proposals for the scheme of member's allowances to be adopted by the respective authority.

The Shadow Period

Currently elections for North Northamptonshire Council are due to take place on 7th May 2020. The first meeting of the Shadow Full Council will be held before the end of May 2020.

There will be the need for the Shadow Authority to adopt a Scheme of Member's Allowances for the period 12th May 2020 - 1st April 2021.

A separate review of Member Allowances will be required for the new unitary authority, effective from 1st April 2021 (Vesting Day). This matter falls outside of the current mandate from the Joint Committee.

Other

It may also be appropriate for the Panel to consider if any civic allowances are to be paid. These fall under s.3 (5) of the Local Government Act 1972 and are usually paid to the Mayor of the Borough or Chairman of the District.

Under the Shadow Authority it is likely the Chairman of the Shadow Council may have a limited role, namely to chair meetings of the Shadow Full Council. Other duties or responsibilities are yet to be determined.

Work Packages

There are certain specific tasks which need to be addressed. These include:-

Determining the scope of the Panel's work. Under the 2003 Regulations this is likely to include recommending:-

- A Basic Allowance
- Any Special Responsibility Allowances (SRA) e.g. Leader, Deputy Leader, Executive Member, Chair, Leader of the Opposition etc
- Travelling and subsistence allowance
- Carer's allowance
- Independent Person's allowance (Standards Committee)

In addition the Working Group will need to determine how the Independent Remuneration Panel is to be recruited/selected and, when the Panel needs to hold its inaugural meeting and the timeline they will work to for completion of their task.

It will be for the Panel to determine the methodology that they intend using and will need to identify what resources they require to undertake their work.

The Panel's final report will be presented to the Shadow Full Council for determination. The Working Group have been requested by the North Northamptonshire Joint Committee to put the mechanism in place for the Independent Panel to be convened, to meet and to produce a final report. That report will not be amended or be subject to editorial control by the Working Group or the Joint Committee.

(Please note this is not an exhaustive list and may evolve as work commences).

7. Recommendations

The Working Group resolved to:

- a) Agree the scope of the Working Group as set out in this document, and
- b) Agree to meet again on 23rd September 2019.

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Committee	Joint Committee	Item 10	Page 1 of 3
Report Originator	Councillor David Jenney Paul Goult	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	16 th September 19	
Title	Terms of Reference Working Group – Report		

1. PURPOSE OF REPORT

For Members to receive a report from the Chair of the Terms of Reference Working Group, regarding their discussions on potential extension of the North Northamptonshire Joint Committee’s terms of reference.

2. BACKGROUND

The North Northamptonshire Joint Committee agreed at its meeting on 24th June 2019 to establish a working group to draw-up proposals for the potential expansion of the terms of reference of the Joint Committee.

It had been noted that the Structural Change Order was likely to include reference to the need to establish a joint committee, and to include duties and responsibilities to be determined by said committee.

The current terms of reference of the Joint Committee were fairly narrowly defined, as at the time of completion it had been unclear what the final timetable for local government reform was likely to be. It is now envisaged that the Joint Committee would have an expanded role up until May 2020 when the Shadow Period commences.

The Joint Committee felt that it was important to consider this expanded role as soon as possible. The Joint Committee cannot amend its own terms of reference, this responsibility currently rests with sovereign councils, however it could recommend amendments.

Councillor David Jenney (ENC) was appointed Chair of the Working Group. The other members of the Group include – Cllr Elayne Francis (BCW), Cllr Elise Elliston (CBC), Cllr Mark Rowley (KBC) & Cllr Wendy Brackenbury (NNC). The Group is supported by officers from CBC, KBC, ENC & NCC.

The Group’s inaugural meeting will be on 9th September 2019 in Thrapston.

The Joint Committee will receive an update from the Chair to supplement this report as agenda papers needed to be issued prior to the working group meeting.

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3. REPORT

The current terms of reference for the North Northamptonshire Joint Committee were agreed by the five principal authorities earlier this year, to enable partners to start to progress certain issues relating to the local government reform programme. The current agreement for the formation of a Joint Committee is voluntary.

Under any Structural Change Order (SCO) there may be a requirement for the principal authorities to form a joint committee, with specific roles and responsibilities. These roles and responsibilities are likely to be far more extensive and wide-ranging than the current terms of reference encompasses.

Any joint committee would exist until the formation of the Shadow Council in May 2020.

The suggested expanded terms of reference (included within the appendices accompanying this report) are to be considered by the Working Group. These suggested amendments/additions/deletions are based on:

- Conversations with representatives of the Ministry of Housing, Communities & Local Government;
- Previous statutory instruments related to local government reorganisation e.g. in Cheshire, Dorset etc;
- Items identified by officers locally as issues likely to be required for direction and/or determination prior to May 2020; and
- Matters arising from discussion of current local government reorganisation work streams to date.

It should be noted that the Joint Committee cannot unilaterally amend its own terms of reference. Any amendments currently require the consent of all five principal authorities.

It is currently envisaged that the proposed Structural Change Order (SCO) will receive Parliamentary consent by the end of the calendar year. Given the time pressures on the reorganisation programme, it is being suggested that the five principal authorities consider expanding the current terms of reference as soon as possible. This will allow certain other issues and topics to be progressed in a timely manner.

Obviously only the Shadow Council can determine issues prescribed to it in the Structural Change Order, however the North Northamptonshire Joint Committee can assist in preparing and monitoring preparations ahead of May 2020, to ensure that the transition and transformation programme continues to gain momentum.

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Expansion of the terms of reference to allow the Joint Committee to consider other issues will also increase political control and accountability and allow greater public discussion of some topics.

The draft expanded terms of reference accompanying this report have been the subject of consultation with the County Monitoring Officer Group.

4. Financial Implications

There are currently no direct additional costs related to the work of the Working Group. Officer support will continue to be drawn from partner authorities.

5. Legal Implications

The Working Group is tasked with drafting suggested expanded terms of reference for the North Northamptonshire Joint Committee. It should be noted that currently the explicit consent of all five principal authorities would be required to amend the current terms of reference.

6. Conclusion

The Working Group is due to meet on 9th September 2019 (after the issue of this agenda and report). The Chair of the Working Group will update the Joint Committee on the Working Group's deliberations.

7. RECOMMENDATION

- i) Note the report and appendices circulated;**
- ii) Receive an update from the Chair of the Working Group on the Group's meeting of 9th September 2019;**
- iii) Consider what amended terms of reference, if any, to be directed to sovereign councils for consideration and determination.**

Appendix:

Copy of draft Scoping Report & appendices

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NORTH NORTHAMPTONSHIRE JOINT COMMITTEE (NNJC)

TERMS OF REFERENCE WORKING GROUP

DRAFT SCOPING DOCUMENT

Councillor David Jenney	East Northamptonshire Council
Councillor Elayne Francis	Borough Council of Wellingborough
Councillor Elise Elliston	Corby Borough Council
Councillor Mark Rowley	Kettering Borough Council
Councillor Wendy Brackenbury	Northamptonshire County Council

1. Purpose/Objectives of this Working Group

- To consider whether amendment is required to the Joint Committee's Terms of Reference in light of the Secretary of State's announcement of 14th May 2019 and the probability that the Shadow Period will not commence until May 2020.
- To consider implications for the Joint Committee based on discussions with the Ministry of Housing, Communities and Local Government (MHCLG) ahead of the laying of a Structural Change Order in Parliament later this year.

2. Outcomes Required

- A draft revised Terms of Reference to be adopted by sovereign councils for the North Northamptonshire Joint Committee taking into account that the Shadow Period is now unlikely to commence until May 2020.

3. Information

Information required

- Copy of current Terms of Reference (Appendix 1)
- Copy of suggested amended/expanded Terms of Reference (Appendix 2)
- Monitoring Officer opinion
- Statutory orders

Methods used to gather and receive information

- Officer reports
- Presentations
- Desktop research

4. Timetable for completion of the Tasks

The dates and times of the Terms of Reference Working Group are as set out in the table below. It is unlikely that all of these meetings will be required.

Date	Time	Location
9 th September 2019	7:00 pm	East Northamptonshire
TBC		East Northamptonshire
TBC		East Northamptonshire

Any changes to the terms of reference of the North Northamptonshire Joint Committee currently need to be agreed by all five sovereign councils. Monitoring Officers across the county have been working to compile a revised terms of reference, which seeks to anticipate items likely to be included in the final Structural Change Order. In addition, as work progresses among councils to formulate plans and programmes to support any future Shadow Council it is clear the need for some decisions pre-May 2020 will be required. These are in addition to those previously highlighted.

Appendix 2 attached to this report contains reference to those existing terms of reference which it is suggested require addition/amendment or deletion and new proposed terms to ensure efficient, economic and effective decisions may be made by the Joint Committee to underpin the local government reform programme.

Whilst the Structural Change Order (SCO) is unlikely to have completed its Parliamentary process until December 2019, it is suggested that decisions on revising the terms of reference need to be made as soon as possible. This will increase political accountability and openness, ensuring key decisions are fully debated and subject to formal political decision making.

5. Responsible Officers

Martin Hammond	Monitoring Officer	Kettering Borough Council
Susan Zeiss	Monitoring Officer	Northamptonshire County Council
Paul Goult	Monitoring Officer	Corby Borough Council
Louise Tyers	Democratic Services	East Northamptonshire Council

6. Proposed Methodology

Background

The currently understood timeline of Local Government Reorganisation in Northamptonshire anticipates the creation of a unitary authority for North Northamptonshire in April 2021. This would likely mean the creation of a shadow authority for North Northamptonshire in May 2020.

The Structural Change Order is currently anticipated to be laid before Parliament after the 2019 Summer Recess. Completion of the Parliamentary process on the SCO might be expected by the end of 2019. The first meeting of the Shadow Authority would take place within 14 days of the designated election day of 7th May 2020. Therefore, it is estimated, the first meeting of the Shadow Authority would take place by the end of May 2020.

As part of the preparations being made by sovereign councils ahead of the establishment of a Shadow Council, the councils voluntarily agreed to the creation of a North Northamptonshire Joint Committee. This arrangement was made under Section 101(5) of the Local Government Act 1972 (LGA 1972) which enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by, one or more other authority. Under Section 102 of the LGA 1972, local authorities are empowered to appoint joint committees to discharge functions of the councils or to advise the councils.

It was recognised at the time of the creation of the Joint Committee that the terms of reference adopted were “limited” in nature and may not provide full coverage of those items to be raised in the final Structural Change Order (SCO).

Since the North Northamptonshire Joint Committee’s inaugural meeting on 24th June 2019 further indications have been received from the MHCLG that:-

- The Shadow Period will commence in May 2020, with Vesting Day for the new unitary authority being 1st April 2021;
- That the Structural Change Order (SCO) will prescribe the creation and operation of a Joint Committee for North Northamptonshire for the period of the Order coming into force until the day after the inaugural Shadow Full Council meeting (late May 2020); and
- That the terms of reference of the Joint Committee will need to be expanded to take into account a greater role for the period (*likely to cover October 2019 – May 2020*) prior to the Shadow Council’s creation.

There will be a duty placed on the County Council and district councils to co-operate in the establishment of the relevant Joint Committee.

The composition of the North Northamptonshire Joint Committee is likely to reflect current arrangements, with three representatives from each local authority.

Potential areas of responsibility arising from the Structural Change Order (SCO)

Not later than 14 days after the coming into force of the Order, the county council and the North Northamptonshire councils shall establish a joint committee for the purpose of discharging, until the inaugural meeting of the Shadow Full Council of North Northamptonshire, the functions mentioned below:-

- (i) There shall be added to the functions of the county council the function, which shall be exercisable only in the transitional period beginning on the coming into force of the Structural Change Order (December 2019) and ending on the fourteenth day after

the 2020 election day (21st May 2020), of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.

- (ii) There shall be added to the functions of each of the North Northamptonshire councils the function, which shall be exercisable only in the transitional period beginning on the coming into force of the Structural Change Order (December 2019) and ending on the fourteenth day after the 2020 election day (21st May 2020), of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.
- (iii) None of the North Northamptonshire councils or the county council shall undertake, as a local authority, the preparation of any budgets or plans that are to be prepared by a shadow authority or the North Northamptonshire Council.
- (iv) The North Northamptonshire Joint Committee must prepare, keep under review, and revise as necessary, an Implementation Plan which shall include –
 - (a) Such plans and timetables as are of the opinion of the Joint Committee necessary to ensure the effective, efficient and timely discharge of the functions mentioned in (i) – (iii) above; and
 - (b) Such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1st April 2021, of the functions that, before that date, are functions of the County Council or the North Northamptonshire councils.
- (v) The Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for North Northamptonshire and present these proposals at the inaugural meeting of the shadow authority.
- (vi) Not later than 21 days after the coming into force of the SCO, the North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting –
 - (a) The relevant Joint Committee in the discharge of their functions; and
 - (b) If, after the dissolution of the relevant Joint Committee, the relevant shadow council so requires, that shadow authority.

In undertaking preparing, reviewing and revising the Implementation Plan, its responsibilities under (i) – (iii) above, and discharging such other functions as may be conferred on it, the Joint Committee **must have regard** to the information previously supplied to the Secretary of State in support for single tier local government in Northamptonshire, the Best Value Inspection Report dated 15th March 2018, the report by the Children’s Services Commissioner dated 20th February 2019, directions issued by the Secretary of State for Housing, Communities and Local Government under LGA

1999, and directions issued by the Secretary of State for Education under the Education Act 1996.

Work Packages

Consider amendment, addition or deletion of the functions or responsibilities within the current Terms of Reference.

7. Recommendations

The Working Group is recommended to:

- a) Agree the scope of the Working Group as set out in this document; and
- b) Agree a suggested revised Terms of Reference, to be forwarded to the Joint Committee for comment.

Appendix 1 – Current Terms of Reference

1. To consider and recommend a Constitution to be adopted by the North Northamptonshire 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) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers;
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer;
5. To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so that the earliest possible appointment can be made by the Shadow Authority;
6. To monitor and seek to mitigate any potential risks associated with the Local Government Reform (LGR) programme, the creation of a Shadow Authority and creation of a unitary council for North Northamptonshire and to establish/agree protocols or processes to manage the risks to LGR;
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting;
8. To respond to consultations on the contents of orders, consents or any other matters where specifically requested to do so by the North Northamptonshire Steering Group;
9. 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;
10. 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; and
11. 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.

APPENDIX 2 – Potential impact of Structural Change Order on current Terms of Reference AND potential additions to current scheme

Current provision in Joint Committee’s Terms of Reference	Action(s) Required
1. To consider and recommend a Constitution to be adopted by the North Northamptonshire Shadow Authority at its inaugural Full Council meeting	No change required
2. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting	No change required
3. To agree and undertake the recruitment process for the selection of the designations of Interim Head of Paid Service, Interim Chief Finance Officer (section 151) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers	Amended – “posts” deleted, replaced with “designations”
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer	This may be specified in the Structural Change Order
5. To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so that the earliest possible appointment can be made by the Shadow Authority	This may be expanded to include designation of the permanent Chief Finance Officer and the permanent Monitoring Officer. The Structural Change Order may specify the deadline by which all three statutory officers are appointed.
6. To monitor and seek to mitigate any potential risks associated with the Local Government Reform (LGR) programme, the creation of a Shadow Authority and creation of a unitary council for North Northamptonshire and to establish/agree protocols or processes to manage the risks to LGR	No change required
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting	No change required
8. To respond to consultations on the contents of orders, consents or any other matters where specifically requested to do so by the North Northamptonshire Steering Group	Amend to delete “Steering Group” and replace with “Leader’s Oversight Board or Design Board”.

APPENDIX 2 – Potential impact of Structural Change Order on current Terms of Reference AND potential additions to current scheme

<p>9. 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>Amend to read:- To identify and approve a policy framework (including production of draft policy statements and supporting procedures) relevant to the required statutory compliance of the new unitary council</p>
<p>10. 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</p>	<p>Delete all. Covered by other TOR provisions.</p>
<p>11. 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</p>	<p>No change required</p>
<p>POTENTIAL ADDITIONS TO CURRENT SCHEME</p>	
<p>12. To agree a mechanism for expenditure incurred by the officer(s) responsible for the conduct of the election on 7th May 2020 for North Northamptonshire Council and West Northamptonshire Council to be paid. The cost to be divided among, and paid by, the County Council, North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New Provision Agree a formula and note the arbitration procedure</p>
<p>13. To agree a mechanism for expenditure incurred by the shadow authorities to be divided among, and paid by, the County Council, the North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New provision Agree a formula and note the arbitration procedure</p>
<p>14. To prepare and keep under review an Implementation Plan to include such plans and programmes as are in the opinion of the Joint Committee necessary to secure the effective, efficient and timely discharge of any functions necessary and/or proscribed in a future Structural Change Order.</p>	<p>New provision</p>
<p>15. To form a single team of officers as an “Implementation Team” for the purpose of assisting the Joint Committee to discharge its functions</p>	<p>New provision This would be the LGR Programme team</p>
<p>16. To take steps to prepare for the economic, effective, efficient and timely transfer of the functions, property, rights and liabilities of the County Council and district/borough councils to the new unitary council</p>	<p>New provision</p>

APPENDIX 2 – Potential impact of Structural Change Order on current Terms of Reference AND potential additions to current scheme

17. To develop and oversee early enabling strategies including, but not limited to, organisation design process and principles, ICT, digital transformation, organisational development and assets	New provision
18. To identify, promote and ensure collaborative working between councils and to ensure that all Members are kept fully briefed and engaged in establishing a new unitary council	New provision
19. To oversee the development and delivery of a comprehensive communications and engagement strategy that addresses the requirements of Members, staff, town & parish councils, local partners and wider stakeholders and, to consider how decisions and issues shall be communicated to local people and stakeholders and to engage with stakeholders on matters within the purview of the Joint Committee	New provision
20. To liaise with relevant internal and external auditors and ensure their focus supports the development of the new unitary council.	New provision To ensure options are considered so the Shadow Council has an appropriate internal & external audit provision to comply with financial regulations
21. To agree an induction & training programme for newly elected Members for 2020/2021	New provision Needs to be established by May 2020 for activation after the unitary elections
22. To agree support services for newly elected Members for 2020/21	New provision To include committee administration, Member support, ICT provision, Shadow Council website, accommodation etc. This needs to be operational by May 2020 for activation after the unitary elections
23. To progress arrangements for civic & ceremonial matters and functions related to the new unitary council.	New provision Some issues may need to be actioned prior to May 2020 for Vesting Day in 2021.

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