

NORTH NORTHAMPTONSHIRE

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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.