



WEST NORTHAMPTONSHIRE JOINT COMMITTEE

5 JUNE 2019

Report Title	REPORT OF THE GOVERNANCE TASK & FINISH GROUP
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1. Purpose

- 1.1 This report follows an initial report of the Governance Task & Finish Group made to the 14th May 2019 meeting of the West Northamptonshire Joint Committee ('WNJC').
- 1.2 The initial report consisted of two appendices:
 - a) The first appendix consisted of completed parts of the draft constitution of the proposed West Northamptonshire Shadow Council
 - b) The second appendix consisted of parts of the draft constitution of the proposed West Northamptonshire Shadow Council that were then works in progress
- 1.3 The content of the second appendix has, subsequently, been considered and finalised by the Governance Task & Finish Group at a meeting held on 20 May 2019; it is, therefore, included within the draft full Shadow Constitution at Appendix A of this report.
- 1.4 Appendix B of this report includes commentary from the Governance Task & Finish Group on what it believes should be included in the Unitary Council Constitution, at the point at which it is developed.
- 1.5 Although Appendix B has been included for future reference, it is important to note that the focus of the Task & Finish Group was the development of the draft constitution for the Shadow Council, rather than that of the Unitary Council.
- 1.6 The report also discusses the expected Structural Changes Order ('SCO') for Northamptonshire, with regard to the way in which the draft constitution of the proposed West Northamptonshire Shadow Council will be modified in accordance with it.

2. Recommendations

2.1 It is recommended that:

- a) The WNJC note the discussions undertaken and the subsequent conclusions drawn by the Governance Task & Finish Group at its meeting on 20 May, as stated in section 3 of this report; furthermore, to note that the conclusions drawn have informed the relevant sections in the draft Shadow Constitution at Appendix A of this report.
- b) The WNJC note that on 14th May 2019, the Secretary of State for the Ministry of Housing, Communities and Local Government made a written statement to Parliament confirming that the new Unitary Council for the West would, subject to parliamentary approval, be operational from 1st April 2021, with the Shadow Council being set up beforehand.
- c) The WNJC note that work undertaken, including the content of the Appendices to this report, is based on assumptions on the content of the expected SCO for Northamptonshire and the documents will, following the Ministerial announcement referred to in b) above need to change to reflect the detail in the SCO.
- d) The WNJC approve the draft Shadow Constitution of the proposed West Northamptonshire Shadow Council at Appendix A.
- e) The WNJC delegate to the Lead Monitoring Officer for the proposed West Northamptonshire unitary project, the power to make non-substantive changes, including making any typographical changes, to the draft Shadow Council Constitution in consultation with the Chair and Vice-Chair of the WNJC.
- f) The WNJC note that changes will be required to be made to the draft constitution arising from the SCO, once approved by Parliament, and further approvals to the draft constitution will be brought back to the WNJC for approval.
- g) That the WNJC note the commentary at Appendix B, from the Governance Task & Finish Group, on what it believes the established Unitary Council should include in the Unitary Council constitution, at the point at which it is adopted.

3. Governance Task & Finish Group conclusions

3.1

- a) The documents appended to this report were drafted on the basis of the West Unitary Council becoming operational in April 2020. However, the Secretary of State for the Ministry of Housing, Communities and Local Government made a written statement to Parliament on 14th May 2019 confirming that the Northamptonshire Councils' proposal for two Unitary Councils would, following a consideration of the consultation responses, be taken forward for parliamentary approval to become operational in April 2021. Changes to the documents will therefore be required to reflect the new dates and to reflect the changes to the document that will be required as a result of the SCO once it has been formally approved by Parliament.

3.2 In relation to revised Article 10 of Appendix A, it was agreed that:

- a) Guidance would be produced for the Standards Committee to ensure that the Hearings Panel would be constituted in such a way that its business could be transacted fairly and according to the principles of natural justice and this is made explicit in the drafting.
- b) A Review Panel with the ability to deal with reviews of decisions of the Hearings Panel be established in addition to a Hearings Panel.

3.3 In relation to revised arrangements for dealing with allegations, it was agreed that:

- a) There would be a mandatory requirement for the Monitoring Officer to consult with the Independent Person in relevant circumstances and the wording of that section be amended accordingly.
- b) A review process be included, to review decisions of the Hearings Panel, if requested.

3.4 In relation to revised responsibility for functions, it was agreed that the Monitoring Officer be delegated authority to grant dispensations.

3.5 In relation to Councillor/Officer Relations, the document was agreed, subject to reinforcing the principle that officers are professional staff and that the principles of public service and the Nolan Principles must be adhered to at all times.

3.6 In relation to Part 2 – Article 12, it was agreed that the key decision threshold of £500k was not likely to be required as it was expected to be disproportionate to the likely budget of the shadow council, but further information would be sought from the Chief Finance Officer group.

3.7 In relation to Financial Procedure Rules, the rules were agreed from the Task and Finish Group's perspective, with minor comments, subject to the Chief Finance Officers Group signing off the document. CFOs have now considered the document further and have made the point that the most the document can be at the moment is a working draft, and must be considered in that light.

3.8 In relation to the General Purposes Committee, it was agreed that the General Purposes Committee should comprise 18 councillors, with a quorum of 12, and should have the functions as set out in Part 3, Responsibility for Functions, at paragraph 10.

3.9 In relation to Part 4D, Meeting Procedure Rules, it was agreed that:

- a) Section 2 be revised in order to reinforce the apolitical nature of the role of Chair
- b) Section 12 be reworded to enable Cabinet members to report to the Shadow Council outlining developments and matters of relevance to their work.
- c) Section 18 include that the Shadow Council would elect committee chairs but that committees themselves would elect vice-chairs

3.10 The Task and Finish Group were conscious that their remit was fairly limited in that they were tasked with producing a draft constitution for the Shadow Council to

adopt and to operate during the Shadow Council period. However, the Task and Finish Group were keen on providing commentary arising from their consideration and debate which may be of use for the unitary council once established. Their commentary is attached at Appendix B.

4. Implications (including financial implications)

4.1 Policy

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

4.2 Resources and Risk

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

4.3 Legal

4.3.1 A constitution is a fundamental governance document for the Shadow Council. The legal implications are contained within the document itself. Changes will need to be made to the draft constitution to implement any changes required by the SCO and the approvals process for enabling this is described within the body of this report.

4.4 Equality and Health

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

4.5 Consultees (Internal and External)

4.5.1 Members of the Task & Finish Group, Chief Executives (and through them their nominees).

5. Background Papers

5.1 Agendas and papers presented to the WNJC on 26 March 2019 with regard to the Governance Task & Finish Group.

5.2 Initial report of the Governance Task & Finish Group made to the 14 May 2019 meeting of the WNJC.

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Matters for Consideration by the West Northamptonshire Shadow Council when developing the Constitution for the West Northamptonshire Unitary Council

1. The Terms of Reference of the Governance Task & Finish Group focussed on the development of the draft constitution for the proposed West Northamptonshire Shadow Council.

However, during the course of its discussions, the Governance Task & Finish Group identified topics that the Shadow Council may wish to consider when it develops the draft constitution for the Unitary Council; these are as follows:

- a) The unitary council should consider the merits of the Committee System vs. Leader and Cabinet system.
- b) The potential to utilise Area Committees, including what roles and responsibilities they may hold
- c) The merits of rotating the role of Chair of the Council, to evaluate a greater level of inclusivity
- d) The merits of developing a Youth Council and/or other groups to represent other sections of the community
- e) The mechanisms that the Unitary Council should use to monitor the work of the proposed Children's Trust
- f) Careful consideration should be given the monetary threshold for a key decisions