

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW AUTHORITY MEETING

20th August 2020

Report of the Interim Monitoring Officer

Report Title	Amendments to the Constitution
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1. Purpose

1.1 The purpose of this report is to request that the Shadow Authority approve amendments to the Authority's Constitution.

2. Recommendations

2.1 It is recommended that the Shadow Authority:

- i) Approve the suggested procedure in Appendix A for in-year changes to committee membership and the filling of any vacant positions of Chair and/or Vice-Chair that may arise;
- ii) Approve the introduction of Substitute Members for standing committees as detailed in Appendix B;
- iii) Approve the amendments for Public and Member Participation as detailed in Appendix C;
- iv) Approve the amendment to Article 7 of the Constitution, to allow the Leader of the Authority to delegate decisions or responsibilities to other members of the Executive Committee as detailed in Appendix D;
- v) Approve the removal of meeting procedure rule 8 as detailed in Appendix E;
- vi) Notes the intention of the Interim Monitoring Officer to reformat the Meeting Procedure Rules to aid interpretation, and recirculate the Constitution to Shadow Authority Members after such reformatting is completed.

3. Issues and Choices

3.1 Report Background

3.2 The Shadow Authority at its inaugural meeting on 4th June 2020 approved a Constitution. The Constitution was largely based on work undertaken by a working group established by the former North Northamptonshire Joint Committee.

- 3.3 The approved Constitution complied with statutory requirements, including the Structural Changes Order establishing the Shadow Authority.
- 3.4 At the Shadow Authority meeting on 4th June 2020, and subsequently, requests have been received to consider additional or amended content. The areas of particular interest related to –
- In-year changes to standing committee membership
 - Substitute Members
 - Public and Member Public Participation
 - Delegation of decisions and responsibilities to Shadow Executive Committee Members
 - Reformatting of the Meeting Procedure Rules
- 3.5 Changes to committee membership. Once the number of seats allocated to a political group have been calculated and approved by Council, the responsibility for determining which councillor takes a seat on a particular committee is a matter to be determined within the respective groups and the proper officer simply notes and acts upon the wishes communicated to them. Council has no decision making powers on this issue and receipt of such information is purely administrative. Whilst custom and practise among sovereign councils differs, it is proposed that any in-year changes in standing committee membership, may be made by the recognised political groups without reporting to the full Shadow Authority (see Appendix A). Any changes would be notified to the Interim Monitoring Officer by the Leader of the respective group.
- 3.6 Substitute committee members. Currently there is no provision in the Constitution for substitute Members to attend standing committees when a committee member is unable to do so. To ensure that both political balance is maintained, and that meetings are quorate, it is being proposed that substitute named Members be created. There are number of options available to facilitate such a move, unnamed or named substitutes. This is further discussed in the attachment (see Appendix B).
- 3.7 Councillor and Public participation. It is proposed that the currently approved Participation Rules for the Public and Members be reviewed and expanded, in line with the recommendations contained in Appendix C. Currently there are different rules for asking questions or addressing a forum for both members of the public and for councillors dependent upon the forum that one wishes to address. It is proposed to simplify the rules to provider greater consistency across the forums and also reduce the notice period required. Adoption of these revised rules will provide the opportunity for greater participation and provide greater clarity to both the public and Members.
- 3.8 Delegation by the leader. Currently under Article 7 (6.1), the Shadow Executive Committee may delegate any of its powers or functions to the Leader, another member of the Shadow Executive Committee, a sub-committee established by the Shadow Executive Committee or an officer of the Shadow Authority. It is being suggested that this be amended to allow the Leader of the Shadow Authority to make any such delegations (see Appendix D).
- 3.9 Receipt of Committee Minutes As indicated in Appendix E, the Shadow Authority is currently required to receive the minutes of the Shadow Executive Committee

and other standing committees (meeting procedure rule “8” on page 76 of the Constitution). These minutes are presented to the Shadow Authority for information only. It is proposed that this administrative task be deleted from the meeting procedure rules. Committee minutes and reports are accessible to all Shadow Members via the committee administration system.

- 3.10 Reformatting The current presentation of the meeting procedure rules requires readers to repeatedly turn between the text of the rules and appendices, making comprehension of them more difficult than it should be. The rules should be simple and easy to follow by all. It is proposed that the Meeting Procedure Rules be reformatted in order to make them more “user friendly” for Members, officers and the public. It is not being proposed to alter the content, but to reformat the existing content and recirculate. This exercise would be conducted by the Interim Monitoring Officer. Once complete an electronic version of the reformatted document would be circulated to all Shadow Authority Members and posted on the Authority’s website.

The appendices attached to this report provide details regarding the proposed amendments to the Constitution. These proposals are significant enough to require Member approval; the Interim Monitoring Officer has delegated authority to approve minor or inconsequential amendments only

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 None specific to this report.

4.2 Resources and Risk

- 4.2.1 It is being suggested that the proposed amendments would provide greater clarity in decision making, ensure that decision making is conducted in a more efficient, open and transparent manner and increase the ability for both the public and Members to participate in the activities of the Shadow Authority.

4.3 Legal

- 4.2.1 The Structural Changes Order (as amended) made allowance for the Shadow Authority to operate under executive governance for 2020/21; the Constitution adopted by the Shadow Authority on 4th June 2020 allows for executive governance. The proposed amendments detailed in the report and appendices comply with all statutory requirements.

4.4 Equality and Health

- 4.4.1 None specific to this report.

Report : Bhupinder Gill (Interim Monitoring Officer)