

# **NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY**

## **SHADOW EXECUTIVE COMMITTEE**

**THURSDAY 25<sup>TH</sup> MARCH 2021**

<b>Report Title</b>	<b>North Northamptonshire Constitution- Executive Functions</b>
<b>Report Author</b>	<b>Adele Wylie, Monitoring Officer</b>

### **List of Appendices**

- Appendix A – Executive Advisory Panels**
- Appendix B1 – Joint Committee Terms of Reference**
- Appendix B2 – Children's Trust Terms of Reference**
- Appendix C- Officer Scheme of Delegation**

### **1. Purpose of Report**

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- 1.1 The Constitution was approved by the Shadow Authority on 25<sup>th</sup> February 2021. This report seeks approval for those parts of the Constitution that are Executive functions and therefore must be approved by the Shadow Executive.

### **2. Recommendations**

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- 2.1 It is recommended that the Shadow Executive Committee approve the executive elements of the Constitution to include;
- a) Creation of Executive Advisory Panels and the relevant constitutional provisions
  - b) Establishment of a Shared Services Joint Committee
  - c) Establishment of a Children's Trust Joint Committee
  - d) Officer Scheme of Delegation
- 2.2 *(Reason for Recommendations – North Northamptonshire Council is required to have a Constitution. It is essential that there are appropriate delegations and governance arrangements to allow services to be delivered.)*

### **3. Report Background**

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- 3.1 The Council is required by Section 9P of the Local Government Act 2000 to have a Constitution. On 25<sup>th</sup> February 2021, the North Northamptonshire Shadow Authority approved a new Constitution which will come into effect on 1<sup>st</sup> April 2021.

- 3.2 Although the Shadow Authority approved the Constitution, some of the powers relate to Executive functions and therefore also require Executive approval.
- 3.3 The new Council will operate a hybrid model of governance which draws on the benefits of both the Committee and Executive forms of governance and supports open, inclusive and transparent decision making.
- 3.4 The hybrid model has both an Executive and Scrutiny function but also creates Executive Advisory Panels which ensure that there is cross party involvement in policy development and shaping major decisions. The new model will ensure that all members skills and knowledge are utilised to make a significant contribution to effective decision making.

## **4. Issues and Choices**

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### **Creation of Executive Advisory Panels**

- 4.1 It is proposed that there are 5 Executive Advisory Panels which are established by the Executive. They are cross party and chaired by the relevant Portfolio Holder. Meetings will be publicly accessible in line with the principle of transparency and openness that the Council wants to promote through the Constitution. The Panels purposely do not align to services, portfolios (these will not be established by the Leader until after the election in any event) or functions and promote a holistic approach to policy development through focussing on outcomes for residents of North Northamptonshire. The Constitutional provisions are shown at Appendix A

### **Establishment of Joint Executive Committees**

- 4.2 It is proposed that two Joint Committees are established between North Northamptonshire Council and West Northamptonshire Council. One will deal with shared service arrangements between the Councils and another will oversee the Councils arrangements with regard to the Children's Trust. Both are Executive Committees and will therefore be subject to the requirements in relation to the publication of 28 day notices through a Forward Plan. The Scrutiny arrangements of the Council will apply to decisions of the Joint Committees.
- 4.3 The terms of reference for both of the Committees are attached as Appendix B but the detail behind the proposals is set out in other reports to this meeting.

### **Officer Delegation Scheme- Officer Functions**

- 4.4 The Officer Delegation Scheme was approved by the Shadow Authority but the delegation of executive powers must be approved by the Shadow Executive.
- 4.5 The Delegation Scheme is drafted to delegate officers catch all powers within a certain functional area and then sets out reserved matters to Members. This provides greater clarity about matters which are reserved to Members whilst reducing the risk that the scheme becomes out of date or misses a relevant power. The Delegation Scheme also sets out principles for how officers should

take decisions. The key principles are that officers will ensure that they consult and engage members as appropriate and that they comply with governance processes and procedures. The Scheme should support members and officers to deliver in their respective roles. Of particular relevance to Executive members is that senior officers must ensure that they keep Portfolio Holders updated on decision within their portfolios. The Delegation Scheme is attached at Appendix C.

## **5. Implications (including financial implications)**

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### **5.1 Resources and Financial**

- 5.1.1 The publication of the Constitution is proposed to have limited cost as it will be published digitally. However, the Council is required to provide a hard copy at a fee if requested to do so. The initial digital preparation may also require some design/development.
- 5.1.2 It is suggested that some limited documentation will need to be prepared to enable new members and the public to have a broad outline of the new arrangements.
- 5.1.3 The Constitution is being drafted by existing staff employed by the authorities and there are no additional costs.
- 5.1.4 This report relates to the high level legal requirements and the legal implications are detailed within the body of the report.

### **5.2 Risk**

- 5.2.1 The Council is required to have a Constriction in place. If a Constitution is not approved prior to the 1<sup>st</sup> April then the Council will not be acting in accordance with legislation.

### **5.3 Consultation**

- 5.3.1 To take forward the drafting of the Constitution a Member Task and Finish Group was set up, chaired by Councillor Tom Beattie with Councillors Helen Howell, David Howe, Scott Edwards and Michael Tye also members of the group. The composition of the group was cross party and consisted of representation from across the sovereign councils.
- 5.3.2 From June 2020 until February 2021, the Task and Finish Group has met regularly to consider the various sections of the new Constitution. The group provided a steer on the principles, framework and key provisions. In the months preceding the completion of the Constitution, they met weekly due to the workload. The Constitution evidences the positive outcome that can be achieved by members and officers combining their knowledge and experience.
- 5.3.3 The Constitution refers to the importance of engagement and communication between members and officers throughout and it was therefore important that this started from the outset. Three briefings were provided to all members who wished to attend and the Shadow Executive were also regularly informed of

progress. Members have been given the opportunity to comment on documents and the governance structure and their comments have enabled important changes to be made to ensure that the Constitution proposed reflects their views.

#### **5.4 Consideration by Overview and Scrutiny**

5.4.1 As above.

#### **5.5 Climate Impact**

5.5.1 There are no specific climate impacts resulting from this report. The principles of the Constitution as drafted include efficiency and accountability. This is designed to ensure that meetings to determine a decision are kept to a single decision making body which reduces the need for meetings and, where applicable, documentation.

#### **5.6 Community Impact**

5.6.1 The draft Constitution introduces a new section dedicated to public participation in decision making. This is designed to encourage and support community involvement in decision making to help to ensure that future impacts are understood as part of the decision making process.

5.6.2 Existing Community Boards will continue to be supported until new arrangements can be put in place. The new Council will conduct a review of the needs of community based governance including local boards and forums. It is intended that this work will include public and stakeholder engagement.

#### **5.7 Equality and Health**

5.7.1 Under the general equality duty as set out in the Equality Act 2010, local authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not. It is important to ensure that the Constitution does not discriminate unlawfully against any particular group of people.

### **6. Background Papers**

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6.1 Constitution of North Northamptonshire Council