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**North
Northamptonshire
Council**

Meeting: Democracy and Standards Committee
Date: Thursday 16 September 2021
Time: 7.00 pm
Venue: Council Chamber, The Corby Cube, George Street, Parklands Gateway, Corby, NN17 1QG

To members of the Democracy and Standards Committee:

Councillors Lora Lawman (Chair), Macaulay Nichol (Vice-Chair), Lyn Buckingham, Emily Fedorowycz, Kirk Harrison, Gill Mercer and Michael Tye.

Substitutes:

Councillors Paul Bell, Leanne Buckingham, Dez Dell, Jonathan Ekins, Philip Irwin and Kevin Watt.

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Adele Wylie, Monitoring Officer
North Northamptonshire Council

Proper Officer
Wednesday 8 September 2021

This agenda has been published by Democratic Services.

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ITEM	NARRATIVE	DEADLINE
Members of the Public Agenda Statements	Requests to address the committee must be received by 5:00pm on the day before the meeting. Speakers will be limited to speak for 3 minutes.	5:00pm Monday 13 September 2021
Member Agenda Statements	A request from a Ward Councillor must be received by 5:00pm on the day before the meeting. The Member will be limited to speak for 5 minutes.	5:00pm Monday 13 September 2021

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If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

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Democracy and Standards Committee

North Northamptonshire Council

Monday 26th July 2021

At 7:00 pm in the Council Chamber, The Cube, George Street, Corby.

Members in Attendance:

Councillor Lora Lawman (Chair), Councillor Michael Tye, Councillor Lyn Buckingham, Councillor Gill Mercer and Councillor Emily Fedorowycz.

Officers in Attendance:

Adele Wylie (Monitoring Officer), Paul Goult (Democratic Services Manager) and Martin Hammond (Executive Director).

08 Apologies for Absence

Apologies were received from Councillor Kirk Harrison and Councillor Macaulay Nichol.

09 Minutes of the Previous Meeting

The minutes of the meeting held on 15th June 2021 had been circulated.

RESOLVED that: -

The minutes of the meeting held on 15th June 2021 be agreed.

10 Notifications of requests to address the meeting

There were no requests to address the Committee on this occasion.

11 Parliamentary Boundary Review

The report before Committee outlined the proposals being made by The Boundary Commission for England as they effected North Northamptonshire residents, and examined the changes that may be made to improve the proposals. The proposals were currently subject to a consultation ending on 2nd August 2021; the Committee were being requested to formulate a draft response on behalf of the Council to the consultation. Any draft response agreed by the Committee would be forwarded to Full Council on 28th July 2021 for ratification.

It was noted that currently North Northamptonshire was covered by three parliamentary constituencies which sat wholly within and aligned to its external boundary, except for the southern part of the Earls Barton ward where 4 parishes were currently included in the Daventry constituency.

North Northamptonshire councillors had been made aware of the Commission's proposals and invited to submit comment for consideration by the Committee. The representations received had been circulated to Committee members.

Martin Hammond (Executive Director) had collated responses received and had suggested some options available to the Council for inclusion in any final consultation response. These were detailed within the report.

The report detailed the criteria and parameters that the Commission were working within, as set by Government, in undertaking the Review. In relation to North Northamptonshire to meet the upper electorate limit/constituency (77,062) it would be necessary for both the existing Corby and the existing Wellingborough constituencies to reduce their electorate, with the existing Kettering constituency needing to increase its electorate.

The report further detailed the Commission's initial proposals.

Concerns were raised regarding several the proposals, including transferring Raunds from the Corby Constituency into Wellingborough, transferring the parish of Finedon into Kettering, and the whole of East Barton ward and the southern half of Irchester ward into constituencies predominantly within West Northamptonshire.

The Committee appreciated the difficulties faced in drawing-up proposals to ensure equality across the constituencies. Given the size of Wellingborough but particularly Corby constituency, there was a need for significant changes. Committee members whilst noting that some change was required felt that the Council should try to ensure community identity was protected as much as possible. In addition, the Committee were keen to minimise the potential disruption for electors, particularly in relation to any transfer of electorate out of the North Northamptonshire area.

The report included options for the Committee to consider and use as a "starting point" for developing recommendations to forward to Full Council. The Committee noted that the data used by the Commission in formulating its proposals was obtained in 2020, and whilst some growth forecasting had been factored in, it was recognised by the Committee that all three constituencies included significant future development and expansion proposals. It was likely that any proposals eventually agreed by Government would be out-of-date in a short period of time.

Councillor Mercer recognised the difficulties faced by the Commission; a Review was never an easy exercise and there would always be perceived to be "winners and losers". Councillor Mercer agreed that the Council should lobby the Commission to retain greater community identity than that currently indicated in the proposals as circulated.

Some concern was raised that several town and parish councils in the area were unaware of the Commission's proposals and consultation period. Councillor Fedorowycz stressed the importance of ensuring local residents understood the impact of any Review, and that the Council assisted in ensuring that those residents directly impacted by the Review's final outcomes were informed, so it was clear where they fell in relation to the three constituencies.

In relation to the names of the constituencies it was agreed that Corby change to *Corby and East Northamptonshire*, that Kettering remained unaltered, and that Wellingborough change to *Wellingborough and Rushden*.

Following detailed discussion and consideration of representations made, Councillor Gill Mercer MOVED, and Councillor Emily Fedorowycz SECONDED the recommendations to go forward to Full Council.

RESOLVED that: -

The Committee recommend to Full Council the following alternative proposals –

- (i) That the ward of Raunds be moved back into the Corby and East Northamptonshire constituency;
- (ii) That the town of Irthlingborough (polling districts SD and SF) be transferred to the Wellingborough constituency but the remainder of the ward be retained within the Corby and East Northamptonshire constituency;
- (iii) That the whole of the Finedon ward be retained within the Wellingborough constituency and not split between constituencies;
- (iv) That the polling districts of Stanion, Little Stanion, Cottingham, Middleton and East Carlton be transferred from the Corby and East Northamptonshire constituency to the Kettering constituency, but the remainder of the Corby Rural ward be retained within the Corby and East Northamptonshire constituency;
- (v) That the boundary between the Wellingborough and Daventry constituencies should follow the line of the parish boundary of Wellingborough rather than the ward boundary, to include the urban extensions of Redhill Grange and Glenvale Park within the Wellingborough constituency (polling districts WMA and WGB); and
- (vi) That the constituency names should be – Corby and East Northamptonshire, Kettering, Wellingborough and Rushden.

12 Items to Note

There were no items to note.

13 Exempt Items

There were no exempt items.

14 Close of Meeting

Meeting closed at 8:00 pm.

CHAIR

DATE



DEMOCRACY AND STANDARDS COMMITTEE 16 SEPTEMBER 2021

Report Title	North Northamptonshire Constitution
Report Author	Adele Wylie – Director of Legal and Democratic Services

List of Appendices

Appendix A – Proposed Constitutional Amendments

1. Purpose of Report

- 1.1. The purpose of this report is to recommend amendments to the Constitution that provide additional clarity and reinforce best practice.

2. Executive Summary

- 2.1 This report details amendments proposed by the Constitutional Review Working Group made at its meeting held on 23 August 2021 and sets out proposed amendments to the Constitution for recommendation to the full Council, subject to approval by this Committee.

3. Recommendations

- 3.1 It is recommended that the Democracy and Standards Committee:
- a) Recommend that full Council approve the proposed changes to the Constitution, set out in Appendix A to this report;
 - b) Note the further minor and/or consequential amendments to the Constitution that will be made by the Monitoring Officer under their delegated powers, also set out in Appendix A to this report.

4. Report Background

- 4.1 The North Northamptonshire Constitution was developed over a relatively short period to ensure that the new Council had governance arrangements in place. It was recognised at the approval stage that further review of the Constitution would be necessary once the new Council had been elected.

- 4.2 The Constitutional Working Group meets regularly to review the Constitution and to consider proposed changes to it. The changes recommended at Appendix A provide additional clarity for members, officers and the public.

5. Implications (including financial implications)

5.1 Resources and Financial

- 5.1.1 There are no resources or financial implications arising from the proposals.

5.2 Legal

- 5.2.1 There are no legal implications arising from the proposals.

5.3 Risk

- 5.3.1 There are no significant risks arising from the proposed recommendations in this report.

5.4 Consultation

- 5.4.1 There has been no formal consultation, but consultation has been undertaken through the Constitutional Review Working Group.

5.5 Consideration by Scrutiny

- 5.5.1 None applicable to this report.

5.6 Climate Impact

- 5.6.1 None applicable to this report.

5.7 Community Impact

- 5.7.1 None applicable to this report.

6. Background Papers

- 6.1 Constitution of North Northamptonshire Council

Proposed amendments are highlighted in red
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Proposed Amendments to the Constitution

Appendix A

The proposed changes to the Constitution outlined below have been allocated into two categories:-

1. For Recommendation to full Council
2. Minor amendments for incorporation into the Constitution, following the next update approved by full Council, using the Monitoring Officer's delegated powers.

1. For recommendation to Council

Section of the Constitution	Background	Proposed Amendment
<u>02. Public Participation and Rights</u>		
Appendix 1 – Procedure for speaking at planning committees, section 2.3	Section 2.3 states the order of speakers, with the officer presenting the report as speaking last, at 2.3 e). This has previously not been normal practice at each of the strategic and area planning committees whereby the officer speaks first to present the report and then the public speakers put forward their views, then for members of the Committee to be allowed to ask questions of clarification from public speakers, prior to member debate.	<p>Amend 2.2 to read:- For each item, the Committee Chair will introduce the item and ask the Planning Officer to present their report and any updates. The Chair will then call any registered speakers to present their comments to the Committee.</p> <p>Amend 2.3 to read:- The order of speakers will be: a) Planning Officer who presents the report b) One third party speaker for and one third party speaker against the proposal c) One Parish/Town Council representative</p>

Proposed amendments are highlighted in red
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Section of the Constitution	Background	Proposed Amendment
		d) One Ward Councillor e) Applicant or their agent/representative
<u>05. Part 3 Access to Information Procedure Rules</u>		
Agenda and Supporting Papers – Rights of Access. Section 5.2	To reinforce the rights of access to agenda and supporting papers.	Insert additional sentence at 5.2 “The Monitoring Officer will not refuse to supply such documents without reasonable cause.”
<u>Section 22.9.2 a)</u>	This refers to making records when “ granting ” a permission or licence. It is incomplete and should read as “ granting or refusing ”. Also, when refusing an application for a permission or licence, the reasons for refusal should be recorded.	Amend 22.9.2 a) to read ‘Granting or refusing a permission or licence’.
<u>Section 22.11, c)</u>	To make clearer that there are no cases where a Member is appointed to a Committee, Joint Committee or outside body solely by an officer. These appointments are be made following consultation with and at the direction of, Group Leaders. Such appointments should always be recorded.	Amend 22.11.2 c), consistent with decisions made at the May 2021 Annual Meeting of the Council, to read ‘...delegated to Officers in consultation with the relevant group leader.’
<u>01. Part 1 Decision Making</u>		
<u>Section 2.1.2</u>	This states that there are three types of council meeting. It could be argued that there is a fourth distinct type, the Budget Meeting.	The budget meeting falls under the definition of ordinary meetings as per 2.1.2 b). For clarity, amend sentence as follows:-

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Section of the Constitution	Background	Proposed Amendment
	Section 2.1.4 details special conditions for the Budget Meeting.	“Ordinary meetings which are held bi-monthly (inclusive of the annual Budget meeting of the Council).”
<u>Section 2.2.2</u>	This does not specify a minimum size for the Executive. There must be a minimum size specified, otherwise, the Leader could have an Executive of himself and his Deputy.	Amend as per Section 9C(3)(b) of the Local Government Act 2000 to read: '...The Leader will then appoint a minimum of two and a maximum of 8 other Councillors who, together with the Leader form the Executive.'
<u>09. Part 2. Officer Scheme of Delegation</u>		
<u>Section 7.1</u>	This section deals with the exercise of the reserve powers of the Statutory Officers. It states that these powers may only be exercised by the nominated officer or their deputy. This should make clearer who may or may not be a deputy in these circumstances.	Amend to reflect the same requirements set out in Part 9.2 Officer Scheme of Delegation Section 5.1 of the Constitution 'Statutory Officers' powers which are reserved to that designated officer through legislation may only be exercised by the nominated officer or their deputy, in accordance with Part 9.2 - Officer Scheme of Delegation, Section 5.1 of the Constitution.'
<u>Section 8.4</u>	Following a service restructure where the Chief Executive reallocates delegated powers to other posts, this section states that they will notify the Monitoring Officer. They should also notify members.	Amend to read:- Where a service has been restructured, the Chief Executive shall have authority to reallocate the delegated powers to other posts and shall give notice to the Monitoring Officer. This shall be considered to be a minor change to the constitution and within the Monitoring Officer's delegated authority. Any changes should be updated in the

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Section of the Constitution	Background	Proposed Amendment
		Constitution and published as soon as is practicable, with notification provided to the relevant Executive Member/s or Chair of a Committee.'
<u>11. Delegate Table General Provisions – Third Row</u>	This refers to declared civil emergencies. This should be conditional on the Chief Executive notifying the Leader and the Executive Committee.	Amend to read:- 'To assume all the powers of the Council necessary to respond to a declared civil emergency for the duration of the immediate response phase, subject to notification to the Leader of the Council and members of the Executive of the assumption of those powers. '
<u>11. Delegate Table Budget Accounts and Assets – First Row</u>	This refers to powers to incur revenue and capital expenditure. This includes the following condition: <u>“Cannot negotiate and approve borrowing Up to £100k for unbudgeted revenue expenditure.”</u> This is incorrect, because it implies that officers can approve loans over £100k.	As part of the wider set of conditions, amend to reflect the original drafting intention that the current single condition be read as two separate conditions, i.e <ul style="list-style-type: none"> • Cannot negotiate and approve borrowing • Up to £100k for unbudgeted revenue expenditure.
<u>11. Delegate Table Budget Accounts and Assets – Third Row</u>	This refers to the agreement of conditions in relation to grant funding to be received by the Council. It should be clearer that there is a condition on this, because otherwise it could allow officers to place any obligation upon the Council.	Amend to read under the Conditions column:- Subject to the conditions set out in Part 9.7 - Financial Procedure Rules, Section 34.3. <i>[For clarity, Section 34.3 states:- Where the use of external funding for projects requires a financial commitment from the Council and budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Officer, in</i>

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Section of the Constitution	Background	Proposed Amendment
		<i>conjunction with the CFO, will provide a written report to the Executive giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. This report should also set out the ways that the external funding sought supports the Council's service priorities.]</i>
08. Part 1. Roles of Councillors and Office Holders		
<u>Section 1.1 a)</u>	This refers to the organisations that a councillor should work with. One of the most important ones are not currently included, the Towns and Parishes .	Amend 1.1 a) 1st bullet point to read as follows:- Spend time out and about, learning about the communities that you represent, supporting your residents, working with local organisations (such as GPs, schools, police, local businesses, town and parish councils , and voluntary organisations)
<u>Section 2.2</u>	There is an additional key task of the Leader of the Council's responsibility that is not listed here: "Perform annual appraisal of Head of Paid Service" .	Insert at 2.2 the additional key task:- "f) Perform annual appraisal of Head of Paid Service" .
<u>Section 4.1.1 c)</u>	This section refers to the Chair of the Council's responsibilities in chairing Council debates. However, it does not specify who will debate. It is implicit that it will be the Councillors, but this has not always been practised on all former councils. It is suggested that this be made more explicit.	Amend 4.1.c) to read:- Ensure that the Council meeting is a forum for council members to the debate of matters of concern to the local community and the place at which members are able to hold the Executive to account.

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Section of the Constitution	Background	Proposed Amendment
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2. For incorporation into the Constitution following the next update approved by full Council, using the Monitoring Officer's delegated powers.

Section of the Constitution	Proposed Amendment	Proposed Amendment
<u>General</u>		
<u>Use of pronouns</u>	The Constitution currently refers refers to he/she throughout the document.	That pronouns throughout the Constitution become gender neutral, with 'He/She' to be replaced by 'They/Their/One/One's' throughout.
<u>05. Part 3 Access to Information Procedure Rules</u>		
Section 13.4 c)	This reference to the decision taker within the Executive's Forward Plan references a "body". To avoid ambiguity or possible misinterpretation, it would be advisable to define explicitly what this means.	Amend 13.4 c) to read:- 'the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a decision-making body'
<u>09. Part 2. Officer Scheme of Delegation</u>		
<u>Section 5.1 Second Sentence</u>	This reference to authorisations to other officers includes " <u>These shall be...</u> "	Amend to read:- 'Officers with delegated powers may, in writing, authorise another officer or officers to exercise those

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Section of the Constitution	Proposed Amendment	Proposed Amendment
	To avoid potential misinterpretation, this would be better worded as “Such authorisations shall be...”	powers. Such authorisations These shall be in writing, and must be held within the service, and Such authorisations must be subject to limitations and conditions.’
<u>08. Part 1. Roles of Councillors and Office Holders</u>		
<u>Section 4.22 b)</u>	This section refers to the Key Tasks for Scrutiny Chairs, specifically “Managing and developing a balanced work programme for the committee which includes investigative scrutiny, holding the <u>executive</u> to account...” The word “<u>executive</u>” means “<u>those responsible for the Council’s services...</u>” However, it can be mistaken for the executive in a wider sense, rather than the “Executive” meeting as a formal decision making body.	In Section 4.22 b), in order to clarify, amend ‘...the executive...’ to read ‘...the Executive...’

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End of Appendix

Democracy and Standards Committee 16 September 2021

Report Title	Outside Bodies Procedure Rules
Report Author	Adele Wylie – Director of Legal & Democratic Services (Monitoring Officer) adele.wylie@northnorthants.gov.uk

List of Appendices

Appendix A – Draft Outside Bodies Procedure Rules

1. Purpose of Report

- 1.1. For the committee to recommend to Full Council approval of the Outside Bodies Procedure Rules for inclusion in the Council's Constitution.

2. Executive Summary

- 2.1 The committee is being requested to endorse a set of procedure rules in relation to how the Council's Outside Bodies list would be collated and maintained. The council has an important role to play in a variety of organisations at national, regional, and local level.
- 2.2 It is important that council involvement in any organisation is of benefit and constructive, and that councillors feel confident that their individual involvement is meaningful and provides value.

3. Recommendations

- 3.1 It is recommended that the committee:
- a) Approve the Outside Bodies Procedure Rules (Appendix A) and forward these Rules to Full Council for approval and inclusion in the Council's Constitution.
- 3.2 Reason for Recommendations –
- To ensure a mechanism is established to keep the Council's Constitution and governance structure under review and provide a clear procedure for the appointment of council representatives on Outside Bodies.

4. Report Background

- 4.1 The Democracy and Standards Committee has overall responsibility for reviewing the Council's Constitution and decision-making governance and recommending any proposed changes to Full Council.
- 4.2 To assist in undertaking the above responsibility a Constitutional Working Group was formed.
- 4.3 The group received a copy of the draft Outside Bodies Procedure Rules at its meeting held on 23rd August 2021 and were invited to comment. The group endorsed the rules for formal discussion by the committee and recommended approval.
- 4.4 In addition, it should be noted that the Scrutiny Commission at its meeting held on 24 August 2021 agreed to establish a time-limited working group in order to draft a suggested list of approved Outside Bodies for consideration by Full Council.
- 4.5 It was recognised that initially collating a list for council approval and appointment to agreed Outside Bodies would be fairly time-consuming, however ensuring it is reviewed on an annual basis would ensure any list could be appropriately maintained and kept up to date.

5. Issues and Choices

- 5.1 Any proposed significant changes to the Constitution need to be agreed by Full Council, however it is intended that the committee would consider any changes in the first instance.
- 5.2 Ensuring that an agreed set of rules for review of Outside Bodies representation have been agreed will assist in ensuring clear and transparent decision-making.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 None specific to this report.

6.2 Legal

- 6.2.1 The Monitoring Officer has delegated authority to make administrative changes to the Constitution to reflect changes in the law, changes to the council's management structure and other changes with no significant impact.

6.3 Risk

- 6.3.1 The council needs to ensure that the efficiency and effectiveness of its governance systems are monitored, and clear approved procedures are put in place with regard to decision-making.

6.3.2 With reference to Outside Bodies establishing a formal process to maintain a list of council representation, to be reviewed on an annual basis, will allow the council to meet its obligations at national, regional, and local level and ensure councillor involvement is targeted where appropriate.

6.4 **Consultation**

6.4.1 Constitutional Working Group
Leader and Deputy Leader of the Council

6.5 **Consideration by Scrutiny**

6.5.1 The Scrutiny Commission has agreed to review current council obligations and representation ahead of Full Council agreeing a revised list of Outside Bodies.

6.6 **Climate Impact**

6.6.1 None specific to this report.

6.7 **Community Impact**

6.7.1 None specific to this report.

7. Background Papers

7.1 Council Constitution.

Appendix

Outside Bodies Procedure Rules

These Procedure Rules relate to those external organisations and partnerships (referred to as Outside Bodies) which have requested the Council to appoint an Elected Member (or suitable nominee) to them.

Elected Members are appointed by North Northamptonshire Council to serve on a range of Outside Bodies. An "Outside Body" covers organisations such as;

- Trusts
- Voluntary Bodies
- Charities
- Community Associations
- Companies

For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council. Any appointments of Members in their personal capacity is also excluded from these Rules.

Service on Outside Bodies is an established part of a Councillor's role. A Member appointed to an external body will be able to use their knowledge and skills both as a Council Member, and as a representative of their communities, to assist the organisation to which they are appointed, as well as the Council which they represent.

1. DETERMINATION OF OUTSIDE BODIES SUPPORTED

1.1 The Monitoring Officer will maintain a list of all Outside Bodies to which the Council appoints an Elected Member.

1.2 Each year a Panel established by the Scrutiny Commission will review the list of notified Outside Bodies and will determine whether the Council should make/continue to make an appointment to those bodies. They shall ensure that there is no duplication between Outside Bodies.

1.3 Determination will be based on one or more of the following criteria being met:

- 1.3.1 the proposed appointment is a statutory requirement;
- 1.3.2 the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
- 1.3.3 the proposed appointment would add value to the Council's activities.

1.4 The Scrutiny Panel shall categorise the Outside Bodies into the following categories of;

1.4.1 Key Strategic Partnerships

Participation contributes to the Council's strategic functions, priorities and community leadership role.

1.4.2 Community Partnerships

Participation is not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from North Northamptonshire perspective

1.4.3 Area/Ward Partnerships

Beneficial in terms of leading, engaging and supporting the community from a ward perspective

1.5 The Scrutiny Panel shall advise the Monitoring Officer of the Outside Bodies that it recommends the Council should appoint to. Nominations shall be sought by the Monitoring Officer for those Outside Bodies.

2. HOW AN APPOINTMENT SHALL BE MADE

2.1 Where an organisation is deemed to have met one or more of the criteria the Monitoring Officer will advise whether it is appropriate for the appointment to be a specific office holder either by reference to the Constitution of the Outside Body concerned or in light of any other circumstances.

2.2 Due regard shall be made to a Member's current interests prior to making any appointment.

2.3 All appointments are subject to annual change unless otherwise stated in the Constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.

2.4 If the appointment is not made to a specific office holder then the following nominations will be allowed;

2.4.1 Key Strategic Partnerships

Nominations may be received and approved by the Leader of the Council.

2.4.2 Community Partnerships

Nominations may be received from any member. They will be recommended to the Council for approval.

2.4.3 Area/Ward Partnerships

Nominations will be received from members who are able to adequately represent the relevant ward. They will be recommended to the Council for approval.

2.5 The Monitoring Officer shall seek nominations from elected members to all relevant Outside Bodies and these shall be presented to Council for approval for the following municipal year.

2.6 A vacancy occurring during the municipal year will normally be made by the Monitoring Officer upon the instruction of the Leader of the Council.

Democracy and Standards Committee 16 September 2021

Report Title	Draft Constitutional Amendments
Report Author	Adele Wylie – Director of Legal & Democratic Services (Monitoring Officer) adele.wylie@northnorthants.gov.uk

List of Appendices

Appendix A - Substitute Allocations

Appendix B - Democracy and Standards Committee Voting Rights

Appendix C - Start Time of Full Council Meetings

1. Purpose of Report

1.1. For the committee to consider potential amendments to the Council's Constitution.

2. Executive Summary

2.1 The committee is being requested to consider some potential amendments to the Council's Constitution. These were considered by the Constitutional Working Group at its meeting on 23 August 2021. The group agreed for these suggested amendments to be forwarded to the committee for formal discussion.

2.2 If the committee agree any of the amendments these will be forwarded to the Full Council meeting on 29 September 2021 for determination.

2.3 The suggested amendments cover three areas: -

- Substitute Allocations
- Democracy and Standards Committee Voting Rights
- Start time of full Council Meetings

3. Recommendations

3.1 The committee recommend to Council:

- a) That the proposal for substitute allocations set out at Appendix A be approved;
- b) That the proposal for Democracy and Standards Committee Voting Rights as set out at Appendix B be approved;

- c) That the proposal for an amended commencement time for full Council meetings as set out at Appendix C be approved.

3.2 Reason for Recommendations –

- Council approval of these amendments would be required as they fall outside of the Monitoring Officer's general delegation to make minor administrative changes to the Constitution.

4. Report Background

- 4.1 The Democracy and Standards Committee has overall responsibility for reviewing the Council's Constitution and decision-making governance and recommending any proposed changes to full Council.
- 4.2 To assist in undertaking the above responsibility a Constitutional Working Group was established consisting of five members of the committee.
- 4.3 The group received a copy of the draft Constitutional Amendments at its meeting held on 23 August 2021 and were invited to comment. The group endorsed the rules for formal discussion by the committee and recommended approval.
- 4.4 In addition, it should be noted that the Scrutiny Commission at its meeting held on 24 August 2021 agreed to establish a time-limited working group in order to draft a suggested list of approved Outside Bodies for consideration by Full Council.
- 4.5 It was recognised that initially collating a list for council approval and appointment to agreed Outside Bodies would be time-consuming, however ensuring it is reviewed on an annual basis would ensure any list could be appropriately maintained and kept up to date.

5. Issues and Choices

5.1 Substitute Allocations

As detailed in Appendix A, currently there is no clear guidance relating to the substitute arrangements for all of the council's committees. The purpose of the proposal is to ensure this guidance is put in place. This will assist recognised political groups in knowing what nominations are required and assist in the arrangements for Annual Council in the number of positions which need to be filled. The Constitutional Working Group is recommending support for this proposal.

5.2 Democracy and Standards Committee Voting Rights

As detailed in Appendix B, it is suggested that some caveats are placed upon what the Town and Parish Council representatives should be permitted to vote upon in relation to the committee's responsibilities. The primary purpose of the representative's role relates to the "standards regime" and the Member Code of Conduct, however currently there are no restrictions on what they may vote upon. It is suggested that it would be inappropriate for the representatives to be able vote upon issues which are not directly the responsibility of town and parish

councils. The Constitutional Working Group is recommending support for this proposal.

5.3 Start Time of Full Council Meetings

As detailed in Appendix C, it is suggested that the normal start time of Full Council meetings is moved from 7:00 pm to 2:00pm (whilst recognising that the Full Council Budget meeting may need to commence earlier). Some concern was expressed by members of the Constitutional Working Group that bringing the start time of Full Council meetings forward may create difficulties for some councillors, however it was noted that Full Council meetings are infrequent, that Full Council meetings that may run late into the evening creates issues for some councillors, that the proposed start time still allows for work etc in the mornings, and that councillors are allowed, in some circumstances, time off from work for public duties. The Constitutional Working Group by majority vote is recommending support for this proposal.

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 None specific to this report.

6.2 Legal

6.2.1 The Monitoring Officer has delegated authority to make administrative changes to the Constitution to reflect changes in the law, changes to the council's management structure and other changes with no significant impact. The proposals subject to this report require council determination.

6.3 Risk

6.3.1 The council needs to ensure that the efficiency and effectiveness of its governance systems are monitored, and clear approved procedures are put in place with regard to decision-making.

6.4 Consultation

6.4.1 Constitutional Working Group

6.5 Consideration by Scrutiny

6.5.1 N/A.

6.6 Climate Impact

6.6.1 None specific to this report.

6.7 Community Impact

6.7.1 None specific to this report.

7. Background Papers

7.1 Council Constitution.

APPENDIX A

Title – Substitute Allocations

Background

Within the current Constitution the Area Planning Committees specify the exact number of Substitute Members allocated to each recognised political group; this is specified under Part 4.3 and allows for a maximum of two named substitute members from each group represented on the committee.

The Strategic Planning Committee under Part 4.2 specifies that groups may appoint substitutes "...in accordance with the proportionalities in force at the time...".

The Executive is prohibited from appointing substitute members.

In relation to other formal committees (covered by the LGA 1972), apart from specifying there can be named substitutes, the Constitution is silent on the number of named substitutes.

Proposal

Given that the Constitution is currently silent on the specifics of named substitutes for most formal committees (covered by the LGA 1972), it is suggested that this be addressed.

The proposal would be that the Council adopt the approach detailed for the Strategic Planning Committee, in that the number of named substitutes permitted for a group is proportionate to the number of full members appointed by a group to a specific committee.

For example, if a group has three full members they would be permitted a maximum of three named substitutes. If a group had six full members they would be permitted a maximum of six named substitutes, etc.

To be noted

Adoption of the proposal would not disenfranchise any existing nominated substitute members.

Adoption of the proposal would allow certainty to groups in relation to the nominees that they need to find to comply with substitute numbers.

There is no legal requirement for a group to appoint named substitutes, however by appointing substitute members it increases both the likelihood of committee meetings being quorate in the event of full members being absent and that political balance on a committee is retained.

The management of substitute arrangements is a matter for the respective political group.

APPENDIX B

Title – Democracy and Standards Committee Voting Rights

Background

The Committee is constituted of 7 NNC members and 4 Town/Parish members. Currently the 4 Town/Parish members have full voting rights on the Committee. There are no caveats as to what they may or may not vote on in relation to the Committee's agenda.

It is being suggested that some caveats are put in place with regard to their voting rights, as there may be issues that arise where it is appropriate that only NNC members determine.

The primary reason for Town/Parish members representation on the Committee relates to the Code of Conduct and the "standards regime", it is not to determine matters relating to the overall governance of NNC, formulating proposals or consultation responses on boundary reviews etc.

Proposal

That caveats be introduced that prohibit Town/Parish members from voting on matters that are the sole responsibility of NNC but do not impact on the Members' Code of Conduct or "standards regime" applicable to Town/Parish members. Town/Parish members would still be eligible to participate in discussions on the Committee's agenda, however in a non-voting capacity.

To be noted

No Town/Parish representatives have yet been appointed, so any changes to their level of participation or role will not impact on current postholders.

NNC have no remit to determine matters relating to the operation or governance of town and parish councils. The responsibility only extends to the Member Code of Conduct and determination of allegations of breaches of said Code.

If the proposal is agreed, the quorum for the Committee would need to be amended to read – "The quorum shall be 3 NNC members of the Committee, but where matters pertain to the Member Code of Conduct or "standards regime" applicable to Town/Parish members, the quorum for consideration of such items shall be 3 NNC members and one Town/Parish member.

APPENDIX C

Title – Start Time of Full Council Meetings

Background

Part 3.2 Meeting Procedure Rules states in relation to Full Council meetings “*Meetings will commence at 7:00 pm at a place or places to be agreed by the Council. The Chair, or the Council, can agree to hold a meeting at a different place or time*”.

Annual Council agreed the Ordinary Full Council meeting dates for 2021/22.

It is being suggested that in order to ensure there is adequate time for the business of Full Council meetings to be considered in an appropriate manner, the usual start time of meetings be moved to 2:00 pm.

It is envisaged that the business of some meetings will still take several hours to determine, it is felt that an earlier start time would provide more flexibility for debate.

It was recognised that the Budget Full Council meeting to be held in February may be particularly lengthy, and officers would consult with the Chair of the Council with regard to the potential start time of that meeting.

Proposal

That the current 1.2 of Part 3.2 Meeting Procedure Rules be amended to read –

“Meetings will usually commence at 2:00 pm at a place to be agreed by the Council. The Chair, or the Council, can agree to hold a meeting at a different place or time”.

To be noted

The timing of meetings may impact on the working or caring commitments of members. A change to daytime meetings may assist or hinder attendance. Carer Allowance is claimable by members where appropriate.

Changes to the start time of meetings may impact on the attendance of the general public. This may be alleviated going forward by potentially live-streaming meetings and posting on You Tube or a similar platform.

