

WEST NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW AUTHORITY MEETING

2 June 2020

Report of the West Northamptonshire Joint Committee Governance Task and Finish Group

Report Title	Constitution and Code of Conduct for the West Northamptonshire Shadow Authority
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1. Purpose

- 1.1 The purpose of this report is to present for approval the draft Constitution of the West Northamptonshire Shadow Authority.

2. Recommendations

It is recommended that the Shadow Authority:

- a) notes the work undertaken by the Governance Task and Finish Group of the West Northamptonshire Joint Committee (WNJC) in relation to the draft Constitution, including the Code of Conduct for Members.
- b) approves and adopts the draft Constitution for the Shadow Authority attached at Appendix 1.
- c) approves the draft Code of Conduct for Members attached to the Constitution
- d) approves the use of a system of recording member attendance at meetings of the Shadow Authority, its Executive, Committees and Sub-committees.
- e) delegates to the Interim/Appointed Monitoring Officer of the Shadow Authority the power to make typographical and non-substantial changes to the approved constitution, in consultation with the Chair of the Governance Task and Finish Group / Shadow Executive member responsible for governance.
- f) agrees that the Interim/Appointed Monitoring Officer, in consultation with the Chair of Standards Committee and the Chair of the Governance Task and Finish Group commences recruitment for Statutory Independent Persons to perform the functions required in relation to standards under Article 10 of the Constitution and in relation to statutory officers' disciplinary procedures under the Staff Employment Procedure Rules.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The WNJC, at its meeting on 5 June 2019, considered a draft constitution which had been prepared for the Shadow Authority. In particular it considered the draft Code of Conduct which forms part of that draft constitution. Comments and suggested amendments were also received from Monitoring Officers of the constituent Councils for the West Northamptonshire area and in turn these were incorporated in the draft.
- 3.1.2 At its meeting on 19 December 2019 the Working Group further reviewed the draft Code of Conduct incorporating the amendments suggested by the Monitoring Officers.
- 3.1.3 At its meeting on 3 February 2020 the WNJC considered a report exhibiting a version of the draft Code of Conduct as reviewed and further amended by the Task and Finish Group.
- 3.1.4 It needs to be noted that the WNJC had approved a General Purposes Committee for the Shadow Authority. It has been suggested that, given the timescales involved, there is no clear need for a General Purposes Committee. The attached constitution does not, as currently drafted, have a provision for a General Purposes Committee but such a committee could be drafted into the constitution if required.

3.2 Recording of Attendance at Meetings

- 3.2.1 At the meeting on 5 June 2019, WNJC Members enquired as to whether an accessible record of member attendance would be produced to show which members had attended any particular meeting of the Shadow Authority. At its meeting on 19 December 2019, the Task and Finish Group considered a report setting out the processes which are in use at Northampton Borough Council and other authorities for recording member attendance at meetings of the authority, its Executive, Committees and Sub-committees.
- 3.2.2 The WNJC was of the view that a similar electronic system should be operated by the Shadow Authority so that the constituent authorities and the public can access online member attendance at relevant meetings.

3.3 Functions of the Joint Committee, Shadow Council and Timetable -

- 3.3.1 Since the WNJC considered and approved the draft constitution, there have been various national issues which have impacted on the draft constitution approved by the WNJC.
- 3.3.2 As members will be aware, the Structural Changes Order was laid before Parliament on 13 February 2020 and, following approval by both Houses of Parliament, became law. Following the outbreak of Covid-19 and the suspension of local government elections, amendments were made to the Structural Changes Order, which have changed substantially the model of political representation on the Shadow Authority. This meant that the model

now requires all existing members of the West Northamptonshire Councils to become members of the West Northamptonshire Shadow Authority. This has necessitated various technical changes to various parts of the constitution to enact and support the required changes. These latter matters have not been considered by the WNJC. Further, members are also signposted to the various changes in the constitution related to the changes to support remote meetings which are now enabled by changes in the law.

3.4 Area Committees and Youth Council

- 3.4.1 At its meeting on 5 June 2019 the WNJC observed that there was further time for work to be done on the issues of whether the West Northamptonshire Council should establish area committees and/or establish a youth council.
- 3.4.2 At its meeting on 19 December 2019 the Governance Task and Finish Group considered a report on both these matters and discussed in outline the factors which may be relevant to the decisions on each matter.
- 3.4.3 It was established that there are a number of considerations which will be relevant to these decisions and that, until such time as the Shadow Authority has determined the approach it will take to delivering services generally, there is no meaningful material on which to make any recommendation to the Shadow Authority as to whether area committees would be beneficial.
- 3.4.4 The Task and Finish Group therefore determined that this was beyond its current scope and that, accordingly, it is not in a position to make a recommendation as to whether area committees would be beneficial in the structure of the West Northamptonshire Council.

3.5 Statutory Independent Persons

- 3.5.1 The Structural Changes Order applies various legislation regarding the conduct of members to the Shadow Authority with certain modifications. The Localism Act 2011, as applied to the Shadow Authority, requires all local authorities to ensure their arrangements for investigating and making decisions in relation to complaints under the Code of Conduct include provision for the appointment of one or more Independent Person.
- 3.5.2 For the purpose of the Shadow Authority, a person may not be appointed as an Independent Person if:
 - a) they are a member or officer of the authority;
 - b) they are a relative (as defined in the Act) or close friend of a person who is a member or officer of the authority;
 - c) they have in the five years prior to their appointment been a member or officer of the authority.

A person may not be appointed as an Independent Person unless:

- a) the vacancy has been advertised in such a manner as the authority considers is appropriate to bring it to the attention of the public;

- b) they have submitted an application to fill the vacancy of an Independent Person; and

3.5.3 As members will observe, the draft Code of Conduct recommended for adoption specifies a role for Independent Persons however, until the Shadow Authority comes into existence under the provisions of the Structural Changes Order, it is not possible to make the appointments. It is therefore proposed that the Interim/Appointed Monitoring Officer is delegated authority to undertake the recruitment process to allow selection of appropriate persons.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The adoption of the draft Constitution, which includes the Code of Conduct, are fundamental to the establishment of policies and procedure by the Shadow Authority.

4.2 Resources and Risk

4.2.1 None arising directly.

4.3 Legal

4.3.1 The Structural Changes Order sets out clearly the functions of the Shadow Authority. The Structural Changes Order specifically also requires the adoption of a Code of Conduct at the first meeting of the Shadow Authority.

4.3.2 Whilst not expressly stated as a requirement under the Structural Changes Order, adoption of the remainder of the draft constitution will establish a clear framework for the steps to be taken by the Shadow Authority and its adoption is therefore recommended, subject to any amendments which are considered appropriate.

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.

5. Background Papers

5.1 Reports to the WNJC on 5 June 2019 and 3 February 2020.

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