

WEST NORTHAMPTONSHIRE COUNCIL

Democracy and Standards Committee 9th March 2023

Report by the Democracy and Standards Committee

Report Title	Updates to the Constitution
Report Author	Catherine Whitehead, Director of Legal and Democratic Services

Contributors/Checkers/Approvers

Monitoring Officer	Catherine Whitehead	01/03/2023
Chief Finance Officer (S.151)	Martin Henry	
Communications Lead/Head of Communications	Becky Hutson	

List of Appendices

Appendix A – Updated WNC Constitution (available on request – please contact democraticservices@westnorthants.gov.uk)

1. Purpose of Report

- 1.1 The purpose of this report is to provide an update to the Democracy & Standards Committee on a number of proposed updates to the Constitution and request that the committee recommend the revised Constitution to Council for adoption.

2. Executive Summary

- 2.1 The Council’s Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for

the Council to choose. The Council must operate in accordance with its Constitution and the rules set out in it. The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules.

- 2.2 Suggested amendments are summarised in section 5 below. These changes have generally been made to address issues that have been identified with the operation of the Constitution or to ensure the Constitution is up-to-date, for example by reflecting changes to legislation or statutory guidance.

3. Recommendations

- 3.1 It is recommended that the Democracy and Standards Committee:
- a) Note and approves the updates to the Constitution as set out in Section 5; and
 - b) Recommends the updates to Council for approval.
- Subject to discussion of the item at this committee in relation to changes to committees to make any additional recommendation to Council arising from that report.

4. Reason for Recommendations

- 4.1 Keeping the Constitution under regular review will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.

5. Report Background

- 5.1 A number of changes to the Constitution are proposed. These are summarised below:

Council Procedure Rules - Voting

- 5.2 The Constitution sets out procedure rules for voting at meetings of Full Council. While reference is made to voting by electronic means where available, the rules for recorded votes do not fully reflect the facilities that the Council now has in place. A number of changes are proposed to correct this, while allowing for the existing procedure to remain in place for committees:

32 Voting

- 32.1 *Each Councillor has one vote.*

- 32.2 *Voting will be by a show of hands or, where practical and the means are available to those present, by suitable electronic means. **electronic means or, where this is not available or is not practicable, by a show of hands.***

- 32.3 ***Where voting by electronic means is available, votes will be recorded automatically. The voting record for each meeting will be made available on the Council's website after each meeting.***

- 32.4 ***Where voting by electronic means is not available, a councillor may ask for a recorded vote to be taken. When a councillor asks for a recorded vote to be taken, and 10 members of the Council***

(or one quarter of a committee) stand in their places to support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained. If necessary, a councillor may raise their hand instead of standing in order to indicate their support for a request for a recorded vote.

- 32.5 *A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.*
- 32.6 *A councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.*
- 32.7 *A councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.*
- 32.8 *Where there are equal votes cast for a motion or amendment the Chair or the person presiding may exercise a second or casting vote.*

Local Area Partnerships

- 5.32 At its meeting on 30th June 2022, the Council considered a report about the Northamptonshire Integrated Care System (ICS). The ICS is a statutory requirement introduced via the Health and Care Act 2022 (the Act). The ICS brings together local authorities, health and social care and housing providers. The core purpose of an ICS is to:
- improve outcomes in population health and healthcare;
 - tackle inequalities in outcomes, experience, and access;
 - enhance productivity and value for money; and
 - help the NHS support broader social and economic development
- 5.33 In Northamptonshire, an Integrated Care Board (ICB) will bring together leaders from across the system and is accountable for overall performance and use of resources. The ICB includes Local Authority Leaders and Chief Executives, as well as NHS leaders and non-executives (as required by the Act). An Integrated Care Partnership (ICP) will exist alongside the ICB. The ICP's central role is in the planning and improvement of health and care. The ICP supports place-based partnerships and coalitions with community partners which are well situated to act on the wider determinants of health in local areas.
- 5.34 The West Northamptonshire Health and Wellbeing Board continues in its role within this structure, but with some additional responsibilities:
- To review the Integrated Care Board (ICB) 5 Year Plan to ensure it takes proper account of the Joint Health and Wellbeing Strategy;
 - To review the ICB Joint Capital Resource Plan; and
 - To consult with the ICB for the ICN Annual Report on performance of any steps taken by the ICB to implement the Joint Health and Wellbeing Strategy.
- 5.35 Below the Health and Wellbeing Board and ICP sit the locality Health and Wellbeing Forums. These bodies reflect the two localities: Northampton and Daventry/South Northants. The locality boards oversee the Local Area Partnerships and will be responsible for ensuring that the Local Area Partnership Plan delivers against key priorities determined by local insight data. The terms

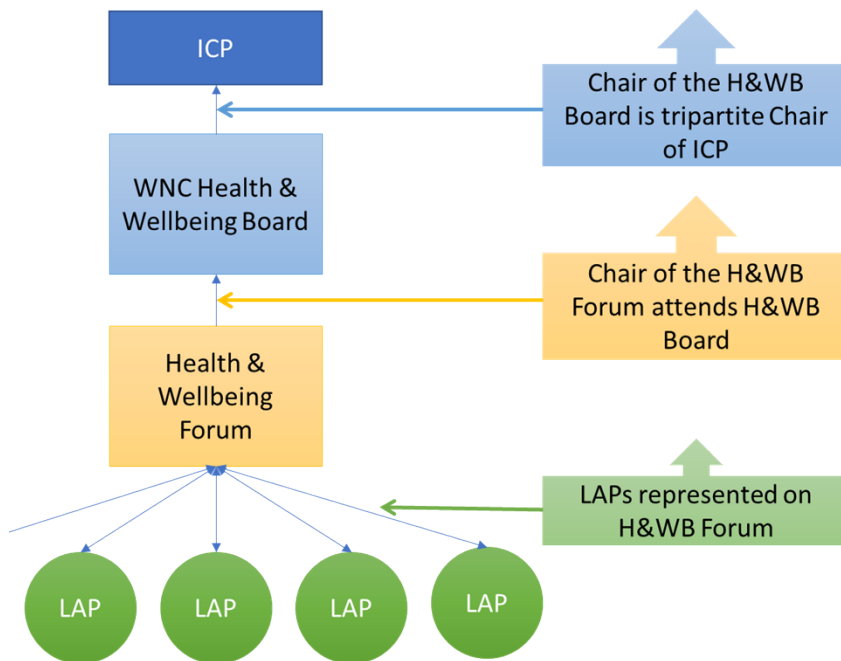
of reference for the Health and Wellbeing Locality Forums and Local Area Partnership (LAP) including membership is currently being developed as part of wide stakeholder consultation and engagement. It is recommended that the following text is added to the Constitution in Part 4 (Committees), at Section 4.9 (Health and Wellbeing Board).

New paragraph 4.9.12 (between Sub-Groups and Visitors and Speakers

4.9.12 Health and Wellbeing Forums and Local Area Partnerships

The Council has established two Health and Wellbeing Forums, each reporting to the Health and Wellbeing Board. Each Forum covers a specific area (see paragraph 4.9.16) and is linked to a number of Local Area Partnerships.

4.9.13 The Health and Wellbeing Forums have been established to enable local partners from the public sector, voluntary sector and community engagement sector to work together to improve the health and wellbeing of people in the local area. Each Forum is a mechanism for delivering the ambitions for ‘Live Your Best Life’ and driving forward the priorities of the West Northants Health & Wellbeing Strategy and the system wide Integrated Care Partnership Strategy. Each Forum provides representation to the Health and Wellbeing Board to influence and ensure the local perspective is included at Place level. The Boards will inform the design and delivery of integrated, efficient and cost-effective services for the local population. The governance structure and relationships are set out in the diagram below.



4.9.14 Each Forum will include a core group of organisations that have a key role and responsibility to improve health and wellbeing in the local area. Membership will be continuously reviewed and individuals can be co-opted for specific issues. The core membership of the Forum and initially will consist of a representative(s) as follows:

- DSN GP Locality Board

- Elected Member (WNC)
- AD for Place Development
- Interim Head of Community Safety & Engagement (WNC)
- Local Area Partnerships
- Northamptonshire Fire Service
- Northamptonshire Healthcare Foundation Trust
- Northamptonshire Police
- Northamptonshire Children's Trust
- Mental Health, Learning Disability and Autism Collaborative
- Public Health (WNC)
- University Hospitals of Northamptonshire NHS Group
- Voluntary, Community and Social Enterprise (VCSE)
- West Northants Health and Wellbeing Board
- Other subject matter experts as required

4.9.15 Local Area Partnerships (LAPs) are established to enable local partners from the public sector, voluntary sector and community engagement sector to work together to improve the health and wellbeing of the people in the local area. They adopt an intelligence and data-led approach to identify areas experiencing high levels of inequality that would benefit from redesign and integration of service provision. They review evidence on local health needs, social and economic determinants of health and collectively determine priorities that need addressing. The LAPs are the mechanism for delivering the ambitions for Live Your Best Life and driving forward the priorities of the West Northants Health & Wellbeing Strategy and the system-wide Integrated Care Partnership Strategy. Local Area Partnerships have no delegated decision-making powers and cannot allocate resources. They are not committees; they are partnerships that work collectively to achieve common goals and priorities to improve the health and wellbeing of their local communities.

4.9.16 The areas covered by each structure are as follows:

Northampton Health and Wellbeing Forum

- Local Area Partnership N1, covering the following wards: Riverside Park, Billing and Rectory Farm and Talavera.
- Local Area Partnership N2, covering the following wards: Nene Valley, Delapre and Rushmere and East Hunsbury and Shelfleys.
- Local Area Partnership N3, covering the following wards: Duston West and St Crispin, Duston East and Sixfields.
- Local Area Partnership N4, covering the following wards: Castle, Abington and Phippsville, St George and Dallington Spencer.
- Local Area Partnership N5, covering the following wards: Headlands, Boothville and Parklands, Kingsthorpe North and Kingsthorpe South.

South Northants and Daventry Health and Wellbeing Forum

- Local Area Partnership DSN1, covering the following wards: Brixworth, Braunston and Crick, Long Buckby and Moulton.

- Local Area Partnership DSN2, covering the following wards: Daventry East, Daventry West and Woodford and Weedon.
- Local Area Partnership DSN3, covering the following wards: Silverstone, Middleton Cheney and Brackley.
- Local Area Partnership DSN4, covering the following wards: Deanshanger, Towcester and Roade, Bugbrooke and Hackleton and Grange Park.

The core membership of each LAP will initially consist of the following:

- Elected members (identified from the Wards covered by each LAP)
- WNC Director aligned to each LAP
- Northamptonshire Police
- VCSE colleagues
- Public Health
- GPs
- AD for Place Development
- Administration support

Invitations may be extended to additional professionals and organisations depending on the priorities identified by each LAP.

Powers and Duties of the Pensions Committee

5.36 The Terms of Reference of the Pension Committee have been reviewed in order to ensure they reflect accurately the arrangements that have been put in place for the ACCESS Joint Committee, the mechanism through which the Northamptonshire Pension Fund participates in a shared asset pool. The Joint Committee has a duty to make recommendations to West Northamptonshire Council (as with all member authorities) about a range of matters set out within the Constitution. The powers and duties of the Pensions Committee need to reflect these duties to ensure decisions can be made at the appropriate level within the authority. The following powers and duties are proposed to be added to the terms of reference of the Pension Committee under paragraph (o) by forming a new sub-paragraph (v):

- (v) On receipt of a recommendation from the Joint Committee of the ACCESS asset pool:
1. agreeing or otherwise the appointment of an Operator and the terms of upon which the Operator is to be appointed.
 2. agreeing or otherwise the extension or termination of an operator agreement and the appropriate arrangements to replace an Operator Agreement on its termination.
 3. Determining proposed changes to the Inter-Authority Agreement.

Powers in relation to setting fees and charges

5.37 The Constitution sets out a range of exceptions to delegated powers which provide clarity in relation to the limits of powers delegated to officers and the threshold for escalation to Cabinet. It is proposed that the delegated power to vary fees and charges be amended to include inflation as a cause in addition to market conditions. This affects Part 9 of the Constitution (Officers).

Exception	At or Over £500k	At £100k up to £500k	At £25k up to £100k	At £2k up to £25k	Up to £1k

To vary the scale of fees and charges within year to reflect market conditions or inflation.	Budget Manager and CFO, unless otherwise a key decision.	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager
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6. Issues and Choices

6.32 The issues and choices insofar as they relate to the operation of the Constitution are set out in section 5 above.

7. Implications (including financial implications)

7.32 Resources and Financial

7.33 There are no financial implications arising directly as a result of the Constitution review process.

7.34 Legal

7.35 Every local authority is under a legal duty to prepare and keep up to date its Constitution. In particular, section 9P of the Local Government Act 2000 requires the Constitution to contain:

- a) a copy of the authority's standing orders;
- b) a copy of the authority's code of conduct;
- c) such information as the Secretary of State may direct; and
- d) such other information (if any) as the authority considers appropriate.

7.36 Regular review of the Constitution helps to ensure these legal requirements are met. The amendment set out above will assist in ensuring the Council is able to operate in a lawful manner

7.37 Risk

7.38 There are no significant risks arising from this report. Reviewing the Constitution helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

7.39 Consultation and Communications

7.40 Consultation was undertaken with group leaders and the Democracy and Standards committee prior to recommendations being submitted to Council.

7.40.1 The Council will inform and update the public on subsequent future changes to council procedure rules arising as a result of this review, including the proposed changes to start times for committee meetings.

7.41 **Consideration by Overview and Scrutiny**

7.42 Not applicable to this report.

7.43 **Climate Impact**

7.43.1 None specific.

7.44 **Community Impact**

7.44.1 None specific.

8. Background Papers

8.32 None.