

WEST NORTHAMPTONSHIRE COUNCIL

23 March 2023

Report by the Democracy and Standards Committee

Report Title	Updates to the Constitution and Committees
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Contributors/Checkers/Approvers

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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 enable Council to consider the recommendations made by the Democracy and Standards Committee in relation to proposed updates to the Constitution and changes to committees.

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 At their meeting on 9 March 2023, the Democracy and Standards Committee considered reports about changes to the Council's Constitution arising from changes to governance structures (such as Local Area Partnerships) or working practices (voting at meetings).
- 2.3 The Committee also considered recommendations arising from two external reviews in relation to the Council's governance arrangements and related proposed changes to the Council's committee structure. Specific recommendations from the Centre for Governance and Scrutiny (CfGS) about the Council's Overview and Scrutiny Committees were considered by the Co-ordinating Scrutiny Committee and each of the Scrutiny Committees informally before being presented to the Democracy and Standards Committee.
- 2.4 Relevant recommendations about changes to planning committees made by the Planning Advisory Service (PAS) arising from the Local Government Association (LGA) Peer Review were also considered by the Standards and Democracy Committee.

3. Recommendations

- 3.1 It is recommended that Council:
 - a) Note and approve the updates to the Constitution as set out in paragraphs 5.2 to 5.8, to come into effect following the conclusion of the meeting at which they are agreed;
 - b) Approve the splitting of the People Overview and Scrutiny Committee to create two new Overview and Scrutiny Committees as set out in paragraphs 5.9 to 5.16 and approve the reduction in the number of members appointed to each of the four Scrutiny Committees to 11 per committee.
 - c) Note that the changes set out in recommendation b) will come into effect immediately before the Council's Annual Meeting on 18th May 2023.
 - d) Note and agree the recommendation of the Democracy and Standards Committee to abolish the existing three Local Area Planning Committees and the establishment of two new Development Control Committees as set out in paragraph 5.20, subject to the Committee reviewing the arrangements for the two new Development Control Committees at its next meeting and reporting back to the Annual Meeting of the Council;
 - e) Note the retention of the Strategic Planning Committee and the Planning Policy Committee as currently structured.
 - f) Approve the recommendation of the Democracy and Standards Committee that Planning Committees be webcast where the facility is available and that, across all Planning Committees, site visits will be held where there are planning reasons for doing so and will be arranged by Democratic Services with Members accompanied by a Planning Officer on site, as set out in paragraph 5.24;
 - g) Agree that the Planning Protocol be amended to reflect recommendation f).
 - h) Delegate to the Monitoring Officer the power to make these amendments and any consequential amendments that may be necessary;

4. Reason for Recommendations

- 4.1 Keeping the Constitution under regular review helps ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.
- 4.2 The recommendations also form part of the Council's response to the reviews undertaken by the CfGS and the PAS and therefore ensure that the council's Overview and Scrutiny function is effective and reflects national good practice and supports the Council's duty as Local Planning Authority.

5. Report Background

- 5.1 Following consideration by the Democracy and Standards Committee at their meeting on 9 March 2023, 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 ***Any misuse of an electronic voting system will be considered a breach of the Council's Code of Conduct.***

32.5 ***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.*

32.6 *A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.*

- 32.7 *A councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.*
- 32.8 *A councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.*
- 32.9 *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

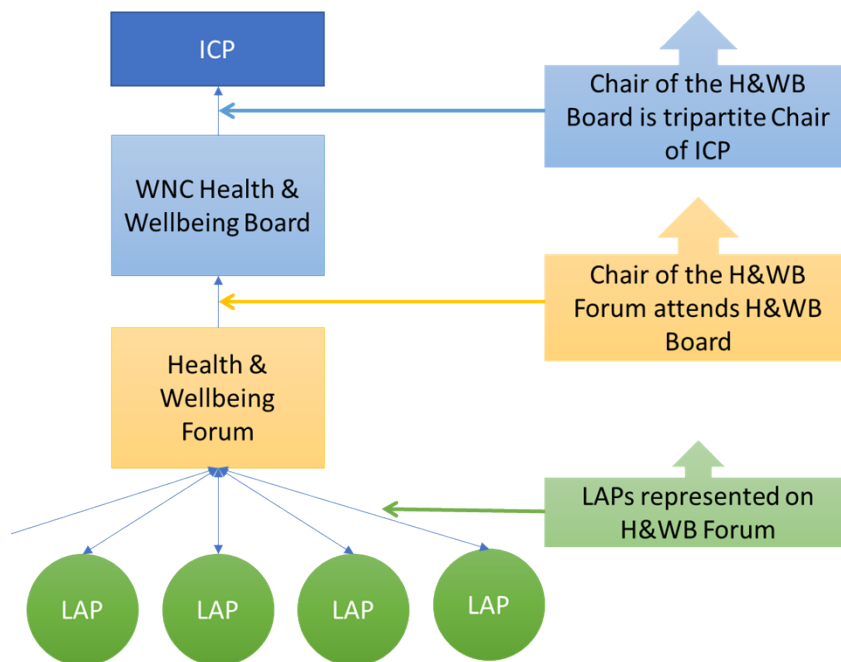
- 5.3 At its meeting on 30th June 2022, the Council considered a report about the Northamptonshire Integrated Care System (ICS). The ICS is a statutory requirement introduced via the Health and Care Act 2022 (the Act). The ICS brings together local authorities, health and social care and housing providers. 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
- 5.4 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.
- 5.5 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.
- 5.6 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

5.7 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) and (vi):

(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.

(vi) Determining proposed changes to the Inter-Authority Agreement.

Powers in relation to setting fees and charges

5.8 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

Changes to Overview and Scrutiny

- 5.9 The Council commissioned the CfGS to advise and support the Council to ensure Scrutiny is effective in delivering accountability, improving policy and decision making and makes a quality contribution in the delivery of the Council plans and overall improvement. The review found many positive qualities in the Council's Overview and Scrutiny function and recognised there is a good understanding of the importance of Scrutiny at the Council, with the conditions for success clearly present. The recommendations from the report are summarised below:
- Renewed focus on strategic issues that are of importance to communities in West Northamptonshire;
 - Improved focus on output from Scrutiny i.e. challenge and improvement with clear recommendations, rather than updates from services;
 - Clarity about what Scrutiny should expect from Cabinet and vice-versa. Clarity about the role of Cabinet members at scrutiny meetings;
 - An emphasis on scrutiny input at a formative stage in policy development and collaborative working with Cabinet and the establishment of a clear framework for work planning;
 - Reviewing lines of communication between Scrutiny, Cabinet and Directors and developing a framework for maintaining this;
 - Review of MTFs/Budget Scrutiny, taking account of CIPFA guidance.
- 5.10 In response to the review, officers including the Director of Legal and Democratic Services and the Head of Democratic and Elections met with each of the Scrutiny Committees to discuss the recommendations of the report. A number of initiatives have been discussed and a framework for the operation of Overview and Scrutiny has been developed in order to provide good governance in relation to Scrutiny. The only specific matters that require a decision from Council relate to changes to the structure of committees.
- 5.11 The Democracy and Standards Committee reviewed the CfGS's recommendation that, given the strategic significance of Adult Social Care, Children's Services and Health to the Council, the People Scrutiny Committee should be divided into two new committees: Adult Care and Health and Children, Education and Housing.
- 5.12 As each committee already operates several working groups at any one time, there is a need to be mindful of the impact of an additional committee on councillor and officer resource as well as the committee timetable. The impact of the proposal to establish cross-party pre-meetings must also be factored in. The Democracy and Standards Committee therefore recommend the Council move from a model of three committees meeting six times per year to a model of four committees meeting four times per year, supplemented by a corresponding number of cross-party pre-meetings. The CfGS review emphasised the need for Overview and Scrutiny to be more strategic in nature and the committee considered this change is manageable with appropriate level of focus at meetings and emphasis on task and finish work.
- 5.13 The Committee also recommended the size of each committee be reduced accordingly. The current committees are large, even taking account of the current size of the Council, and the Committee felt the distribution and workload of members serving on the four committees should be reprofiled accordingly. It is recommended that three committees of 17 or 15 members be replaced with four committees of 11 members each.

5.14 In terms of the Constitution, the following changes are required.

Section 2.0 (Public Participation), paragraph 2.4 be amended to read:

The Council has four Overview and Scrutiny committees which deal with separate parts of the Council's work. These committees help the Council to develop new policy and act as a "critical friend" to hold decision makers to account. Overview and Scrutiny committees also carry out reviews and welcome suggestions from residents and businesses as to areas they could investigate.

Section 4.0 (Committees) – update diagram to include reference to the new structure of Overview and Scrutiny Committees.

Section 7.0 (Overview and Scrutiny) paragraph 7.2 be amended to read, at sub-paragraph 1.1:

The Council will have 4 Overview and Scrutiny committees:

- a) Corporate Overview and Scrutiny Committee (11 members)
- b) Adult Care and Health Overview and Scrutiny Committee (11 members)
- c) Children, Education and Housing Scrutiny Committee (11 members)
- d) Place Overview and Scrutiny Committee (11 members)

Corporate Scrutiny Committee	Adult Care & Health Scrutiny Committee	Children, Education and Housing Scrutiny Committee	Place Scrutiny Committee
Finance and resources	Adult care, public health and wellbeing	Children Social Care	Built and natural environment
Corporate services	Mental Health	Early Years and Family Support	Transport and highways
Shared services under the WNC and NNC Shared Services Joint Committee	Statutory health scrutiny	Education	Community safety and regulatory services (including statutory crime and disorder scrutiny)
Corporate strategy and priorities		Child Mental Health	Economic development, regeneration and growth
		Housing	Statutory scrutiny of flood risk management
			Culture, Leisure and Communities

5.15 The review also proposed the Co-Ordinating Overview and Scrutiny Group be reformatted to become a Scrutiny Triangulation Group. This group will act as a forum for the discussion of potential work programme topics between Scrutiny Chairs, Cabinet Members and senior officers. This will require updates at Section 4.0 and 7.0 to replace references to the Co-

ordinating Overview and Scrutiny Group with references to the Scrutiny Triangulation Group, as well as a brief explanation of the new body.

- 5.16 An important aspect of the Council's response to the CfGS recommendations is the establishment of an operational framework within which Overview and Scrutiny Committees will operate. This framework will take the form of documents that provide guidelines for the inclusion of items on each committee's work programme, as well as tools to assist each committee in ensuring its work programme is aligned with clearly identified priorities and defined outcomes. It is therefore recommended that Section 14 of the Overview and Scrutiny Procedure Rules be amended as follows:

14.1 An Overview and Scrutiny Committee may appoint such task and finish panels as it considers appropriate to undertake specific tasks on its behalf, in accordance with the procedure for conducting Overview and Scrutiny reviews. Whilst these will be on a task and finish basis in most cases, the Committee is not precluded from establishing such Panels on a more permanent basis subject to regular review. Task and finish panel members do not have to be members of an Overview and Scrutiny Committee but may not be members of the Cabinet.

14.2 Where a committee establishes any Panel under Rule 14.1 above, it will set out the name of the Panel, its membership (including the Chair and, if appropriate, the Vice Chair) and the terms of reference in accordance with the procedure for conducting Overview and Scrutiny reviews.

Changes to Planning Committees

- 5.17 The PAS have also prepared a report following a review of the Council's Planning Service. This was a broad review looking at the whole service, not just the governance arrangements. The report will be presented to Cabinet on 11th April 2023 together with an action plan. However, the Democracy and Standards Committee were advised of recommendations in relation to the Council's governance arrangements. The summary findings state:

Summary:

- 5.18 Three area planning committees consider planning applications that are not delegated to officers to determine. Our analysis shows that there is not enough business to warrant three area committees.

Recommendation:

- 5.19 Analyse existing committee decisions and activity to inform a review of the scheme of delegation and the number of committees to provide a committee structure and process fit for a unitary council to:
- a) improve culture and practice of planning committees to reduce the risk to the council including eliminating the use of substitute members on planning committees
 - b) ensure that householder and minor applications only go to committee in exceptional circumstances

- c) trial a significantly reduced number of committees with a proportionate geographical spread (based on workload)

- 5.20 The recommendations propose a trial of a reduction in planning committees. It was suggested the number of committees could be reduced from one Strategic Planning Committee and three area committees to one Strategic Planning Committee and two Development Control Committees. The recommendation was reviewed by the Democracy and Standards Committee and it was agreed, in principle, to recommend the abolition of the three Local Area Planning Committees and the establishment of two new Development Control Committees, subject to the Committee considering the structure of the new committees at its next meeting and reporting its conclusions to the Council at the Annual Meeting in May. The Committee proposed that the Strategic Planning Committee remain unchanged.
- 5.21 The Committee considered a proposal that all of the development control planning committees should be webcast as soon as the facility is available to enable this to happen. This facility is currently available at the forum at Towcester. It is intended to provide webcasting from the Guildhall to ensure coverage of all planning committees can be achieved as well as webcasting for other meetings which meet at that venue.
- 5.22 The Committee also considered that the current committee arrangements have different approaches to site visits. To ensure consistency and compliance with the Planning Protocol it is proposed that where there is a sound planning reason to hold a site visit and it is agreed by the Committee that a site visit should be held, these will be arranged by Democratic Services and attended by a planning officer. Members will be discouraged from attending sites other than as part of an arranged site visit to reduce the risk of lobbying.
- 5.23 The report makes a number of other recommendations and to give effect to these a further review of the Planning Protocol will take place to determine whether changes are required in the light of the report of the Planning Advisory Service. Further training may also be offered to members of the new committees which should be mandatory to ensure a consistent approach across the committees.
- 5.24 It is noted that changes to the Constitution will be required to bring these proposals into effect. The proposal from the Committee is that, while the decision to reduce the number of committees should be taken forward, the changes to the Constitution that flow from the detail associated with the reduction be the subject of a further report to the Council's Annual Meeting in May. In the meantime, the following changes are recommended to be made to the Planning Protocol to give effect to the recommendations described in paragraphs 5.21 and 5.22 taking effect from the date of the Council's Annual Meeting in May.

Part 8.0 (Councillors), Section 8.5 (Planning Protocol)

- 13.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning committee.
- 13.4 Where visits are arranged agreed, they **will be arranged by Democratic Services**. they **Site visits** must be undertaken in a consistent manner, ~~and~~ Members **must be**

accompanied on site visits by a planning officer and should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.

- 13.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.

- 20 (new paragraph) ***The Council will endeavour to webcast planning committee meetings where the facility exists to do so. Should it not be possible to webcast a meeting for any reason, this shall not invalidate the proceedings and the meeting shall go ahead as planned.***

6. Issues and Choices

- 6.1 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)

7.1 Resources and Financial

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

7.3 Legal

- 7.4 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.

- 7.5 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

7.6 Risk

- 7.7 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.

7.8 Consultation and Communications

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

7.10 **Consideration by Overview and Scrutiny**

7.11 Not applicable to this report.

7.12 **Climate Impact**

7.12.1 None specific.

7.13 **Community Impact**

7.13.1 None specific.

8. Background Papers

8.1 None.