

# WEST NORTHAMPTONSHIRE COUNCIL

21 March 2024

---

**Report Title**                      **Updates to the Constitution**

**Report Author**                      Catherine Whitehead  
[catherine.whitehead@westnorthants.gov.uk](mailto:catherine.whitehead@westnorthants.gov.uk)

## Contributors/Checkers/Approvers

<b>Monitoring Officer</b>	Catherine Whitehead	11/03/2024
<b>Chief Finance Officer (S.151)</b>	Martin Henry	11/02/2024
<b>Communications</b>	Becky Hutson	11/02/2024

## List of Appendices

**Appendix 1** Proposed amended Contract Procedure Rules

**Appendix 2** Proposed amended Scheme of Delegation

### 1.        **Purpose of Report**

---

1.1        The purpose of this report is to enable the Council to consider proposed recommendations of the Democracy and Standards Committee in relation to updates to the Constitution in relation to proposed amendments to the Contract Procedural Rules & Scheme of Delegation and the revised Terms of Reference of the Health and Wellbeing Board.

### 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 its meeting on 11 March 2024, the Democracy and Standards Committee considered a report about proposed changes to the Council's Constitution in relation to proposed amendments to the Contract Procedural Rules & Scheme of Delegation as set out in Section 5 below. The Committee also considered the revised Terms of Reference for the Health and Wellbeing Board. Set out in paragraph 5.8.

### 3. Recommendations

---

3.1 It is recommended that Council:

- a) Approves the recommendations relating to updates to the Constitution as set out in Section 5 and detailed in **Appendices 1 and 2**;
- b) Approves the revised Terms of Reference for the Health and Wellbeing Board as set out at paragraph 5.8; and
- c) Delegates 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 will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making. The revisions support sound decision making.

### 5. Report Background

---

#### Part 9.6 of the Constitution

- 5.1 Since the formation of West Northamptonshire Council in 2021, minor amendments have been made to the Contract Procedure Rules (located at Part 9.6 of the Constitution).
- 5.2 A recent review of the Contract Procedure Rules has identified a need for the Rules to be amended further to ensure that they are more 'outward facing', more easily accessible to members of the public and that they cross reference accurately and logically with other parts of the Constitution, in particular the Scheme of Delegation to Officers.
- 5.3 At present, the Contract Procedure Rules are long, contain internal instructions and policy elements to Officers (which could be detailed in separate guidance documents sitting outside of the Constitution), and contain Officer delegated powers which are repeated in the Scheme of Delegation to Officers.
- 5.4 This review has therefore resulted in proposed changes to the Contract Procedure Rules and Scheme of Delegations to Officers as detailed at **Appendices 1 and 2**.
- 5.5 Various sections have been removed from the current Contract Procedure Rules, for example:
  - a. Procedural rules of the Chief Officers
  - b. Rules for Officers prior to starting any procurement process
  - c. Rules for Officer using Framework agreements and Dynamic Purchasing Systems
  - d. Contracts reserved for Social Enterprises and Mutuals
  - e. Consultants, Temporary Agency and/or External Subject Matter Experts
  - f. Rules on seeking the advice of the Monitoring Officer
  - g. Rules on seeking procurement advice
  - h. Rules regarding any potential conflict of interestThe review has been undertaken in partnership by Legal services and the Procurement Team to develop a customer facing document that is legally compliant, reflects best practice and is more easily understandable by the public and businesses that we may contract with. The Handbook for

Officers on Contracts and Procurement, which already exists, will be updated and re-issued to Officers if the Contract Procedure Rules are amended. By retaining Officer guidance in a document outside of the Constitution, this enables it to be updated as necessary to reflect changes to best practice and legislation without formal Council approval.

- 5.6 The Scheme of Delegation to Officers has been amended and updated to reflect all delegations and to more accurately record all exceptions to the Contract procedure Rules. Previously some elements were stated in the Contract Procedure Rules and others in the Scheme of Delegation. All exceptions are now recorded in one place.
- 5.7 The proposed amendments to the Contract Procedure Rules have had the result of streamlining them. This is because many of the more detailed internal instructions to Officers carrying out procurements, that are not relevant to the public, have been moved to the Officer Handbook. A further review of the Contract Procedure Rules will be undertaken in Autumn 2024 upon the introduction of the Procurement Act 2023. This will require further changes to the Rules and will provide an opportunity to assess the impact of the changes recommended today and make any other changes necessary.

#### **Terms of Reference to the Health and Wellbeing Board**

- 5.8 The proposed changes to the Terms of Reference to the Health and Wellbeing Board are as follows:
  - 5.8.1 Change Paragraph 4.9.2.2 c) From: Holding the Integrated Care System to account through monitoring and assurance. To: By reviewing its terms of reference every six months to ensure appropriate and timely alignment and/or integration with the emergent governance structure of the Integrated Care System (ICS) for Northamptonshire. Reviews will consider the national direction of travel for ICS legislation, as outlined in Integration and Innovation: working together to improve health and social care for all (DHSC, February 2021), and any subsequent relevant publications and/or legislative change.
  - 5.8.2 The reason for this change is due to the frequently changing landscape within Integrated Care Systems, to ensure the Board can adapt to any legislative changes and is equipped encourage integrated delivery of health, social care and other services relating to wellbeing.
  - 5.8.3 Change Paragraph 4.9.3.1 b) From: The preparation of the Health and Wellbeing Strategy (HWS). To: The preparation of the Health and Wellbeing Strategy (HWS). The preparation of a Joint Health and Wellbeing Strategy (JHWS), ensuring it outcomes are contained within the Integrated Care Strategy
  - 5.8.4 The reason for this change is that the Health Care Act 2022 (Section 116ZA) requires Integrated Care Boards and Local Authorities form an Integrated Care Partnership, this partnership must develop an Integrated Care Strategy (Section 116ZB) The Joint Health and Wellbeing Strategy (JHWBS) needs to take into account the outcomes contained with the Integrated Care Strategy, with the JHWBS being the delivery mechanism for these outcomes at a PLACE level.

5.8.5 Change Paragraph 4.9.3.1 f) From: Endorse and oversee the successful implementation of local arrangements for the Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG). To: Endorse and oversee the successful implementation of Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG) arrangements locally.

The following to be added under paragraph 4.9.3.1 (k) To provide the Integrated Care Partnership (ICP) with oversight of the development of the place-based partnerships. (l) To oversee the development and implementation of West Northamptonshire Place to support the delivery of the Joint Health and Wellbeing Strategy.

5.8.6 The reason for change: to reference agreed governance routes for the how the Integrated Care Partnership will overview of how West Northants PLACE Operating model (Health and Wellbeing Forums & Local Area Partnerships) will aid delivery against outcomes contained with the Integrated Care Strategy, which feeds into the Joint Health and Wellbeing Strategy. (m) To review NHS Northamptonshire Integrated Care Board (ICB) 5 Year Plan to ensure it takes proper account of the Joint Health and Wellbeing Strategy. (n) To review the ICB Joint Capital Resource Plan (o) To consult with the ICB for the ICB Annual Report on performance of any steps taken by the ICB to implement the Joint Health and Wellbeing Strategy.

5.8.7 The reason for change: The Health Care Act 2022 required Health and Wellbeing Boards to have the additional duties listed above (Sections 14Z50, 14Z53, 14Z54, 14Z55 and 14Z56).

5.8.8 Change Paragraph. 4.9.6.1 f) From: A representative of each relevant clinical commissioning group (a person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board). To: A representative from NHS Northamptonshire Integrated Care Board. and

5.8.9 Change Paragraph 4.9.8.1 to Clinical Commissioning Group to NHS Northamptonshire Integrated Care Board.

5.8.10 The reason for change: Health Care Act 2022 changed Clinical Commissioning Groups to Integrated Care Boards.

5.8.11 Remove Paragraph 4.9.9.1 'or join virtually so that the right to vote is obvious'. Change to: If a Board member joins the meeting virtually, they will not be counted as being in attendance or be permitted to vote.

5.8.12 The reason for change: is to clarify voting rules if a Board member wishes to join virtually in line with other WNC statutory committees.

5.8.13 Change Paragraph 4.9.10.1 from: The Board shall meet on a quarterly basis. To: The Board shall meet on a bi-monthly basis, but this may change if there is a change in the frequency of work the Board needs to address.

5.8.14 The reason for change: is due to the amount of business the Board needs to conduct, the Board agreed to meet bi-monthly, with the added caveat that frequency could change if work increases or decreases.

5.8.15 Change the following numbers in Paragraph 4.9.

5.8.16 12.5 to read the Local Area Partnerships name. N1 – Northampton East N2 - Northampton South N3 – Northampton West N4 - Northampton Central N5 – Northampton North DSN1 – Rural North DSN2 – Rural West DSN3 – Rural South DSN4 – Rural East

5.8.17 The reasons for change: The names of the LAPs changed from numbers to names to be more identifiable to local communities.

## **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**

7.1.1 There are no financial implications arising directly because of the Constitution review process.

### **7.2 Legal**

7.2.1 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.

7.2.2 Regular review of the Constitution helps to ensure these legal requirements are met. The amendment set out in Section 5 of above will assist in ensuring the Council is able to operate in a lawful manner.

### **7.3 Risk**

7.3.1 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.

### **7.4 Consultation**

7.4.1 Consultation has been undertaken with the Democracy and Standards Committee and officers in relevant services prior to recommendations being submitted to Council.

## **7.5 Consideration by Overview and Scrutiny**

7.5.1 Not applicable to this report.

## **7.6 Climate Impact**

7.6.1 There is no climate impact to consider in relation to the recommendation.

## **7.7 Community Impact**

7.7.1 None specific.

## **8. Background Papers**

---

8.1 Reports to the Democracy and Standards Committee – 11 March 2024