



WEST NORTHAMPTONSHIRE COUNCIL

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Report Title **Updates to the Constitution**

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Contributors/Checkers/Approvers

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List of Appendices

Appendix A – Draft protocol on Attendance and Recording of Council Meetings.

Appendix B – Draft revised Constitution (available on request from
democraticservices@westnorthants.gov.uk)

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 concerning changes in the allocation of responsibilities between Northamptonshire Partnership Homes and the Council and the inclusion of a protocol on Attendance and Recording of Council Meetings in the Constitution as set out in Appendix A.

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 13 June 2024, the Democracy and Standards Committee considered a report about proposed changes to the Council's constitution in relation to changes in the allocation of responsibilities between Northamptonshire Partnership Homes and the Council as set out in

Section 5 below. The Committee also considered whether to include a Protocol on Attendance and Recording of Council Meetings in the Constitution as set out in **Appendix A**.

3. Recommendations

3.1 It is recommended that Council:

- a) Approves the recommendations to Council relating to updates to the Constitution as set out in Section 5.
- b) Approves the inclusion of a protocol on Attendance and Recording of Council Meetings in the Constitution as set out at **Appendix A**.
- c) Delegates to the Monitoring Officer the power to make these amendments and any consequential amendments that may be necessary.

4 Reason for Recommendations

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 At some Council meetings there have been members of the public present who appear to regard a council meeting as a public meeting, resulting in them joining in and shouting out at members and the Chairman during the course of the meeting. The Council had already established a brief protocol on the recording of council meetings to comply with legislation relating to the recording of meetings. As other authorities have done, it is proposed to incorporate expectations in relation to attendance of members of the public in the same document. The existing document has therefore been amended and is set out at **Appendix A**. It is proposed that the document is either included within the Constitution or published on the Council's website to ensure that the document is made publicly available and can be referenced if there is a need to refuse access to a meeting to a member of the public where that is appropriate.

5.2 There are decisions made by other bodies, mainly Cabinet which have a direct impact on provisions within the Constitution e.g. the decision to bring the Housing Allocation Service in house, and there are changes necessary to the constitution to reflect those decisions. These are reported to Council as a consequential amendment and although the core decision has been made and the Monitoring Officer has the power to give effect to those changes through the Constitution, the changes are reported for completeness.

5.3 Due to changes in the allocation of responsibilities between Northamptonshire Partnership Homes and the Council, changes are required to the table set out at 9.2 (Scheme of

Delegation). This is because allocations are now undertaken in-house by the Council and not Northampton Partnership Homes, they are therefore removed from the table below.

H. EXCEPTIONS – NORTHAMPTONSHIRE PARTNERSHIP HOMES LTD

Function	Delegated to Northamptonshire Partnership Homes Ltd	Retained by the Council	Shared	Comments
1. Repairs and Maintenance	Y			Planned, cyclical and responsive.
2. Tenancy Management	Y			Housing management (including successions and exchanges), tenancy management, leaseholder management
3. Lettings Housing Allocations		Y		The Council is responsible for the allocation of housing in accordance with its Housing Allocations Policy Via choice-based lettings scheme in accordance with the Council's letting policy.
4. Supporting Tenants	Y			Sheltered accommodation, supported living and related advice.
5. Ecton Lane Travellers Site	Y			Details included within Schedule 1 of Service Specification
6. Consultation			Y	Council has statutory duties here and may wish to consult direct; generally expected that NPH would carry out consultations whether for itself or the Council.
7. Estate Management	Y			Details included within Schedule 1 of the service specification
8. Right to buys			Y	NPH to deal with applications, Council (via Pathfinder) to process legal work.
9. Management of non-housing assets on estates			Y	Council or deal with the commercial elements; shared where buildings contain both housing and commercial elements.
10. Housing advice and homelessness		Y		Council retains statutory functions – NPH to provide advice to tenants and homelessness prevention

11. Private sector initiatives		Y		Including private sector empty homes
12. Community initiatives			Y	Council to retain community safety and rough sleepers functions; parties to co-operate on community initiatives generally
13. Regeneration			Y	Parties to work together on regeneration plans to the housing estates
14. Policy development			Y	NPH will be required to comply with relevant new policies developed by the Council.
15. Stock surveys	Y			As per the Housing Asset Management Strategy
16. Aids and adaptations			Y	For all council homes – DFGs for private sector homes remains with Council
17. Insurance		Y		Subject to the provisions of clause 30 of the Agreement.
18. Management of HRA			Y	Council's statutory responsibility.
19. Empty Homes			Y	Details included within Schedule 1 service specification.
20. Housing litigation (conduct)		Y		Local Practice Direction dated 18 August 2020 ¹ from HHJ Hedley - Permitted rights of audience before District Judges and Deputy District Judges in the County Court at Northampton at rent possession claims and claims for the recovery rent, mesne profits, damages or any other sum claimed in respect of the occupation of a residential property belonging to and for claims brought by West Northamptonshire Council provided that they have written authorisation from West Northamptonshire Council to appear before the court.

5.4 Scheme of Delegation – D Financial Exceptions

The Council’s Financial Procedure Rules and Treasury Management Strategy together make it clear that the CFO is responsible for making all decisions on borrowing, investment or financing. The decisions are made in accordance with the policy set by full Council each year.

34 Treasury Management:

34.1 The Council has adopted CIPFA’s Code of Practice for Treasury Management in Local Authorities.

*34.2 The CFO is responsible for making all decisions on borrowing, investment or financing (including finance leasing) in accordance with the approved **Treasury Management Strategy** and CIPFA’s Code of Practice for Treasury Management in Local Authorities*

This will be added to the Constitution to ensure that the delegation scheme reflects the Financial Procedure Rules and the Treasury Management Strategy.

D. EXCEPTIONS FINANCE (In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme).					
Exception At or Over	£500k	100k	25k	2k	1k
15. Borrowing, Investment or Financing (including leasing) in accordance with the approved Treasury Management Strategy (up to £2M).	CFO	CFO	CFO	CFO	CFO

5.5 SEMLEP Updates

The Council has accepted responsibility on behalf of the former members of the South East Midlands LEP to manage certain functions of the former LEP. Those arrangements are covered by contract. The Central Area Growth Board will have joint responsibility for making decisions and delegating decisions to West Northamptonshire Council for the management of those functions. Those functions will be carried out through the Director of Communities and Opportunities and added to her Area of Responsibility. If a Joint Committee is established in future to carry out collective decision making this will be a formal joint arrangement and will be recorded in the Constitution.

Joint Arrangements (Part 6).

6.7 Functions of the former South East Midlands LEP have transferred to the Council under the governance arrangements established for the Central Area Growth Board. The Board operates as a collective of Leaders able to represent their respective member Councils.

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 (see Appendix B). 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 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 13 June 2024