

WEST NORTHAMPTONSHIRE COUNCIL COUNCIL

2 December 2021

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| Report Title | Constitution Review |
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Contributors/Checkers/Approvers

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|----------------------------|---|------------|
| Monitoring Officer | Catherine Whitehead | 23/11/2021 |
| Section 151 Officer | Martin Henry | 23/11/2021 |
| Other Director | The Executive Leadership Team have been consulted on this report. | |

List of Appendices

Appendix A –Terms of reference of the Constitution Review Task and Finish Group

Appendix B – Constitution review proposal

Appendix C – Draft revised Constitution

(please note that, due to the size of Appendix C, copies will not be printed unless requested from Democratic Services)

1. Purpose of Report

1.1 The purpose of this report is to:

- 1.1.1 Report on the work undertaken by the Democracy & Standards Committee to review the Constitution;
- 1.1.2 Report the results of the consultation exercise held during the summer;
- 1.1.3 Seek agreement to formally approve the draft revised Constitution.

2. Executive Summary

- 2.1 This report sets out details of the Constitution Review process conducted through a Task and Finish Group of the Democracy & Standards Committee ('the Committee').
- 2.2 At its meeting on 29 July 2021, the Committee:
- a) Established a Task & Finish Group to conduct a review of the Council's Constitution and make proposals to the Committee for onward recommendation to Cabinet and Full Council;
 - b) Approved a consultation programme for the Constitution review;
 - c) Agreed the anticipated timeframe for the review.
- 2.3 A consultation exercise with elected members, Northamptonshire County Association of Local Councils (NCALC) and the general public was conducted during August. The responses to the consultation exercise, together with proposed amendments put forward by officers, were considered by the Task & Finish Group in two meetings during September. The outcome of those meetings was a revised Constitution showing (by way of tracked changes and marginal comments) the amendments proposed.
- 2.4 Following consideration and endorsement by the Committee at its meeting on 30 September, further consultation took place with the Executive Leadership Team (ELT) during October, before consideration by Cabinet at its meeting on 9 November.
- 2.5 A number of minor additional proposed amendments were received from officers during October and November, which are shown as tracked changes in the revised draft Constitution at Appendix C. Cabinet made no further proposals to amend the draft revised Constitution.
- 2.6 The final draft revised Constitution was submitted to the Committee at its meeting on 25 November 2021, before being submitted to Full Council for formal approval on 2 December 2021.

3. Recommendations

- 3.1 It is recommended that the Council:
- a) Acknowledges the work of the Democracy & Standards Committee;
 - b) Formally approves the draft revised Constitution with immediate effect.

4. Reasons for Recommendations

- 4.1 The reasons for the recommendations are as follows:
- a) A review of the Constitution by the Democracy & Standards Committee was agreed by the Council on 20 May 2021 and Cabinet on 8 June 2021.
 - b) Conducting a review of the Constitution will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports decision making.

5. Report Background

- 5.1 West Northamptonshire Council was established on 1 April 2021 as a result of local government reorganisation that took place pursuant to the Northamptonshire Structural Changes Order 2020.
- 5.2 A West Northamptonshire Shadow Authority was established in the period leading up to 1 April 2021 to ensure the new unitary authority was ready to operate once established. One of the tasks undertaken by the Shadow Authority was the development of a Constitution for the new authority.
- 5.3 The Shadow Authority established a Member Task & Finish Group to progress the drafting of the Constitution. The draft Constitution was approved by the Shadow Executive on 21 February 2021 and the Shadow Authority gave final approval to the Constitution on 10 March 2021.
- 5.4 At the first West Northamptonshire Council meeting on 20 May 2021, several amendments to the Constitution were agreed. Council also resolved that: *"A further review of the Constitution be carried out by the Democracy and Standards Committee and referred to a future meeting of Council"*. On 8 June 2021 Cabinet made the same resolution and approved those amendments that related to executive matters.
- 5.5 At its meeting on 29 July 2021, the Democracy & Standards Committee:
- a) Established a Task and Finish Group to conduct a review of the Council's Constitution and make recommendations to the Committee for onward submission to Cabinet and Full Council;
 - b) Appointed five members of the Committee to the Task and Finish Group:
 - i. Cllr Patel (Con)
 - ii. Cllr Irving-Swift (Con)
 - iii. Cllr Cole (Con)
 - iv. Cllr G Eales (Lab)
 - v. Cllr Harris (LibDem)
 - c) Agreed the terms of reference of the Task and Finish Group (Appendix A);
 - d) Endorsed the proposal set out in Appendix B and the review principles set out in paragraph 6.2, below;
 - e) Approved a consultation exercise be conducted with all elected members, the chief executive of NCALC, together with parish councils and members of the public (via the Council's [consultation hub](#));
 - f) Agreed the anticipated timeframe for the review as set out at paragraph 5.16.
- 5.6 A draft consultation questionnaire was agreed by members of the Task & Finish Group and emailed to all Members on 2 August. The questionnaire was launched on the Council's consultation hub on 3 August and remained open until midnight on 31 August. A tick box was included on the opening page for respondents to indicate their status (including one for Members to state that they were a councillor).
- 5.7 In addition, the online survey was sent to:
- a) West Northants Residents Panel (comprising 500+ individuals);

- b) West Northants Consultation Registrar (comprising individuals and organisations who have registered to be informed about West Northants consultations);
- c) WNC councillors and Town and Parish councillors;
- d) The chief executive of the Northamptonshire County Association of Local Councils (NCALC), for distribution to its members and for his personal response.

- 5.8 Officers in the Communications Team also issued a news story for the press and social media to promote awareness of the consultation exercise.
- 5.9 The consultation questionnaire and survey responses were considered in detail by the Task & Finish Group at its meetings on 6 and 21 September. There were 98 online responses plus 95 other responses that were not submitted online, giving a total response to the survey of 193.
- 5.10 Respondents included 19 WNC councillors, 65 parish councillors, 3 representatives of the local business community, 2 representatives of a public sector partner, 15 representatives of a voluntary or community organisation, 7 council employees and NCALC.
- 5.11 A quantative summary of the responses is shown in the table below. The qualitative (free text) responses, together with a comprehensive analysis of the comments received, were considered by the Task & Finish Group and reported to the Committee.

| Question | | Agree | Disagree | Neither Agree nor Disagree | No response |
|----------|---|--|----------|----------------------------|-------------|
| 1 | Do you agree or disagree that the Constitution provides guidance on how the Council provides leadership to the community in partnership with citizens, businesses and other organisations? | 46 (24%) | 27 (14%) | 34 (18%) | 86 (44%) |
| 2 | Do you agree or disagree that the Constitution supports the active involvement of citizens in the process of council decision making? | 36 (19%) | 44 (23%) | 26 (13%) | 87 (45%) |
| 3 | Do you agree or disagree that the Constitution is easy to understand and is up to date? | 26 (13%) | 41 (21%) | 39 (20%) | 87 (45%) |
| 4 | Do you agree or disagree that the Constitution helps councillors to represent their constituents more effectively? | 23 (12%) | 40 (21%) | 41 (21%) | 89 (46%) |
| 5 | Do you think the Constitution enables decisions to be taken efficiently and effectively? | Always – 3 (2%) Usually – 53 (27%) Rarely – 24 (12%) Never – 7 (4%) | | | |
| 6 | Do you agree or disagree that the Constitution ensures that those responsible for decision-making are clearly identifiable to local citizens and that they explain the reasons for decisions? | 32 (17%) | 41 (21%) | 30 (16%) | 90 (46%) |
| 7 | Do you agree or disagree that the Constitution creates a powerful and effective means of holding decision makers to public account? | 24 (12%) | 44 (23%) | 33 (17%) | 92 (48%) |
| 8 | Do you agree or disagree that the Constitution ensures that proposals and decisions are effectively and fairly | 20 (10%) | 42 (22%) | 36 (19%) | 95 (49%) |

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| | reviewed? | | | | |
| 9 | Do you agree or disagree that the Constitution provides a means of improving the delivery of services to the community? | 21 (11%) | 38 (20%) | 38 (20%) | 96 (49%) |

- 5.12 In addition, a table of responses and proposed amendments received from the Liberal Democrat Group was considered in detail by the Task & Finish Group.
- 5.13 Over the course of its two meetings, the Task & Finish Group went through the whole of the Constitution, discussed several specific areas in detail, considered the consultation responses, endorsed a number of proposals for change and made several recommendations for amendment to the Constitution. The revised draft Constitution is attached at Appendix C, showing by way of tracked changes the proposed revisions and in marginal comments the explanation of certain issues relating to the amendments.
- 5.14 Whilst many of the proposed amendments are administrative in nature or to comply with legal requirements, members' attention is specifically drawn to the following proposed amendments:
- a) Principles of Decision Making (page 7)
 - b) Opposition speeches, Member questions and motions on notice at Full Council meetings (pp.23, 31, 32)
 - c) Substitute members (p.42)
 - d) Planning Policy Committee draft terms of reference (page 74)
 - e) Public interest test for exempt agenda items (p.90)
 - f) Councillor Call for Action (p.106)
 - g) Sensitive interests (p.126)
 - h) Call-in of planning applications (p.157)
 - i) Protocol for Speaking at Planning Committee (p.161)
 - j) Recording and publishing officer decisions (p.181)
- 5.15 Following consultation with ELT and other officers in October, a number of further minor amendments were received in the following areas:
- a) Reference to museums (p.14)
 - b) Priority opposition motions (p.30)
 - c) Committee structure chart (p.45)
 - d) Licensing sub-committee terms of reference (pp.46, 48)
 - e) Local Pension Board quorum (p.63)
 - f) Safeguarding Adults Board (p.103)
 - g) Channel Panel (p.104)
 - h) Safeguarding Children Partnership (p.105)
 - i) Scheme of delegation to officers (pp.182, 190, 199)
 - j) Staff employment procedure rules (p.226)
 - k) Contract procedure rules (p.237 et seq)
- 5.16 The timetable for the review is set out below, which balances the need to ensure that the Constitution is up to date and fit for purpose as soon as possible against the need to carry out a

thorough and detailed review. The shaded sections have been completed.

| | |
|-----------------------|---|
| July 2021 | 29 th – Democracy & Standards Committee establishes Task and Finish Group, approves Terms of Reference, endorses constitution review principles, and approves consultation programme. |
| August 2021 | 1 st -31 st - Consultation on revisions to the Constitution in accordance with consultation programme agreed by the Democracy and Standards Committee. |
| September 2021 | 6 th -21 st - Task and Finish Group reviews consultation responses and makes recommendations for amendments in conjunction with officers supporting the Task and Finish Group. 30 th - Democracy & Standards Committee reviews findings and confirms recommendations. |
| October 2021 | ELT inputs and reviews consultation responses and proposed amendments to the Constitution. |
| November 2021 | 9 th – Cabinet reviews and comments on proposed amendments to the Constitution. 25 th – Democracy & Standards Committee considers responses from ELT and Cabinet, and agrees report recommending changes to Constitution for approval at full Council. |
| December 2021 | 2 nd – Full Council gives formal approval of changes to the Constitution. |

5.17 At its meeting on 30 September 2021, the Committee:

- a) Noted the responses to the consultation programme;
- b) Acknowledged the work of the Task & Finish Group;
- c) Endorsed the proposed amendments to the Constitution;
- d) Recommended the revised Constitution to Cabinet for comment and further consideration.

5.18 At its meeting on 9 November 2021, Cabinet:

- a) Acknowledged the work of the Democracy & Standards Committee;
- b) Endorsed the proposed amendments to the Constitution;
- c) Recommended the revised Constitution to Full Council for approval.

5.19 At its meeting on 25 November, the Committee:

- a) Endorsed the additional proposed amendments to the Constitution;
- b) Made the following further proposals:
 - a. Extend the finish time of full council meetings by 15 minutes (so that the finish time will be 9.45pm, with the option to extend until 10pm);
 - b. Extend the time for portfolio holder questions by 15 minutes (from 45 to 60 minutes);
 - c. Clarify that the Priority Opposition Motion should be put to the vote after a right of reply;
 - d. Clarify that the maximum number of Motions on Notice should be five (excluding the Priority Opposition Motion);
 - e. Clarify that questions at council meetings are restricted to members of the public;
 - f. Clarify that call-in requests should specify which Overview & Scrutiny Committee should deal with the matter;

- g. Clarify that the requirement for members to rise should be only where they are able;
- h. All references to “impracticable” be replaced with “not possible”, for clarity.
- c) Recommended the revised draft Constitution to Full Council for approval.

6. Issues and Choices

- 6.1 It was necessary for the Constitution to be developed relatively quickly during the shadow period before the authority came into existence, with a view to putting a core instrument in place. A further detailed review of this fundamental governance document at this stage is beneficial for several reasons:
- a) It enables the Constitution to be improved to reflect the wishes of the Council during the first year of its operation;
 - b) It takes account of consultation responses from various stakeholders, e.g. senior officers, elected members, parish councils, third sector organisations, the business community and the general public;
 - c) It also presents an opportunity to ensure that the Constitution is compliant with current legal requirements, that the content is complete and the various components are cross-referenced and accessible.
- 6.2 When the Shadow Council was developing the Constitution, the Member Task & Finish Group agreed the following principles, which enabled Members and officers to work together collaboratively to frame a new Constitution:
- Transparency – makes it clear what our rules are
 - Accountability – explains clearly who makes which decisions
 - Efficiency – keeps the cost of decision making down
 - Accessibility – is accessible to all
 - Inclusivity – encourages public participation
 - Concise – describes what it needs to succinctly.

The Committee approved these same principles for application in this current Constitution review.

- 6.3 The alternative choices are to not conclude a Constitution review at all, or to conclude the review at a later date or in accordance with a different timetable. These options are not recommended as a need for a review has been identified and it is important to ensure the Constitution is fit for the new Council’s purposes and compliant with all current legal requirements as soon as possible.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 There were staffing implications in terms of the officer time required to support the Constitution review process. However, these requirements were met within existing staff resources.
- 7.1.2 There are no financial implications arising directly as a result 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.

7.3 Risk

7.3.1 There are no significant risks arising from this report. Conducting a Constitution review process 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 The consultation implications arising from this report have been considered above.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not applicable to this report.

7.6 Climate Impact

7.6.1 No climate or environmental impacts have been identified as arising from this report.

7.7 Community Impact

7.7.1 There are no direct community impacts arising from this report. However, any specific community impacts that arise from amendments to the Constitution have been considered by the Task and Finish Group at the time recommendations for amendments were made.

8. Background Papers

8.1 Reports to the Democracy & Standards Committee 29 July, 30 September and 25 November 2021.

8.2 Report to Cabinet 9 November 2021.

Democracy & Standards Committee

Constitution Review Task & Finish Group

TERMS OF REFERENCE

In accordance with the review principles approved by the Democracy & Standards Committee:

1. To identify, in conjunction with officers, areas of the Constitution that require review and consider proposed amendments.
2. To conduct a consultation exercise on changes to the Constitution with those stakeholders identified in the consultation programme agreed by the Democracy & Standards Committee.
3. To review consultation responses and consider any necessary amendments to the Constitution arising from them.
4. To report to the Democracy & Standards Committee recommending amendments to the Constitution for onward recommendation by the Committee to Cabinet and Council.

CONSTITUTION REVIEW PROPOSAL

Introduction

A council's Constitution should primarily be a locally driven document that reflects the character and culture of the organisation. It should facilitate council business, deliver consistent, efficient and effective decision-making and enable good governance. It should not create overly bureaucratic procedures but promote transparency, efficiency and democratic accountability.

Background

West Northamptonshire Council's Constitution was introduced at short notice during the shadow authority period, with a view to putting a core instrument in place. This was to be followed by a more detailed and thorough review once the new authority was up and running, to ensure the Constitution's legal compliance and completeness.

The Council's Constitution can be found using the following link:

<https://cms.westnorthants.gov.uk/media/79/download>

Legislation

Every local authority is under a duty to prepare and keep up to date its Constitution under [s.9P of the Local Government Act 2000](#).

The Constitution must contain:

- the standing orders/procedure rules
- the members' code of conduct
- such information as the Secretary of State may direct
- such other information (if any) as the authority considers appropriate

Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

Under [s.135 Local Government Act 1972](#), every local authority must make standing orders with respect to the making of contracts for the supply of goods or materials or for the execution of works.

Under sections [8](#) and [20](#) of the Local Government and Housing Act 1989, the Secretary of State may by regulations require local authorities to incorporate in standing orders relating to their staff, meetings and proceedings. Accordingly, the Local Authorities (Standing Orders) Regulations [1993](#), the Local Authorities (Standing Orders) (England) Regulations [2001](#) and the Local Authorities (Standing Orders) (England) (Amendment) Regulations [2014](#) and [2015](#), all require certain standing orders relating to staff and council proceedings to be included in the Constitution.

Furthermore, the Secretary of State issued guidance in the form of the [Local Government Act 2000 \(Constitutions\)\(England\) Direction](#) in December 2000, which required over 80 minimum requirements to be included within Constitutions. West Northamptonshire Council's compliance with these is outlined in the table below:

| | Direction Requirement | Relevant part of current Constitution |
|----|--|--|
| 1. | A summary and explanation of the purpose and content of the Constitution | Part 1.1 |
| 2. | A description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office | Part 1.1 |
| 3. | A description of the principal roles and functions of the members of the council under executive arrangements, including the rights and duties of those members | Part 1.1 Part 8.1 |
| 4. | The scheme of allowances for members of the authority drawn up in accordance with regulations made under s.18 of the Local Government and Housing Act 1989 | Part 8.6 Scheme of Allowances needs to be inserted. |
| 5. | A description of the rights and responsibilities of inhabitants of the authority's area including: <ul style="list-style-type: none"> i. their rights to vote in elections for the return of members of the authority ii. their rights to access to information about the authority's activities iii. their rights of access to meetings of the council, its committees and sub-committees and any joint committees established with any other authority and iv. their rights of access to meetings of the executive and committees of the executive | Part 5.4 |
| 6. | A description of the roles of the authority itself under executive arrangements, including: <ul style="list-style-type: none"> i. the functions which may be exercised only by full Council or which may to some extent be exercised only by full Council (including, in the case of a local authority operating executive arrangements, any plans and strategies which are subject to approval or adoption by full Council by virtue of reg.5 and Sch.4 para.1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) and ii. any rules governing the conduct and proceedings of meetings of full Council, whether specified in the authority's standing orders or otherwise | Part 3 Part 5 |
| 7. | A description of the roles and functions of the chairman of the council | Part 1.13 Part 3.2 (para.6) Part 8 (Part D) Suggest amalgamate all references into one place. |
| 8. | A description of the functions of the local authority executive which are exercisable by individual members of the executive stating, as respects each function, the name of the member by whom it is exercisable | Part 5 A table of Cabinet members and their portfolios needs to be inserted. |

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| 9. | A description of the functions of the local authority executive that are exercisable by the executive collectively or a committee of the executive stating, as respects each function, the membership of the body by who it is exercisable | Part 5 Description needs to be inserted. |
| 10. | A description of those powers of the executive which for the time being are exercisable by an officer, stating the title of the officer by whom each of the powers so specified is exercisable, other than any power exercisable by the officer for a specified period not exceeding six months | Part 9.2 Need to distinguish between Executive and Non-Executive officer delegations. Need to allocate Local Choice Functions. Need to review and update List of Proper Officers. |
| 11. | A description of the arrangements for the operation of overview and scrutiny committees, including: <ul style="list-style-type: none"> i. the terms of reference and membership of those committees and any rules governing the exercise of their functions and ii. any rules governing the conduct and proceedings of meetings of those committees, whether specified in the authority's standing orders or otherwise | Part 7 Terms of reference and membership of the three Overview & Scrutiny Committees need to be inserted. |
| 12. | A description of the roles of the executive, committees of the executive and members of the executive including: <ul style="list-style-type: none"> i. the roles, functions, rights, responsibilities and duties of members of the executive ii. in the case of a leader and cabinet form of executive, any rules governing the election of the executive leader iii. any rules governing the appointment or dismissal of members of the executive iv. any provisions in the executive arrangements with respect to the quorum, proceedings and location of meetings of the executive v. any provisions in the executive arrangements with respect to the quorum, proceedings and location of meetings of any committees of the executive vi. any provisions in the executive arrangements with respect to the appointment of committees of the executive | Part 5 Part 8 (Parts B and C) |
| 13. | A description of the roles of any committees or sub-committees appointed by the authority in accordance with s.101 of the Local Government Act 1972, including: <ul style="list-style-type: none"> i. the membership, terms of reference and functions of such committees or sub-committees and ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees, whether specified in the authority's standing orders or otherwise | Part 4 |

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| 14. | A description of those powers of the council which for the time being are exercisable by an officer, stating the title of the officer by whom each of the powers so specified is exercisable, other than any power exercisable by the officer for a specified period not exceeding six months | Part 9.2 Need to distinguish between Executive and Non-Executive officer delegations. Need to allocate Local Choice Functions. Need to review and update List of Proper Officers. |
| 15. | A description of the roles of the local authority's Standards Committee and any parish council sub-committee of the Standards Committee appointed in accordance with ss.53 or 55 of the Act, including: <ul style="list-style-type: none"> i. the membership, terms of reference and functions of that committee or sub-committee and ii. any rules governing the conduct and proceedings of meetings of that committee or sub-committee, whether specified in the authority's standing orders or otherwise | Part 4.4 |
| 16. | A description of the roles of any area committees appointed by the authority to exercise functions in accordance with reg.16A of the Local Government (Committees and Political Groups) Regulations 1990 or, as the case may be, s.18 of the Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, including: <ul style="list-style-type: none"> i. the membership, terms of reference and functions of such committees and ii. any rules governing the conduct and proceedings of meetings of those committees, whether specified in the authority's standing orders or otherwise | Part 6 Need to include membership of Shared Services Joint Committee, and Police, Crime and Fire Panel. |
| 17. | A description of any joint arrangements made with any other local authorities under s.101(5) of the Local Government Act 1972, including: <ul style="list-style-type: none"> i. the terms of those arrangements ii. the membership, terms of reference and functions of any joint committees established under those arrangements and iii. any rules governing the conduct and proceedings of meetings of those joint committees, whether specified in the authority's standing orders or otherwise | Part 6 Need to include membership of Shared Services Joint Committee, and Police, Crime and Fire Panel. |
| 18. | A description of any arrangements made with another local authority for the discharge of functions by that other local authority or the executive of that other local authority in accordance with s.101(1)(b) of the Local Government Act 1972 or, as the case may be, Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 | Part 6 |
| 19. | A description of the roles of officers of the local authority, including: <ul style="list-style-type: none"> i. the management structure for officers of the authority | Part 8.4 Part 9.5 and 9.7 Need to incorporate at Part 9.5 (para.3.5d) the |

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| | <ul style="list-style-type: none"> ii. any arrangements made under s.101 of the Local Government Act 1972 or, as the case may be, ss.14, 15 or 16 of the Act for the discharge of functions by officers of the authority iii. the roles and functions of the head of paid service, monitoring officer and chief finance officer iv. the code of conduct for local government employees issued by the Secretary of State in accordance with s.82 of the Act v. any rules governing the recruitment, appointment, dismissal and disciplinary action of officers of the authority vi. any protocol established by the authority in respect of relationships between members and officers | provisions of the Standing Orders Regulations into the Employment Procedure Rules. |
| 20. | A description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to meetings of the authority, committees and sub- committees, joint committees established with any other local authority, the executive and committees of the executive | Part 2 Part 5.4 |
| 21. | A description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to information about the decisions made or to be made by or in respect of local authority's functions and activities | Part 2 Part 5.4 |
| 22. | A register stating: <ul style="list-style-type: none"> i. the name and address of every member of the local authority executive for the time being and the division (if any) which they represent and ii. the name of every member of each committee of the local authority's executive for the time being | Need to insert a link to the councillors and committees section on the website. |
| 23. | A description of the rules and procedures for the management of its financial, contractual and legal affairs, including: <ul style="list-style-type: none"> i. procedures for auditing the local authority; ii. the local authority's financial rules or regulations, whether specified in the authority's standing orders or otherwise; iii. rules, regulations and procedures in respect of contracts and procurement, including authentication of documents, whether specified in the authority's standing orders or otherwise and iv. rules and procedures in respect of legal proceedings brought by and against the local authority | Part 9.2, 9.6 and 9.7 |
| 24. | A description of the register of interests of members and co-opted members of the authority required under s.81 of the Act, together with the procedures for publicising, maintaining and updating that register | Part 8.2 (Section 3) Need to add a description of the register and reference to the website where it is published. |
| 25. | A description of the rules and procedures for review, revision, suspension and interpretation of the authority's Constitution and executive arrangements | Part 3 (para.50) Part 4 (para.4.4.2.a) Part 9.2 (para.12) |

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| 26. | The Code of Conduct for Members | Part 8.2 |
| | Legislative Requirement | Relevant part of current Constitution |
| s.135 LGA 1972 | Standing orders with respect to the making of contracts for the supply of goods or materials or for the execution of works | Part 9.6 |
| SO Regs 1993 | Standing orders dealing with the appointment of chief officers. Standing orders dealing with the recording of votes and signing of minutes. | Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5. Part 3.2 (para.33) Need to add reference to not signing minutes at extraordinary meetings. |
| SO Regs 2001 | Standing orders dealing with the appointment or dismissal of, or the taking of disciplinary action against, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer; the objection by the council to budgets, plans or strategies submitted by the Cabinet. | Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5. Part 3.4 (para.2.1) |
| SO Regs 2014 | Standing orders dealing with the recording of votes at budget meetings | Part 3.2 (para.31) |
| SO Regs 2015 | Standing orders dealing with the appointment or dismissal of, or the taking of disciplinary action against, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. | Need to incorporate the provisions of the Standing Orders Regulations into the Employment Procedure Rules at Part 9.5. |

Procedure

The Democracy and Standards Committee has overall responsibility for reviewing the Constitution and recommending any proposed changes to Cabinet and Full Council for approval.

The Monitoring Officer has delegated authority to make consequential amendments to the Constitution to give effect to a lawful decision; as a direct consequence of a change made outside the council, e.g. a change in legislation; and to correct an error or resolve an inconsistency. All such changes are to be reported to Council.

Proposals

The Democracy and Standards Committee be asked to:

- approve an appropriate programme of consultation with members, officers and external stakeholders, e.g. public, media, businesses, parish council, etc, on what changes (if any) they would like to see made to the Constitution and how it might be improved
- consider recommendations from the Monitoring Officer on amendments to the Constitution to ensure it is lawful, fit for purpose and up-to-date

- put forward recommendations to full Council for approval

Ahead of this, it is recommended that the following issues be considered to ensure the new Constitution is legally compliant:

- Compliance with the Secretary of State's 2000 Direction (see above);
- Clarify what documents should comprise the Policy Framework – the plans listed in the Functions and Responsibilities Regulations have reduced over time, but some of these are still included, e.g. the Annual Library Plan. Do members and officers wish to take additional plans and strategies to Council as well as to the Executive, without such plans having to be approved by Council?
- Insert the Members' Allowances Scheme;
- Insert Councillor Call for Action procedures;
- Insert details of the Community Rights;
- Insert protocol for recording and publishing officer decisions;
- Ensure the Officer Scheme of Delegation is up to date, understandable and all encompassing. Does it distinguish sufficiently between executive and non- executive functions? Does it clarify sufficiently what decisions are reserved to members?
- Insert up to date and comprehensive table of Proper Officer functions;
- Clarify Employment Procedure Rules and insert more detailed description of roles and functions of statutory chief officers;
- Clarify who would exercise or allocate executive functions in the event that a Leader is not elected (and so no cabinet is appointed), i.e. should Executive functions be delegated to the Chief Executive in the absence of a Leader and Deputy?
- Clarify where responsibility and accountability lie for the council's involvement in companies, including reviewing whether officers and members act as company directors.

Appendix 3 – available online at:

<https://westnorthyants.moderngov.co.uk/ieListDocuments.aspx?Cld=142&Mid=285>

Printed copy on request only.