

WEST NORTHAMPTONSHIRE COUNCIL

Council
30 June 2022

Report Title	Updates to the Constitution
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Contributors/Checkers/Approvers

Monitoring Officer	Paul Hanson on behalf of Catherine Whitehead	20/06/2022
Chief Finance Officer (S.151 Officer)	Martin Henry	21/06/2022
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List of Appendices

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

1. Purpose of Report

- 1.1 The purpose of this report is to:
 - 1.1.1 Provide an update on behalf of the Democracy & Standards Committee on a number of minor updates to the Constitution made by the Monitoring Officer under delegated authority;
 - 1.1.2 Propose revised arrangements for Priority Opposition Motions set out at Paragraph 26 of the Council Procedure Rules;
 - 1.1.3 Recommend the revised Constitution for adoption.

2. Executive Summary

- 2.1 The Constitution for West Northamptonshire Council was formally adopted by the West Northamptonshire Shadow Authority prior to vesting day (1 April 2021). A major review of the Constitution was then undertaken by this committee in the autumn of 2021, reporting to Council in December 2021.

- 2.2 Since that time, a number of minor or consequential changes have been made to the Constitution by the Monitoring Officer under delegated authority. These are summarised in section 5 below. These changes have generally been made to correct errors that have been identified or to ensure the Constitution is up-to-date, for example by reflecting changes to the leadership structure.
- 2.3 Following the Council meeting on 21 April 2022, the Democracy and Standards Committee was asked to review the arrangements that were put in place for the consideration of Priority Opposition Motions. This is expanded on in Section 5 below.

3. Recommendations

- 3.1 It is recommended that the Council:
- a) Note and approve the updates to the Constitution as set out in Section 5; and
 - b) Approve the revised arrangements for Priority Opposition Motions, also set out in Section 5 below.

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 Following the review undertaken by the Democracy and Standards Committee in the autumn of 2021, the Council adopted a revised Constitution at its meeting on 2 December 2021. The Monitoring Officer has a standing delegation to make updates to the Constitution, for example to ensure it reflects changes to the structure of the Council, to ensure compliance with the law or to correct errors that have been identified.
- 5.2 A number of such changes have been made since December 2021. These are summarised below:
- 5.2.1 The Terms of Reference for the Planning Policy Committee at paragraph 5.2.17 (a) (p.69) have been corrected to read: *“To oversee the preparation of Local Plans to ensure they meet the “tests of soundness” set out in the National Planning Policy Framework.”* Reference to *“West Northamptonshire Local Plan”* has been removed as this is not an accurate reflection of the current position.
 - 5.2.2 In the scheme of delegation to officers, the areas of responsibility have been clarified to reflect the most up-to-date structure (i.e. the creation of the position of Director of Communities and Opportunities, Director of People etc (p.178).
 - 5.2.3 In the scheme of delegation to officers (p.187), the authority to sign any document on behalf of the Council has been allocated to the Monitoring Officer, for any purpose unless signing the document has otherwise been delegated to an Executive Director, the Chief

Executive, the Assistant Chief Executive, Director or Proper Officer within this constitution or by law.

- 5.2.4 Substitutions: this section has been updated to remove a practical obstacle in relation to substitute members, where a significant proportion of the members have declared an interest and must therefore withdraw from a meeting (p.40) “It is not possible to substitute for part of a meeting only unless more than 50% of members of the substantive members have declared an interest or are unable to attend and there is (in the opinion of Monitoring Officer) a risk that the meeting could become inquorate for one or more item.
- 5.2.5 Planning Protocol (p.151) Clarified to read “Ward Members *are welcome* to attend all site visits and invited to attend the Planning committee meeting in respect of applications within or affecting their wards.” to avoid confusion about formal invitations being issued.
- 5.2.6 Scheme of delegation (p.181) removed reference to consultation with cabinet member in the case of fixed term contract extensions as this is unnecessarily onerous and would appear to be an error.
- 5.2.7 Glossary (p.279) expanded the wording for chair/chairman “The term Chair or Chairman may be used in this constitution and relevant documents to describe the role referred to as Chairman in s3 Local Government Act 1972. As such the holder may decide how they wish to be addressed and described during their term of office.”
- 5.2.8 Priority Opposition Motion. Following the Council meeting held on 21 April 2022, the Democracy and Standards Committee was asked to review the rules that were adopted in December 2021 for the priority opposition motion. The existing rules (p.29) state:

Priority Opposition Motion

A member nominated by the Leader of the largest political group not forming part of the Administration may move a single Priority Motion on notice (in accordance with Rule 28). The total time allowed for the item will be 15 minutes.

The proposer may speak for up to five minutes, the seconder may speak for up to three minutes, and the member responding on behalf of the Administration may speak for up to five minutes. The Leader of the largest political group not forming part of the Administration may exercise a right of reply for up to two minutes before the motion is put to the vote. No other questions or debate shall be allowed.

- 5.2.9 The committee was invited to consider the existing rules and determine if any changes should be recommended to Council. The committee has proposed the following changes:

Priority Opposition Business

26.1 *A member nominated by the Leader of the largest political group not forming part of the Administration (subject to 26.3 below) may speak to a single item of priority opposition business. The total time allowed for the item will be 15 minutes.*

26.2 *The member referred to in paragraph 26.1 may speak for up to five minutes, a member responding on behalf of the Administration may speak for up to five minutes. The Leader of the largest political group not forming part of the Administration may exercise a right of reply for up to five minutes. The matter under discussion shall not be put to the vote and no other questions or debate shall be allowed.*

26.3 *The second largest political group not forming part of the administration shall be allocated one item of priority opposition business per year. The meeting at which this is allocated shall be determined by the Leader of the largest political group not forming part of the Administration.*

6. Issues and Choices

6.1 The issues and choices insofar as they relate to Opposition Priority Motions 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 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. 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 will be undertaken with this committee prior to recommendations being submitted to Cabinet.

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 None