

WEST NORTHAMPTONSHIRE COUNCIL

Democracy and Standards Committee 28 June 2022

Report Title **Updates to the Constitution**

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Contributors/Checkers/Approvers

Monitoring Officer	Gina Clarke, Governance Lawyer for Catherine Whitehead	20 July 2022
Chief Finance Officer (S.151 Officer)	James Smith, Deputy S151 for Martin Henry	21 July 2022

List of Appendices

None.

1. Purpose of Report

1.1 The purpose of this report is to:

- 1.1.1 Update the Democracy & Standards Committee on a number of minor updates to the Constitution made by the Monitoring Officer under delegated authority;
- 1.1.2 Review the arrangements for Priority Opposition Motions set out at Paragraph 26 of the Council Procedure Rules;
- 1.1.3 Subject to agreement on points 1.1.1 and 1.1.2 above, recommend the revised Constitution be submitted to Council on 29 September 2022 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 At the Council meeting on 30 June 2022, the recommendations made by this committee in relation to Priority Opposition Motions were rejected and referred back to the committee for reconsideration. This is expanded on in Section 5 below.

3. Recommendations

- 3.1 It is recommended that the Committee:
- a) review the arrangements for Priority Opposition Motions and determine whether to recommend any changes to be considered by the Council at its meeting on 29 September 2022.

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 this 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 Priority Opposition Motion. Following the Council meeting held on 21 April 2022, this committee was asked to review the rules that were adopted in December 2021 for the priority opposition motion. The existing rules state:

26. Priority Opposition Motion (original)

26.1 *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.*

26.2 *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.*

5.3 The committee was invited to consider and determine if any changes should be recommended to Council. The committee discussed the issue and the following revisions were recommended to Council:

26. Priority Opposition Business (previously recommended by the committee)

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.*

5.4 An amendment was proposed by the Leader of the Principal Opposition Group, subsequently agreed by the Council, to reject the revised rules set out at 5.4 above and refer the matter back to this committee for reconsideration. Due to the nature of these circumstances, it is considered that members of the committee will be best placed to consider the reasons for the referral back to the committee and whether any further recommendations to council are necessary and, if so, what that recommendation might be. However, among the issues the committee may wish to consider are:

- Whether the Priority Opposition Business should be subject to a vote;
- If so, whether it should be subject to amendments in the same way other motions are; and
- Whether the business should be allocated to other opposition groups on a pro-rata basis.

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.

7.2.3 The proposed changes to para 26 of the Council Procedure Rules under consideration by the Committee as set out in paragraph 5.4 of the report, as currently worded if agreed by the Committee would remove the right of a *member nominated by the Leader of the largest political group not forming part of the Administration to move a single Priority Motion on notice and for the motion to be put to the vote.* . The proposed change the would be limited to speaking rights only .

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