

WEST NORTHAMPTONSHIRE COUNCIL

Council
29 September 2022

Report Title	Updates to the Constitution
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Contributors/Checkers/Approvers

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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 the Democracy and Standards 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 30 June 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;
 - b) Approve the revised arrangements for Priority Opposition Motions, also set out in Section 5 below;
 - c) Delegate to the Monitoring Officer the power to make these amendments and any consequential amendments that may be necessary; and
 - d) Note that these changes come into effect following the conclusion of the meeting at which they are agreed.

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 the last update in June 2022. These are summarised below:
- 5.2.1 In the scheme of delegation to officers (p.187), the authority to sign any document on behalf of the Council that has been allocated to the Monitoring Officer now specifically permits the signing of documents by electronic means. The Contract Procedure Rules have also been amended to allow for electronic signature of documents as this improves the efficiency of the council and removes the requirement for hard copy printing.
 - 5.2.2 The Proper Officer for Weights and Measures is to be altered to an officer who has the relevant qualifications to undertake the role required by statute. The Proper Officer appointments for the Regulation and Investigatory Powers Act need to be reviewed and amended in accordance with legislation.

- 5.3 Additionally, following the Council meeting held on 30 September 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 state:

26. Priority Opposition Motion

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.

- 5.4 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:

26. Priority Opposition Business

26.1 The largest political group not forming part of the Administration may submit one item of business to be placed on the agenda of an ordinary meeting of the Council to be treated as Priority Opposition Business. The submission shall include a brief description of the item of business (which will allow members and the public to understand the nature of the topic to be discussed) and the name of the member presenting it. The description and the name of the presenter shall be included on the agenda. Notice of the item must be submitted no later than the deadline for the receipt of motions (Rule 28).

26.2 Priority Opposition Business shall take the form of a statement and the total time allowed for the item will be 15 minutes. The member named on the agenda as presenting the statement 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.

26.2 Priority Opposition Business shall not be taken at the Annual Meeting, the meeting convened to approve the Council's budget or a meeting called for a specific purpose.

- 5.5 The committee also recommended that, while the second largest political group not forming part of the Administration should not be eligible to submit an item of Priority Opposition Business, that group should have the opportunity to place a motion first on the list of motions to be

debated at a meeting once per year. It is therefore recommended that paragraph 28.10 of the Council Procedure Rules be amended as follows:

28.10 The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that they proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons in the order in which they have been received, with the exception that the second largest group not forming part of the Administration may request that one such motion per municipal year shall be placed first on the list referred to above.

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