

# West Northamptonshire Shadow Council

## CONSTITUTION

### PART 1 - SUMMARY AND EXPLANATION

*The content of this part of the Constitution is heavily dependent on the content of the Structural Changes Order ('SCO') and the timing of local government reorganisation. It is drafted based on current assumptions and follows the model set out in the Dorset SCO. However, Northamptonshire's SCO may be different and change the current assumptions.*

## **Part 1 - Constitution - summary and explanation**

### **General**

West Northamptonshire Shadow Council (the “Shadow Council”) is one of two authorities that have been created by the Northamptonshire (Structural Changes) Order 2019 (the “2019 Order”). It will operate as the Shadow Council for a new local authority that will come into being on 1 April 2020 to be known as West Northamptonshire Council. The Shadow Council will exist for the period beginning with the day on which the 2019 Order comes into force and ending on the fourth day after the 2020 Election Day (the “Shadow Period”). As required under the Local Government Act 2000, the Shadow Council has approved this Constitution which sets out:

- how the Shadow Council operates;
- how its decisions are made; and
- the procedures that will be followed.

Some of the processes in the Constitution are required by law while others are considered by the Shadow Council to be necessary to ensure that it operates effectively and efficiently; and in the interests of the people it serves.

### **The Constitution and its content**

The Constitution is divided into five parts:

**Part 1** sets out an explanation of what the Shadow Council is and how it works.

**Part 2** sets out the formal articles of the Constitution:

Article 1	The Constitution
Article 2	The Shadow Council
Article 3	Rights and Responsibilities of members of the public
Article 4	The Full Shadow Council
Article 5	The Role of the Chair of the Shadow Council
Article 6	Overview and Scrutiny
Article 7	The Shadow Executive Committee
Article 8	Other Committees
Article 9	Joint Arrangements
Article 10	Arrangements for promoting good standards of behaviour by Members
Article 11	Officers
Article 12	Decision Making
Article 13	Legal Matters
Article 14	Review, Revision, Suspension, Interpretation and Publication of the Constitution.

**Part 3** sets out the responsibility of bodies and individuals for various functions carried

out by the Shadow Council in relation to the exercise of its powers.

**Part 4** contains the Rules of Procedure which are designed to regulate the conduct of the Shadow Council's business to ensure decisions are made in accordance with the law and the wishes of the Shadow Council.

**Part 5** includes the Code of Conduct for Shadow Councillors which is designed to ensure that Councillors carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer Relations.

**Part 6** covers the Scheme of Shadow Councillors' Allowances. Article [] of the 2019 Order provides that the Shadow Council has to prepare and adopt a scheme for the payment of allowances to its members.

### **The Shadow Council and how it operates in making decisions**

There are 134 Shadow Councillors who sit on the Shadow Council. They are the councillors who were elected to Daventry District Council, Northampton Borough Council and South Northamptonshire Council; and those councillors who were elected to Northamptonshire County Council for the County Divisions within the area of Northamptonshire covered by the three districts and boroughs. The Councillors will continue in office after 1 April 2020 when a new local authority to be known as West Northamptonshire Council will come into existence before retiring from office on the expiry of the Shadow Period (being the fourth day after the May 2020 election day).

The role of the Shadow Council is to:

- prepare for the assumption of local government functions and full local authority powers on 1 April 2020;
- prepare budgets and plans required to be put in place on 1 April 2020; and
- liaise with other local authorities in its area to ensure continuity of public service delivery on or after 1 April 2020 and thereafter.

The Shadow Councillors are directly accountable to their constituents for the running of the Shadow Council. Whilst Shadow Councillors have this very broad role they have a duty to represent the interests of all their constituents. They also work closely with Officers in developing policies and strategies to give direction to the Shadow Council's vision and to implement the requirements of the 2019 Order.

The Shadow Council will meet on a number of occasions during the Shadow Period. Meetings are open to the public, but the public may be excluded where an item of a confidential or exempt nature is being discussed.

At its first meeting, the Shadow Council will appoint its Chair and Vice-Chair; and the Chair and Vice-Chair of any Committees and Sub-Committees. It will also agree the range of responsibilities to be exercised by Shadow Councillors individually or collectively. All these individuals and bodies are directly accountable to the Shadow Council.

There are two main areas in the Shadow Council's political structure. These are the Shadow Executive Committee and Overview and Scrutiny and are covered in more detail within the Constitution.

The Shadow Executive Committee is that part of the Shadow Council which is responsible for most of the day-to-day decisions. The Shadow Executive Committee comprises 16 Shadow Councillors nominated in accordance with Article **X** of the 2019 Order.

At the first meeting of the Shadow Executive Committee it will elect a Councillor from among those who have been nominated to the Shadow Executive Committee to chair the Shadow Executive Committee. The Shadow Council will elect from amongst its Members at its first meeting a Shadow Councillor to serve as the Chair of the Shadow Council for the Shadow Period. The Shadow Council will also appoint the Vice-Chair of the Shadow Council.

Any Key Decisions to be made by the Shadow Executive Committee are published on a monthly basis in the Shadow Executive Committee's Forward Plan which looks at the forthcoming four-month period. It is not always possible to anticipate all the items to be included in the Forward Plan. However, in cases where this is not possible, items will be added to the Forward Plan at the next date of publication. Special arrangements apply where a matter is urgent or cannot be included in the Plan.

The Shadow Council's Overview and Scrutiny arrangements ensure that Shadow Councillors who are not on the Shadow Executive Committee can be involved in Shadow Executive Committee decisions by questioning and making recommendations.

The Overview and Scrutiny arrangements will reflect as far as practicable the overall political proportionality of the Shadow Council. Members of the Shadow Executive Committee cannot sit on the Overview and Scrutiny Committee.

In performing their various roles, Shadow Councillors are supported by the Officers who give advice and implement. Officers ensure the Shadow Council acts within the law and uses resources efficiently and effectively.

As the Shadow Council is a public body, members of the public have a number of rights in their dealings with it. Whilst some are legal rights such as the right to film, audio record or to report on meetings that are open to the public, others will depend on the Shadow Council's own processes. These rights are set out in Parts 2 and 4 of this Constitution.

The Constitution will be updated to reflect changes within the Shadow Council, its procedures and processes.