

# PART 2 – ARTICLES OF THE CONSTITUTION

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## **Article 1 - The Constitution**

### **1 Powers and Duties of the Shadow Council**

- 1.1 The powers and duties of the Shadow Council are set down in Acts of Parliament and secondary legislation. The Shadow Council will exercise those powers and duties in accordance with the law and its Constitution.

### **2 The Constitution**

- 2.1 The Shadow Council's Constitution includes all those parts listed in Part 1 – Summary and Explanation.

### **3 Purpose of the Constitution**

- 3.1 The objectives of this Constitution are:
- (a) to support the Shadow Council's preparations;
  - (b) to provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
  - (c) to enable decisions to be taken efficiently and effectively;
  - (d) to provide a robust and effective overview and scrutiny function;
  - (e) to ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision; and
  - (f) to ensure that those responsible for decision making can be clearly identified by local people and that they can explain the reasons for their decisions.
- 3.3 The Shadow Council will ensure that the articles, procedural rules and protocols in this Constitution reflect and deliver the objectives set out above.

## **Article 2 - The Shadow Council**

### **1 Composition**

- 1.1 The Shadow Council comprises the 134 Shadow Councillors who are the councillors who were elected to Daventry District Council; Northampton Borough Council, 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 district and borough councils. The councillors will continue in office until after 1 April 2020 when a new local authority, known as the West Northamptonshire Council, will come into existence before retiring from office on the expiry of the shadow period. Appendix 1 to this Article lists details of the Shadow Councillors and the area each represents. Further information on the Shadow Councillors can be found on the Shadow Council's website.

### **2 Term of Office**

- 2.1 Shadow Councillors' term of office will commence on the day after the day on which the 2019 Order is made and continue for the Shadow Period.
- 2.2 Where a casual vacancy occurs in the office of a Shadow Councillor on or before 30 September 2019, a by-election will be held and the person elected will serve until the fourth day after the date of the 2020 election.

### **3 Role of Shadow Councillors**

- 3.1 Shadow Councillors will undertake the following roles:
- (a) as a body, they will: set the Shadow Council's major plans, policies and strategies as required by law; perform those functions identified in the 2019 Order; and will take decisions on such matters as must be reserved to the full Shadow Council by law or as provided for in this Constitution;
  - (b) oversee the Shadow Council's strategic and corporate management;
  - (c) represent their communities and the views of their electorate in the decision making process;
  - (d) support, as appropriate, individuals in their dealings with the Shadow Council and represent them in seeking to resolve particular concerns or grievances;
  - (e) balance the different interests of people within their constituency with a view to representing their constituency as a whole;
  - (f) participate, as appropriate, in the decision-making, and overview and scrutiny processes; and

- (g) maintain the highest standards of conduct and ethics and will observe the Shadow Council's Members' Code of Conduct.

#### **4 Shadow Councillors' Representational Roles**

- 4.1 All Shadow Councillors represent their constituents and the Shadow Council sees this as an important role and responsibility under this Constitution.
- 4.2 Shadow Councillors have an important job in consulting their communities on the development of policies, plans and strategies and other local initiatives.
- 4.3 The Shadow Council will ensure in its processes that appropriate procedures are in place so that Shadow Councillors can contribute to the Shadow Council's business on behalf of their local community both in terms of policy development and decision making.

#### **5 Shadow Councillors' Rights**

- 5.1 Shadow Councillors will have rights of access to any document, information, land or buildings of the Shadow Council where this is necessary for the proper discharge of their functions as a Shadow Councillor and in accordance with the law and this Constitution.
- 5.2 A Shadow Councillor is not permitted to make available to the press or to a member of the public any information which they have been sent or given in whatever form and which is exempt or confidential information as defined in the Access to Information Procedure Rules which are set out in Part 4 of this Constitution.
- 5.3 A Shadow Councillor shall not divulge information given in confidence to anyone other than a Shadow Councillor or officer or other person legally entitled to know it.

#### **6 Chair and Vice-Chair of the Shadow Council**

- 6.1 The Shadow Council will elect, from amongst its number, at its first meeting, a Shadow Councillor to serve as Chair of the Shadow Council for the Shadow Period.
- 6.2 Similarly the Shadow Council will appoint the Vice-Chair of the Shadow Council for the Shadow Period.
- 6.3 Where a vacancy occurs in respect of either office the Shadow Council will elect/appoint as appropriate a successor at its next meeting.
- 6.4 A member of the Shadow Executive Committee cannot be elected or appointed as Chair or Vice-Chair of the Shadow Council while serving on the Shadow Executive Committee. Otherwise any Shadow Councillor is eligible for election as Chair or Vice Chair of the Shadow Council.

- 6.5 Where the Chair and Vice-Chair of the Shadow Council are both absent from a meeting of the Shadow Council, or a part of it, the Shadow Council will appoint one of their members, other than a member of the Shadow Executive Committee, to preside.

## **7 Leader and Deputy Leader of the Shadow Council**

- 7.1 The Shadow Executive Committee will elect, from amongst its number, at the first meeting of the Shadow Executive Committee, a chair and deputy chair, who upon election will be the Leader and Deputy Leader of the Shadow Council and will hold office in accordance with paragraph 3(1) of Article 7.

## **8 Other Offices**

- 8.1 The Shadow Council will elect other Members to fill such other offices as it may determine from time to time in accordance with any requirements set out in law or this Constitution.

## **9 Conduct of Shadow Councillors**

- 9.1 All Shadow Councillors are required, at all times, to observe the Shadow Councillors' Code of Conduct and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Shadow Council's formal processes.

## **10 Shadow Councillors' Scheme of Allowances**

- 10.1 Shadow Councillors shall be entitled to receive such allowances as are laid down from time to time in the Shadow Councillors' Scheme of Allowances.

## **11 Shadow Councillor Support**

- 11.1 The Shadow Council will also provide support to Shadow Councillors as appropriate to enable them to fulfil their roles and responsibilities.

## COUNCILLORS OF THE SHADOW COUNCIL

The Shadow West Northamptonshire Council comprises all councillors that currently serve Daventry District Council; Northampton Borough Council, 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 district and borough councils.

The Shadow West Northamptonshire Council consists of 134 councillors. (20 councillors are dual-hatted.)

Contact details and further information about councillors are available at:

[Daventry District Council](#)

[Northampton Borough Council](#)

[Northamptonshire County Council](#)

[South Northamptonshire Council](#)

Daventry District Council	Northampton Borough Council	Northamptonshire County Council	South Northamptonshire Council
Number of Wards: 16	Number of Wards: 33	Number of Divisions: 32	Number of Wards: 27
Number of Councillors: 36	Number of Councillors: 45	Number of Councillors: 31	Number of Councillors: 42
Johnnie Amos Richard Auger Adam Brown Nick Bunting Alan Chantler Daniel Cribbin Stephen Dabbs Deanna Eddon Fabienne Fraser-Allen Rupert Frost Jo Gilford Liz Griffin Alan Hills Amy Howard Wayne Howard Cécile Irving-Swift David James Catherine Lomax Malcolm Longley Peter Matten	Tony Ansell Rufia Ashraf Mohammed Azizur-Rahman Sally Beardsworth Jane Birch Alan Bottwood Muna Cali John Caswell Nasim Choudary Clement Chunga Julie Davenport Janice Duffy Gareth Eales Terrie Eales Brandon Eldred Penelope Flavell Matthew Golby Luke Graystone Tim Hadlan Mike Hallam	Richard Auger* Fiona Baker* Jane Birch* Lizzy Bowen Rebecca Breese* Adam Brown* Robin Brown Pinder Chauhan Michael Clarke Julie Davenport* Gareth Eales* Matthew Golby* André Gonzalez de Savage Mike Hallam* Amy Howard* Cécile Irving-Swift* Andrew Kilbride* Stephen Legg Malcolm Longley* Arthur	Ann Addison Robert Atkinson Anthony Bagot-Webb Fiona Baker Dermot Bambridge Sandra Barnes MBE Phil Bignell Caryl Billingham MBE Rebecca Breese John Budden Carole Clarke Roger Clarke Stephen Clarke Karen Cooper Richard Dallyn Hywel Davies Peter Davies Valeri Furniss

Richard Micklewright Chris Millar Colin Morgan Stephen Osborne Kevin Parker Sarah Peck Jason Pritchard Aiden Ramsey Wendy Randall Ken Ritchie Ian Robertson John Shephard David Smith Mike Warren Mark Wesley Lesley Woolnough	Anamul Haque Stephen Hibbert James Hill Paul Joyce Andrew Kilbride Samuel Kilby-Shaw Anna King Phil Larratt Christopher Malpas Brian Markham Mary Markham Les Marriott Arthur McCutcheon Dennis Meredith Jonathan Nunn Brian Oldham Nilesh Ramesh-Parekh Suresh Patel Emma Roberts Catherine Russell Brian Sargeant Zoe Smith Danielle Stone Graham Walker	McCutcheon* Dennis Meredith* Ian Morris Stephen Osborne* Suresh Patel* Anjona Roy Sam Rumens Adil Sadygov* Judy Shephard Danielle Stone* Winston Strachan Allen Walker*	Andrew Grant David Harries BEM Rosie Herring Steven Hollowell Gregor Hopkins Martin Johns Chris Lofts Dennis Loveland Charle Manners Ian McCord Abigail Medina Alice Kim Ord Ken Prichard Peter Rawlinson Jonathan Riley Adil Sadygov Lisa Samiotis Mary-Anne Sergison-Brooke Sandi Smallman Catherine Tarbun John Townsend Allen Walker Elaine Wiltshire Paul Wiltshire
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Date: 24 April 2019

## **Article 3 - Rights and responsibilities of members of the Public**

### **1 Rights**

1.1 Members of the public have the following rights in regard to the affairs of the Shadow Council:

- (a) access to information subject to such constraints as may be imposed, by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
- (b) to attend meetings of the Shadow Council and its Committees and Sub-Committees except where exempt or confidential information is likely to be disclosed;
- (c) to attend public meetings of the Shadow Executive Committee except where exempt or confidential information is likely to be disclosed;
- (d) to film, audio record or report on meetings of the Shadow Council and its Committees and Sub-Committees and the Shadow Executive Committee subject to guidelines published on the Shadow Council's website and available at meetings;
- (e) to have access to the Shadow Council's Forward Plan of Key Decisions to be taken by the Shadow Executive Committee;
- (f) in accordance with the statutory framework to inspect reports, background papers and any records of decisions made by: the Shadow Council; the Shadow Executive Committee; a Committee; Sub-Committee; the Leader or a Portfolio Holder subject to the provisions on exempt or confidential information applying;
- (g) in accordance with the statutory framework to inspect the Shadow Council's Accounts and to make their views known to the external auditors where appropriate;
- (h) to ask questions or present petitions at designated meetings in accordance with such procedures as the Shadow Council may determine from time to time;
- (i) to contribute to investigations by the Overview and Scrutiny Committee where invited to do so; and
- (j) to complain to the Shadow Council where there is an alleged breach of the Shadow Councillors' Code of Conduct.

### **2 Responsibilities of members of the public**

2.1 The Shadow Council in turn expects those living within the Shadow Council's area and/or receiving services not to use violent, abusive or threatening

behaviour in any form against any Shadow Councillor, Officer or persons acting for or on behalf of the Shadow Council.

- 2.2 The Shadow Council also asks that the property, assets and other resources of the authority, Shadow Councillors, Officers or persons acting for or on behalf of the Shadow Council are not wilfully harmed or damaged.

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## **Article 4 - The full Shadow Council**

### **1 Functions**

- 1.1 The functions of the Shadow Council are set out in the Northamptonshire (Structural Changes) Order 2019 (“the 2019 Order”) and in relevant consequential orders.
- 1.2 Save to the extent any provision of any Act, the 2019 Order or regulations under sections 9D or 9DA of the Local Government Act 2000 require otherwise then unless the Shadow Executive Committee requests the Shadow Council to discharge any function in accordance with Article [ ] of the 2019 Order, the functions of the Shadow Council conferred on the Shadow Council by or under the 2019 Order are delegated to the Shadow Executive Committee.
- 1.3 The Shadow Council will be responsible for the adoption of the Shadow Council’s budget and policy framework. For these purposes the budget includes the setting of the council tax; and the policy framework means such plans and strategies as must by law be approved by the Shadow Council.
- 1.4 The Shadow Council also has the functions set out in Part 3 of this Constitution.

### **2 Shadow Council Meeting**

- 2.1 The first meeting of the Shadow Council will be held within 14 days after the coming into force of the 2019 Order.
- 2.2 Ordinary Meetings will be held according to a calendar of meetings to be agreed by the Shadow Council and which will be published once agreed.
- 2.3 Extraordinary meetings may be called as and when required as provided in the Shadow Council Procedure Rules.

### **3 Conduct of Shadow Council Meetings**

- 3.1 Shadow Council meetings will be conducted in accordance with the law and the Shadow Council Procedure Rules.

### **4 Responsibility for Functions**

- 4.1 The Shadow Council will maintain a record of those Shadow Council functions which are the responsibility of its subordinate bodies.

## **Article 5 - The role of the Chair of the Shadow Council**

### **1 Civic Role**

- 1.1 The Chair of the Shadow Council, supported by the Vice-Chair, and as appropriate other Shadow Councillors, will perform the civic role on behalf of the Shadow Council.
- 1.2 The Chair will represent the Shadow Council at civic and ceremonial functions of other local authorities or involving other appropriate bodies.

### **2 Shadow Council Role**

- 2.1 The Chair will be elected by the Shadow Councillors at its first meeting. The Vice-Chair is also appointed at the same meeting.
- 2.2 The Chair is responsible for the following:
  - (a) upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
  - (b) presiding over meetings of the full Shadow Council to ensure that business is carried out efficiently and effectively whilst preserving the rights of Shadow Councillors and the interests of members of the public;
  - (c) ensuring that at Shadow Council meetings, matters of concern to local communities can be debated through the appropriate Shadow Councillors;
  - (d) ensuring that Shadow Councillors who are not on the Shadow Executive Committee or who do not hold the Chairship of a main Committee are able to hold those office holders to account;
  - (e) promoting public involvement in the Shadow Council's affairs and acting as a contact between members of the public and organisations and the Shadow Council; and
  - (f) undertaking such other roles as may be placed upon the office from time to time by the Shadow Council.

### **3 Vice-Chair of the Shadow Council**

- 3.1 The Vice-Chair will support the Chair in their civic role and will carry out civic duties as well on behalf of the civic office.
- 3.2 The Vice-Chair will also deputise in the absence of the Chair in carrying out the responsibilities of the office of Chair.

## **Article 6 – Overview and Scrutiny Committee**

### **1 Overview and Scrutiny**

- 1.1 The Shadow Council has established arrangements for the overview and scrutiny of decisions or other action taken by the Shadow Executive Committee and others in accordance with the Local Government Act 2000 as applied by the 2019 Order. This Article sets out those arrangements. It should be read in conjunction with the Overview and Scrutiny Procedure Rules
- 1.2 The Shadow Council will keep under review its overview and scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved overview and scrutiny function.

### **2 Responsibilities of the Overview and Scrutiny Committee**

- 3.1 The Overview and Scrutiny Committee has the functions set out in Part 3 of this Constitution.

### **3 Membership of the Overview and Scrutiny Committee.**

- 3.1 The Overview and Scrutiny Committee shall comprise 18 Shadow Councillors. The Chair of the Committee will be a member of the largest minority political group on the Shadow Council and who will be elected by the members of the Committee.
- 3.2 No member of the Shadow Executive Committee may be a member of the Overview and Scrutiny Committee or any Task and Finish Panels.
- 3.3 Any body established under these Scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Shadow Council.

### **4 Conduct of Overview and Scrutiny Committee meetings**

- 4.1 Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Shadow Council and Overview and Scrutiny Procedure Rules as appropriate.

### **5 Task and Finish Panels**

- 5.1 The Overview and Scrutiny Committee may establish such Task and Finish Panels as it considers necessary after taking into account the availability of resources, the work programme and scope of the review.
- 5.2 The Committee will appoint the Chair (and Vice-Chair, if appropriate) of each Panel and agree the membership.

## **Article 7- The Shadow Executive Committee**

### **1 Role of the Shadow Executive Committee**

- 1.1 The Shadow Executive Committee will carry out all of the Shadow Council's duties and responsibilities which are not the responsibility of any other part of the Shadow Council, whether by law or under this Constitution, and in particular it will carry out the those duties and responsibilities of the Shadow Executive Committee which are contained in the 2019 Order.
- 1.2 The Shadow Executive Committee will also exercise the functions of the Shadow Council that must delegated to it by the full Shadow Council under Article [ ] of the 2019 Order.
- 1.3 The Shadow Executive Committee shall be responsible for making recommendations to the Shadow Council on the setting of a budget for the West Northamptonshire Council and will have the opportunity to express a view to the Shadow Council on the appointment of Senior Officers prior to any such appointment being confirmed.

### **2 Composition of the Shadow Executive Committee**

- 2.1 The 2019 Order provides that the Shadow Executive Committee is to consist of (a) six persons nominated by Northamptonshire County Council, each of whom is for the time being a member of that Council for an electoral division within the part of Northamptonshire that is coterminous with the Councils specified in this paragraph, and (b) four persons nominated by each of Daventry District Council, Northampton Borough Council and South Northamptonshire Council, each of whom is for the time being a member of the nominating Council.
- 2.2 The Chair and Vice-Chair of the Shadow Executive Committee will be elected by the Shadow Executive Committee at its first meeting.
- 2.3 Where a Shadow Executive Committee Member, other than the Leader or Deputy Leader, ceases to hold office, the Leader will reassign the relevant portfolio within the remaining Shadow Executive Committee membership from the date of cessation to the date of the next Shadow Executive Committee meeting. Where the Leader and Deputy Leader hold portfolio responsibilities and either cease to hold their office then the Leader or the Deputy Leader, as the case may be, shall reassign the relevant portfolio.
- 2.4 No deputy or substitution arrangements are allowed in respect of the Shadow Executive Committee. The Chair and Vice Chair of the Shadow Council cannot be appointed to the Shadow Executive Committee.

### **3 The Leader and Deputy Leader**

- 3.1 The Leader and Deputy Leader will hold office until:

- (a) he/she resigns from the office of Leader or Deputy Leader (as the case may be);
- (b) he/she becomes ineligible to be a Shadow Councillor for a specific period or indefinitely;
- (c) he/she ceases to be a Shadow Councillor; or
- (d) he/she is removed from office by a resolution of the Shadow Executive Committee.

3.2 Where there is a vacancy in the office of Leader, the Deputy Leader shall assume the responsibilities of the Leader until the next meeting of the Shadow Executive Committee, whether that be an Ordinary or Extraordinary meeting of the body.

3.3 Where both the Leader and the Deputy Leader cease to hold office at the same time, the Interim/Appointed Head of Paid Service shall call a meeting of the Shadow Executive Committee as soon as possible for the purpose of electing a new Leader and Deputy Leader.

#### **4 Other Shadow Executive Committee Members**

4.1 Other members of the Shadow Executive Committee shall hold office until any of the events listed in paragraph 3.1 above for ending the term of office of the Leader apply to them collectively or individually as Shadow Executive Committee Members.

#### **5 Proceedings of the Shadow Executive Committee**

5.1 All proceedings of the Shadow Executive Committee and its Committees shall be conducted in accordance with the Shadow Executive Committee Procedure Rules set out in this Constitution.

#### **6 Responsibility for Functions**

6.1 The Leader can exercise any executive power. Alternatively, the Leader may arrange for the discharge of any executive functions by: the Shadow Executive Committee; another member of the Shadow Executive Committee; a committee of the Shadow Executive Committee; or an officer of the Shadow Council.

6.2 If the Leader is unavailable, absent or there is a vacancy in the post of the Leader, the Deputy Leader can exercise any executive power.

6.3 Unless the Shadow Executive Committee requests the Shadow Council to discharge any function in accordance with Article [ ] of the 2019 Order, the Shadow Executive Committee can exercise any function of the Shadow Council conferred on the Shadow Council by or under the 2019 Order save to

the extent any provision of any Act, the 2019 Order or regulations under section 9D or 9DA of the Local Government Act 2000 require otherwise.

- 6.4 Any Member of the Shadow Executive who has been allocated a portfolio by the Leader (“Portfolio Holder”) can exercise any executive power that falls within that portfolio, the scope of which the Leader will determine. The Leader may amend or revise those portfolios at any time.
- 6.5 The Leader and Deputy Leader may have a portfolio responsibility
- 6.6 The Leader, Deputy Leader, Shadow Executive Committee and any Portfolio Holder can delegate powers to the extent as provided for in Part 1A of the Local Government Act 2000. The arrangements set out in this Constitution reflect those currently agreed. Further, the Shadow Executive Committee can also delegate its powers to any Officer of the Shadow Council, Northamptonshire County Council and/or a District Council as defined in the 2019 Order.
- 6.7 The Leader will ensure that a record is kept of the Shadow Executive Committee functions which are the responsibility of each Portfolio Holder, any committee or sub-committee of the Shadow Executive Committee, or officers or under any joint arrangements.
- 6.8 Where a delegation arrangement is made under paragraph [6.6] above, it shall not preclude the body or person delegating the function, or part of it, from exercising that function on giving notice in writing to that body or person.

## Article 8 - Other Committees

### 1 Other Committees

- 1.1 The Shadow Council will appoint the following other Committees to take such decisions which are not within the responsibilities of the Shadow Executive Committee:

Committee	Shadow Councillors
Overview and Scrutiny Committee	18
Senior Appointments Committee	8
Standards Committee	8
General Purposes Committee	18

- 1.2 The Shadow Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the Minutes.
- 1.3 To the extent that any committees are not exercising executive functions the provisions of sections 15-17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 will apply to their membership.

### 2 Powers of Committees

- 1.1 The Committees shall have the functions set out in Part 3 of this Constitution.
- 1.2 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Shadow Council as appropriate.

### 3 Conduct of Committee Meetings

- 3.1 Committee meetings will be conducted in accordance with the law and Parts B and C the Meeting Procedure Rules set out in Part 4 of this Constitution.

## **Article 9 – Joint Arrangements**

9.1 There are currently no joint arrangements.

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## **Article 10 - Arrangements for promoting good standards of Shadow Councillor behaviour**

### **1 Standards Committee**

The Shadow Council will establish a Standards Committee.

**2 Membership** – The Standards Committee will be composed of eight Councillors.

### **3 Adoption of a code of conduct for Shadow Councillors and Arrangements for dealing with alleged breaches**

The Shadow Council has adopted the Members' Code of Conduct and Arrangements for dealing with alleged breaches of the West Northamptonshire Shadow Council's Members' Code of Conduct as set out in Part 5 of this Constitution.

### **4 Independent Persons**

4.1 An Independent Person:

- must be consulted and their views taken account of before the Standards Committee/Hearings Panel takes a decision on any allegation that is to be investigated;
- may be consulted by the Interim/Appointed Monitoring Officer in circumstances where an allegation is not to be investigated; and
- may be consulted by a Member against whom an allegation has been made

4.2 For the purposes of this Article, references to “the Independent Person” are to a person chosen by the Interim/Appointed Monitoring Officer from among all of the Independent Persons appointed by each of the West Northamptonshire Councils under section 28(7) of the Localism Act 2011 as part of their arrangements under which decisions on allegations are made.

### **5 The Hearings Panel**

5.1 The Committee shall establish a Hearings Panel.

5.2 The Hearings Panel shall meet on an ad hoc basis and shall be made up of any three Councillors of the Standards Committee who have not previously had any involvement in the matter concerned and who do not otherwise have any conflict of interest.

5.3 The Hearings Panel shall:

- consider any Investigating Officer's report referred to it by the Interim/Appointed Monitoring Officer and an Independent Person and conduct a hearing to determine if a Member of the Shadow Council has failed to comply with the Members' Code of Conduct; and
- announce their findings upon the conclusion of the hearing and if finding a Member of the Shadow Council has failed to comply with the Members' Code of Conduct, set out such sanctions from the list set out in paragraph 8 of the Shadow Council's "Arrangements for Dealing with Allegations of Breaches of the West Northamptonshire Shadow Council Members' Code of Conduct" as it thinks fit.

## **6. The Review Panel**

- 6.1 The Committee shall establish a Review Panel.
- 6.2 The Review Panel shall meet on an ad hoc basis and be made up of any three Councillors of the Standards Committee who did not sit on the Hearings Panel in relation to the complaint that the Review Panel has been asked to review, have not previously had any involvement in the matter concerned and who do not otherwise have any conflict of interest.
- 6.3 The Review Panel shall conduct reviews of decisions of the Hearings Panel in accordance with the provisions of paragraphs 10 and 12 of the "Arrangements for Dealing with Allegations of Breaches of the West Northamptonshire Shadow Council Members' Code of Conduct".

## **7. Guidance**

- 7.1 Regard must be had to any extant guidance issued by the Monitoring Officer relating to the establishment of a Hearings Panel or a Review Panel.

## **Article 11 - Officers**

### **1 Northamptonshire (Structural Changes) Order 2019**

- 1.1. Article [ ] of the 2019 Order makes provision for the Shadow Council to: designate officers to the posts of Interim Monitoring Officer; Interim Section 151 Officer and to be its Interim Head of Paid Service; and at any time before 1 April 2019 to appoint a person to become West Northamptonshire Council's Monitoring Officer, Section 151 Officer or Head of Paid Service.
- 1.2 The roles and functions of those officers are set out in the 2019 Order.
- 1.3 The Interim/Appointed Monitoring Officer may appoint, in writing, further deputies as he/she considers appropriate.
- 1.4 The Interim/Appointed Section 151 Officer may appoint, in writing, a deputy as appropriate.

### **2 Functions of the Interim/Appointed Head of the Paid Service**

- 2.1 The Head of the Paid Service will report to the full Shadow Council on the manner in which the Shadow Council develops its functions and the co-ordination of those functions. They also have statutory functions in relation to staff.

### **3 Functions of the Interim/Appointed Monitoring Officer**

- 3.1 The Interim/Appointed Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Shadow Councillors, staff and the public.
- 3.2 After consulting with the Interim/Appointed Head of Paid Service, the Interim/Appointed Monitoring Officer will report to the full Shadow Council, (or to the Shadow Executive Committee in relation to a Shadow Executive Committee function), if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 3.3 The Interim/Appointed Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.
- 3.4 The Interim/Appointed Monitoring Officer will also provide advice to all Shadow Councillors on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.

### **4 Functions of the Interim/Appointed Section 151 Officer**

- 4.1 After consulting with the Interim/Appointed Head of Paid Service and the

Interim/Appointed Monitoring Officer, the Interim/Appointed Section 151 Officer will report to the full Shadow Council (or to the Shadow Executive Committee in relation to an Shadow Executive Committee function) and the Shadow Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Shadow Council is about to enter an item of account unlawfully.

- 4.2 They in consultation will have overall responsibility for the administration of the financial affairs of the Shadow Council.
- 4.3 They will contribute to the corporate management of the Shadow Council, in particular, through the provision of professional financial advice.
- 4.4 They will provide advice on issues to all Shadow Councillors in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Shadow Councillors and officers in their respective roles.
- 4.5 They will provide financial information to the media, members of the public and the community.

## **5 Duty to provide sufficient resources to the Interim/Appointed Monitoring Officer and Interim/Appointed Section 151 Officer**

- 5.1 The Shadow Council will provide these officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in their statutory roles.

## **6 Conduct**

- 6.1 Officers will comply with any Protocol on Member/Officer Relations and any Officers' Code of Conduct that has been adopted by the Shadow Council.

## **7 Employment**

- 7.1 The recruitment, selection and dismissal of officers will comply with the Staff Employment Procedure Rules as set out in this Constitution.

## **Article 12 - Decision Making**

### **1 General**

- 1.1 The Shadow Council will keep an up-to-date record, which shall be available for public inspection, of who has responsibility for making decisions in relation to Shadow Council functions and services.
- 1.2 All decisions of the Shadow Council will be made in accordance with the law, this Constitution and the principles set out below.

### **2 Types of Decision and the Decision-Takers**

- 2.1 [The Shadow Council will take all decisions which it has reserved to itself or which it is required to take by law.
- 2.2 The Shadow Executive Committee will take all decisions including Key Decisions which it is required to determine as required by law or because the Shadow Council has decided to delegate the matter to the Shadow Executive Committee].
- 2.3 Other Committees, Sub-Committees, Officers of the Central Implementation Team and Officers of the Shadow Council will take such decisions as are delegated to them by the Shadow Council or the Shadow Executive Committee.

### **3 Decision Making Procedures**

- 3.1 In taking decisions the full Shadow Council, the Shadow Executive Committee, Overview and Scrutiny Committee, and other Committees and Sub-Committees will follow the Shadow Council's Procedure Rules and in particular as follows:
  - (a) Shadow Council – Meeting Procedure Rules Parts A and C;
  - (b) Shadow Executive Committee - Shadow Executive Committee Procedure Rules and Meeting Procedure Rule Part C ;
  - (c) Overview and Scrutiny Committee - Overview and Scrutiny Procedure Rules, and Meeting Procedure Rules Parts B and C; and
  - (d) Committees and Sub-Committees - Meeting Procedure Rules Parts B and C.

### **4 Definition of Key Decision**

- 4.1 A Key Decision means:-

“a decision which, is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are significant. For the purposes of this Article, significant shall be defined as expenditure or savings of £500,000 or more in a single transaction or related series of transactions.
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.”

In determining the meaning of “*significant*” for these purposes the Shadow Council will have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act

## **5 Principles of decision making**

5.1 All decisions of the Shadow Council will be made in accordance with the following principles:

- (a) the need to have regard to all relevant considerations and to ignore all irrelevant considerations;
- (b) proportionality (i.e. the action must be proportionate to the desired outcome);
- (c) due consultation and the taking of professional advice from officers;
- (d) a realistic evaluation of all alternatives;
- (e) acting compatibly with human rights;
- (f) a presumption in favour of openness; and
- (g) the prior need to identify clear aims and outcomes.

## **Article 13 - Legal Matters**

### **1 Legal Proceedings**

- 1.1 The Interim/Appointed Monitoring Officer is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of the Shadow Council or in any case where they consider that such action is necessary to protect or further the Shadow Council's interests.

### **2 Document Authentication**

- 2.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Shadow Council, it will be signed by the Interim/Appointed Monitoring Officer or other person authorised by them unless any enactment otherwise authorises or requires, or the Shadow Council has given requisite authority to some other person.
- 2.2 In the absence of any authority given to a specific officer, whether by this Constitution or in any other manner, all contracts entered into on behalf of the Shadow Council. may be signed by any one or more of the following:
- (a) the Interim/Appointed Head of Paid Service;
  - (b) the Interim/Appointed Monitoring Officer; and/or
  - (c) the Interim/Appointed Section 151 Officer.

### **3 Address for service of documents**

- 3.1 Documents to be served on the Shadow Council may be addressed to the Interim/Appointed Monitoring Officer at the main office of the Shadow Council. For this purpose and all purposes connected with this Constitution the Shadow Council's main office is at the main office of the Council employing the Interim Head of Paid Service or the Appointed Head of Paid Service once employed by any of the Councils mentioned in Article 2 paragraph 1.1.

## **Article 14 - Review, Revision, Suspension, Interpretation and Publication of the Constitution**

### **1 Review**

- 1.1 The Interim/Appointed Monitoring Officer and Interim/Appointed Section 151 Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **2 Changing the Constitution**

- 2.1 The:

- (a) Shadow Council;
- (b) the Leader; and
- (c) the Shadow Executive Committee,

may all authorise changes to the Constitution to the extent that the 2019 Order and the law allows provided only that the Leader may not alter the voting arrangements of the Shadow Executive Committee as set out in this Constitution save with the approval of the Shadow Executive Committee.

- 2.2 The Interim/Appointed Monitoring Officer may make amendments to the Constitution in consultation with the Leader:

- (a) where he/she considers this necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity and/or other legal issue and/or address any uncertainty in interpretation; or
- (b) for any other reason, provided that any such amendment does not seek to remove any reserved power of the Shadow Council and/or the Shadow Executive Committee and confirmation of such amendments are reported to the next available meeting of the Shadow Council.

### **3 Suspension of the Constitution**

- 3.1 The Articles of this Constitution may not be suspended. However the Procedure Rules set out in this Constitution may be suspended by the full Shadow Council to the extent permitted within those Rules and the law.

- 3.2 A motion to suspend any rules cannot be moved without notice, unless at least one half of the whole number of Shadow Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out in Article 1.