

Report of the managing director

LOCAL GOVERNMENT REFORM – ADDITIONAL TERMS OF REFERENCE FOR THE NORTH NORTHAMPTONSHIRE JOINT COMMITTEE

1 Purpose of Report

To agree amended terms of reference for the North Northamptonshire Joint Committee.

2 Executive Summary

2.1 At its meeting on 26 February 2019, Council agreed the governance arrangements for the joint committee for North Northamptonshire for a transitional period leading up to the establishment of a shadow authority.

2.2 The government has since said that (subject to the necessary legislation being made) it intends to push back the start date for the new council to 2021, and that a shadow authority be elected in May 2020. This means that the joint committee will have a longer life and be expected to do more work on the transition; as such the terms of reference have been revised to reflect this.

3 Appendices

Appendix A – suggested changes to the NNJC terms of reference

4 Proposed Action:

4.1 **RESOLVE** to agree the new terms of reference for the North Northamptonshire Joint Committee, as set out in Appendix A to the report.

5 Background

5.1 On 14 May 2019, the Secretary of State issued a Written Statement in which he stated that there would be two new single tier councils established for the county of Northamptonshire from 1 April 2021.

5.2 The West Northamptonshire Council is to comprise geographical areas of the existing councils of South Northamptonshire Council, Daventry District Council and Northampton Borough Council and the North Northamptonshire Council the existing geographical areas of East Northamptonshire District Council, Corby Borough Council, the Borough Council of Wellingborough and Kettering Borough Council.

5.3 In order to give legal effect to this decision, the Ministry of Housing, Communities and Local Government (MHCLG) will lay a statutory instrument before both Houses of Parliament known as the Structural

Changes Order for Northamptonshire (SCO). When made, the SCO will create two shadow unitary authorities, which will undertake the necessary preparation work for the new unitary councils, as well as dictate the date for the full power and authority of all the current Northamptonshire councils, including the county council, to transfer to these councils.

- 5.4 The SCO also provides for the establishment of joint committees in both the West and the North and outlines the tasks that these committees need to complete in order to prepare for the formation of the shadow councils.

6 Discussion:

6.1 In February 2019 Council agreed terms of reference for the joint committee for North Northamptonshire, which is charged with creating the conditions in which the shadow authority for North Northamptonshire can be established and up and running, in advance of local government reform in 2021.

6.2 Originally, it was expected that the joint committee would exist for a relatively short time and be superseded by a new shadow authority in the autumn of 2019. This timetable arose from the then target date of creating new unitary councils from April 2020.

6.3 Since then, the government has said that (subject to the necessary legislation being made) it intends to push back the start date for the new councils to 2021, and that a shadow authority be elected in May 2020. This means that the joint committees will both have a longer life but will also be expected to do more work on the transition.

6.4 In light of the above, the existing terms of reference for both joint committees in the county would require revisiting.

6.5 The North Northants Joint Committee set up a task group comprising one member from each of the five outgoing councils to consider new terms of reference and their work was presented to and agreed by the joint committee at its meeting on the 16 September.

6.6 Each sovereign council is now being asked to consider and adopt the revised terms of reference.

7 Legal Powers

7.1 Section 101 of the Local Government Act 1972, provides that a local authority may arrange for the discharge of any of its functions by committee, sub-committee or an officer of the authority and also in accordance with the constitution and council procedure rules for the annual meeting.

7.2 Section 102 of the Local Government Act 1972 allows a local authority to appoint committees for the purpose of discharging the functions delegated under the provisions of Section 101 above and to establish the terms of reference and also in accordance with the constitution and council procedure rules for the annual meeting.

8 Financial, Risk and Value For Money Implications

This will have no direct financial impact to the council. Any decisions that the joint committee make that require financial assistance from the council will be brought back to the relevant council committee or full council meeting for approval.

9 Implications for Stronger and Safer Communities and Equalities

9.1 Whatever the council does and however it makes decisions, the impact on our communities is of paramount importance.

9.2 The proposals here should not have any adverse impact on our communities or on how the council meets its statutory duties relating to the Equalities Act legislation. Indeed, by having more efficient governance arrangements it is likely that the council will serve its communities even better.

10 Author and Contact Officer

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11 Consultees

Liz Elliott, Managing Director
Shaun Darcy, Director of Resources/S151 Officer

11 Background Papers

The council's constitution April 2018 (version 1).
[Report to Council 26 February 2019](#)

Suggested changes to the NNJC Terms of Reference

Current provision in Joint Committee’s Terms of Reference	Action(s) Required
1. To consider and recommend a Constitution to be adopted by the North Northamptonshire Shadow Authority at its inaugural Full Council meeting	No change required
2. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting	No change required
3. To agree and undertake the recruitment process for the selection of the designations of Interim Head of Paid Service, Interim Chief Finance Officer (section 151) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural Full Council meeting nominations for the three statutory officers	Amended – “posts” deleted, replaced with “designations”
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer	This may be specified in the Structural Change Order
5. To consider and initiate appropriate mechanisms for the recruitment of a permanent Chief Executive (Head of Paid Service), including provisional terms and conditions, including salary, and method of selection, so that the earliest possible appointment can be made by the Shadow Authority	To change to:- To consider and initiate appropriate mechanisms for the recruitment and designation of a permanent Chief Executive (Head of Paid Service) and other statutory officers, including provisional terms and conditions, including salary, and method of selections, so that the earliest possible appointments can be made by the Shadow Authority
6. To monitor and seek to mitigate any potential risks associated with the Local Government Reform (LGR) programme, the creation of a Shadow Authority and creation of a unitary council for North Northamptonshire and to establish/agree protocols or processes to manage the risks to LGR	No change required
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting	No change required
8. To respond to consultations on the contents of orders, consents or any other matters where specifically requested to do so by the North Northamptonshire Steering Group	Amend to delete “Steering Group” and replace with “Leader’s Oversight Board or Design Board”.

Suggested changes to the NNJC Terms of Reference

<p>9. To establish/agree any protocol or process which, if not implemented in a timely manner, may threaten the establishment of a unitary council within the deadline set by the Secretary of State</p>	<p>Amend to read:- To identify and approve a policy framework (including production of draft policy statements and supporting procedures) relevant to the required statutory compliance of the new unitary council</p>
<p>10. To receive recommendations/reports from work streams that require Joint Committee approval so long as those relate to the Joint Committee's terms of reference referenced above</p>	<p>Delete all. Covered by other TOR provisions.</p>
<p>11. To agree the process for an independent review of a Scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a Scheme of Members Allowances for adoption</p>	<p>No change required</p>
<p>POTENTIAL ADDITIONS TO CURRENT SCHEME</p>	
<p>12. To agree a mechanism for expenditure incurred by the officer(s) responsible for the conduct of the election on 7th May 2020 for North Northamptonshire Council and West Northamptonshire Council to be paid. The cost to be divided among, and paid by, the County Council, North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New Provision Agree a formula and note the arbitration procedure</p>
<p>13. To agree a mechanism for expenditure incurred by the shadow authorities to be divided among, and paid by, the County Council, the North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New provision Agree a formula and note the arbitration procedure</p>
<p>14. To prepare and keep under review an Implementation Plan to include such plans and programmes as are in the opinion of the Joint Committee necessary to secure the effective, efficient and timely discharge of any functions necessary and/or proscribed in a future Structural Change Order.</p>	<p>New provision</p>
<p>15. To form a single team of officers as an "Implementation Team" for the purpose of assisting the Joint Committee to discharge its functions</p>	<p>New provision This would be the LGR Programme team</p>
<p>16. To take steps to prepare for the economic, effective, efficient and timely transfer of the functions, property, rights and liabilities of the County Council and district/borough councils to the new unitary council</p>	<p>New provision</p>

Suggested changes to the NNJC Terms of Reference

17. To develop and oversee early enabling strategies including, but not limited to, organisation design process and principles, ICT, digital transformation, organisational development and assets	New provision
18. To identify, promote and ensure collaborative working between councils and to ensure that all Members are kept fully briefed and engaged in establishing a new unitary council	New provision
19. To oversee the development and delivery of a comprehensive communications and engagement strategy that addresses the requirements of Members, staff, town & parish councils, local partners and wider stakeholders and, to consider how decisions and issues shall be communicated to local people and stakeholders and to engage with stakeholders on matters within the purview of the Joint Committee	New provision
20. To liaise with relevant internal and external auditors and ensure their focus supports the development of the new unitary council.	New provision To ensure options are considered so the Shadow Council has an appropriate internal & external audit provision to comply with financial regulations
21. To agree an induction & training programme for newly elected Members for 2020/2021	New provision Needs to be established by May 2020 for activation after the unitary elections
22. To agree support services for newly elected Members for 2020/21	New provision To include committee administration, Member support, ICT provision, Shadow Council website, accommodation etc. This needs to be operational by May 2020 for activation after the unitary elections
23. To progress arrangements for civic & ceremonial matters and functions related to the new unitary council.	New provision Some issues may need to be actioned prior to May 2020 for Vesting Day in 2021.

Suggested changes to the NNJC Terms of Reference