

South Northamptonshire Council

Council

27 February 2019

<p>Local Government Reform In Northamptonshire – Proposed Joint Committee</p>
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Report of Executive Director: Resources (Monitoring Officer)

This report is public

Purpose of report

To consider establishment of a joint committee between councils with functions related to implementation of local government reform for Northamptonshire, particularly in respect of the operation of a shadow authority.

1.0 Recommendations

The meeting is recommended to agree that:

- 1.1 A 'West Northamptonshire Joint Committee' of 16 seats (4 per council) be established with Northampton Borough Council, Daventry District Council and Northamptonshire County Council, effective from 28 February 2019, with delegated functions as set out in the terms of reference at Appendix 1, subject to these other councils so resolving.
- 1.2 The statutory allocation of seats to political groups be noted and the nominations for appointments to committees in accordance with the wishes of the political groups be approved, as detailed in the 'Membership of Committees 2018-19' schedule – to be tabled at the Full Council meeting.
- 1.3 Subject to resolutions as per above, the Monitoring Officer be delegated authority to produce a 'West Northamptonshire Joint Committee Agreement' identifying appropriate standing orders and operating practices for the Committee; and in consultation with the Leader of the Council, to negotiate, finalise and enter into the proposed agreement with the other councils in west Northamptonshire.

2.0 Introduction

- 2.1 In August 2018, this Council and six other councils resolved to submit a joint proposal ('Joint Proposal') for two new unitary authorities covering the county to the Secretary of State for Housing, Communities and Local Government. That proposal was duly submitted and is now for the Secretary of State to consider.

- 2.2 One of the proposed unitary authorities comprised the current administrative areas of Daventry, Northampton Borough and South Northamptonshire (referred to as 'West Northamptonshire') established to discharge all local government functions of county and district councils.
- 2.3 At the time of writing this report, the Secretary of State had not decided whether to accept the Joint Proposal. However, he decided to embark on an eight-week public consultation on it from 29th November 2018 to 25th January 2019. Subject to his consideration of consultation responses, ultimately this could lead to a Parliamentary decision to establish a new unitary authority for West Northamptonshire in spring 2020, with a shadow unitary authority as the interim transition body later in 2019.
- 2.4 Each of the West Northamptonshire councils is due to receive and consider this common report.
- 2.5 (For information: The Secretary of State also laid a 'Northamptonshire (Changes to Years of Elections) Order' before Parliament, identifying this as a separate and pragmatic initiative to avoid confusion for the public and unnecessary expense at this time. This Order was confirmed and has postponed district and borough elections due in 2019 to 2020).

Purpose of a Joint Committee

- 2.6 It is considered wise to be in a position to best influence the next steps of prospective reorganisation by the Secretary of State, by expressing local preferences prior to, but particularly in respect of the governance of, a shadow authority. This influence is best achieved by making decisions that are consistent and timely.
- 2.7 At the time of agreeing to submit the Joint Proposal, councils also agreed to interim (and informal) arrangements for managing the associated work programme. These have included a series of county-wide and West Northamptonshire Member-led steering groups involving Leaders, officer programme boards involving Chief Executives, and meetings of key officer groups.
- 2.8 The current interim arrangements prove useful, but they were not necessarily expected to remain unchanged. The steering groups and programme boards do not have authority to make decisions on behalf of relevant councils in respect of many of the details of prospective local government reorganisation. Their considerations have led to the production of this common report advocating the establishment of a (formal) joint committee, to achieve consistent decisions and, thus, influence ahead of a shadow authority particularly on governance matters.
- 2.9 Members will appreciate that there have been very few areas of such local government reorganisation in recent years. A learning point from recent Dorset experience is that a joint committee should be established. At the well-attended LGA-led seminars for all Members held at Northampton Saints in November and December 2018, speakers from councils which had been through, or are going through, reorganisation recommended adoption of clear and strong common positions - both to ensure better preparation locally and to use in negotiations with Government officials - and indicated the benefits of a joint committee being created

ahead of shadow authority arrangements to achieve such local coordinated leadership.

- 2.10 Dealing promptly with matters is especially pertinent given the challenging timeframe. Fundamentally, there is no timely dispute resolution process should that become necessary. Members will appreciate that the different dates of meetings for each existing council would not help the timeliness of joint decision-making – especially if decisions would need to be taken by the less frequent full Council meetings.
- 2.11 A joint committee would be able to be the single point of resolution and able to handle matters in more timely fashion. Without a joint committee, any such decisions of political consequence would need to be presented separately to each of the four individual councils with the hope that they agree the same thing. They might agree but the risk is that they might not, and influence could be weakened or lost.
- 2.12 A further feature of a joint committee is that, unlike the interim governance arrangements, its meetings would normally be in public. Openness and transparency are part of good government and this would be duly served.
- 2.13 The considered view is that the more formal arrangement of a joint committee would indeed enable a common position to be promptly reached and – for influencing purposes – enable a united and stronger front to be presented to the Secretary of State and Government officials, particularly in time-pressured circumstances.

Business of a Joint Committee

- 2.14 In the spirit of seeking smooth transition, a joint committee would usefully develop recommendations for the shadow authority on obligatory matters such as a Constitution, Standing Orders and a Code of Conduct for Members, and the nomination of interim statutory officers. Collective recommendations by a joint committee on these and other governance matters (as included in its terms of reference) would give a shadow authority the opportunity to ‘hit the ground running’ and allow it to spend more of its time preparing budgets and plans that it considers necessary or desirable for a new unitary authority. This in turn would help a new unitary authority to be in a better position to focus early on service delivery.
- 2.15 It is not proposed to give wider-ranging responsibilities to such a joint committee at this time. For example, it would not be involved in service planning for any authority. Of note, it will be for a shadow authority to decide if it wishes to accept a joint committee’s recommendations and, whilst such a joint committee would be represented by a few of each council’s current Members, a shadow authority would comprise all Members of the councils.
- 2.16 Consequently a proposed West Northamptonshire Joint Committee, with terms of reference as set out at Appendix 1, would discharge primarily ‘influencing’ functions within its limited remit and its limited lifespan. It is emphasised that a joint committee with the proposed remit would still be supported by the interim governance arrangements already in place – including the steering group and programme board for West Northamptonshire.

- 2.17 Terms of reference agreed for the Joint Committee can be reviewed if appropriate. This might be necessary if a shadow authority is planned to be established later rather than sooner, and 'vesting day' for a new unitary is not extended in compensation.

Membership of a Joint Committee

- 2.18 In terms of numbers, the recommendation of the West Steering Group (Leaders-led) is that the Joint Committee would have four Members from each council (making a Committee of 16). This number has been devised to keep the committee to a manageable size with proportionate representation from all councils.
- 2.19 Under political balance rules, if a joint committee is established with at least three Members per council the appointment to it has to be made by each authority and comply with political balance rules. Those rules apply to each authority individually (save for the County Council because this is not affecting the whole of its administrative area). It is not the balance of the collective grouping that is to be achieved: rather it is the balance of each council's representation on it that has to be achieved.
- 2.20 Furthermore, such a new committee causes review of the overall balance of the council irrespective of it occurring (in this case) ahead of the Annual Meeting. The rules also allow for variation of normal political balance arrangements; namely, if the Council wishes to adopt committee memberships which do not accord with political balance arrangements this must be agreed *nem con* (i.e. without any Member voting against). Hence the report to Full Council includes for confirmation of the Council's representation on both the Joint Committee and across all of its committees.
- 2.21 For the Council, the political balance in establishing the Joint Committee with four Members) would be a requirement for three Conservative Members and one Liberal Democratic Member to be appointed to it. The consequence across the other committees is that there would be one amendment required to maintain a politically balanced position. As already stated, this can be different if agreed by Council *nem con*.
- 2.22 Council is obliged to appoint individual Members to committees in this way but in accordance with the wishes of political groups. Reflecting this, a schedule titled 'Membership of Committees 2018-19 will be tabled at the Full Council meeting. It should be noted that this schedule will be reviewed again at the Annual Council meeting when consideration will be given to the cessation of the joint committees with Cherwell District Council.
- 2.23 In determining membership, Council is invited to appoint substitute Members for the West Northamptonshire Joint Committee in order to ensure representation. This is appropriate for this committee given the occasional different practical arrangements applying to it (e.g. out-of-area venue).

Meetings of a Joint Committee

- 2.24 The Joint Committee would meet before a shadow authority is established. Of course, if the ultimate decision is not to lay an Order, or the Order was not agreed, the Joint Committee would have no further purpose and would be ceased.

- 2.25 The Chairman of the Joint Committee would be elected by the Committee at its inaugural meeting.

Agreement for a Joint Committee

- 2.26 The Joint Committee would be as per a conventional committee in compliance with national rules. To formalise the arrangements for the Joint Committee, an agreement is normally applied. Example agreements from other areas cite functions (as per the terms of reference) and the ground rules. These include matters such as meeting administration, the committee procedure rules to follow, sharing of support costs, information and data protection, scrutiny and audit, and termination arrangements. In terms of committee procedures, it might be sensible and expedient that the rules of one of the councils be deployed, and to include for Members and the public to table questions, motions to be tabled in the usual ways, quorum to be one quarter of committee membership with at least one representative from each council, rules of debate, provision for recorded votes, and voting normally by show of hands.
- 2.27 Given timeframes, it is proposed that the agreement be produced by the Monitoring Officers of the councils.

3.0 Conclusion and Reasons for Recommendations

- 3.1 The Secretary of State is considering the Joint Proposal for Northamptonshire Local Government Reform as submitted by the four councils in 'West Northamptonshire'. Members and Officers are continuing with preparatory work via informal arrangements, as per previous Council resolution, should reorganisation be pursued by Government / Parliament.
- 3.2 A proposed 'West Northamptonshire Joint Committee' (requiring four Members to be appointed by Council) is now strongly recommended to enhance the existing arrangements - with its remit limited to assisting development of governance and operational matters of any shadow authority and subsequent unitary council. The Joint Committee is required to be politically balanced as part of the Council's overall committee structure.
- 3.3 The Joint Committee is designed to provide the partner councils with the opportunity to resolve a collective position in a timely manner. This is judged to be particularly important in order to maximise local influence on the somewhat technical next steps. Given the tight timeframe, this is particularly beneficial. An agreement to formalise the arrangements for the Joint Committee would be appropriate to produce for additional clarity.
- 3.4 The recommendations within this report allow the Joint Committee to be set up.

4.0 Consultation

- 4.1 Arrangements for the setting up of the Joint Committee and its composition have been developed through the West Steering Group. Discussions on the need for a

Joint Committee were also included in the LGA-led seminars for all Members held at Northampton Saints in November and December 2018,

5.0 Alternative Options and Reasons for Rejection

- 5.1 Option 1 – to carry out those items included within the Terms of Reference through each individual Council. The disadvantages of this option have been clearly laid out within this report; and it is consequently rejected.

6.0 Implications

Financial and Resource Implications

- 6.1 Under the Local Government Act 1972, the expenses incurred by a joint committee shall be defrayed by the constituent councils in such proportions as they may agree or, in the case of disagreement, by an arbitrator appointed by the Secretary of State. The West Steering Group will determine how the costs will be defrayed, and these will be funded from existing budgets or the resource allocated for local government reform.

Comments checked by:

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Legal Implications

- 6.2 Section 101(5) of the Local Government Act 1972 enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by, one or more other authority. Under Section 102 of the 1972 Act, local authorities are empowered to appoint joint committees to discharge functions of the councils or to advise the councils. It is for full Council to establish such a committee and this is reflected in the Council's Constitution.
- 6.3 The power to agree to establish a joint committee depends on whether the committee is exercising non-executive or executive functions or both. Where the functions are non-executive, full Council must establish the joint committee: where the functions are executive functions, the power to enter into arrangements rests with the Cabinet. Where the functions to be exercised by the joint committee are both executive and non-executive, the appointment of the joint committee must be made by the Council but with the agreement of the Cabinet.
- 6.4 Political balance requirements are embodied in the Local Government and Housing Act 1989. In particular, Section 15 of the Act comprises the duty to allocate committee seats to political groups and Section 16 comprises the duty to appoint Members to them. There are various secondary Regulations detailing the requirements.

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Risk management

- 6.5 A risk register has been compiled for LGR. Having a Joint Committee in place should help mitigate a number of risks that South Northamptonshire has identified. Risks will be discussed regularly and escalated as and when necessary to the Leadership Risk Register.

Comments check by:

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7.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillors –

Councillor Rebecca Breese - Portfolio Holder for Local Government Reform

Document Information

Appendix No	Title
Appendix 1	West Northamptonshire Joint Committee - Terms of Reference
Background Papers	
None	
Report Author	Andrew Hunkin – Executive Director: Resources
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