

South Northamptonshire Council

Council

2 October 2019

<p>Local Government Reform in Northamptonshire – Additional Terms of Reference for the West Northamptonshire Joint Committee</p>

Report of Executive Director: Resources

This report is public

Purpose of report

To amend the Terms of Reference for the West Northamptonshire Joint Committee.

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree the revised and augmented Terms of Reference set out in Appendix 2 of this report and delegate the necessary powers and authority to the West Northamptonshire Joint Committee.
- 1.2 Subject to approving the resolution as per above, to delegate authority to the Monitoring Officer in consultation with the Leader of the Council, to amend the 'West Northamptonshire Joint Committee Agreement' to incorporate the changes agreed by Council.

2.0 Introduction

- 2.1 The Secretary of State issued a Written Statement on 14 May 2019 in which he stated that there would be two new single tier councils established for the county of Northamptonshire, operational from 1 April 2021.
- 2.2 A West Northamptonshire Council is to comprise the geographical areas of the existing councils of Northampton Borough Council, South Northamptonshire Council and Daventry District Council.
- 2.3 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 authorities, as well as determine the date for the full power and authority of all the current Northamptonshire councils to transfer to these authorities.

- 2.4 The SCO will also provide for the establishment of joint committees in both the West and the North and outline the tasks that these committees need to complete in order to prepare for the formation of the shadow authorities.

3.0 Report Details

- 3.1 On 27 February 2019, Full Council agreed to set up the West Northamptonshire Joint Committee (WNJC) with defined terms of reference and associated delegated authority. This committee met on 26 March; 14 May and 5 June 2019, and undertook and completed a number of matters, through member-led task and finish groups including the adoption of a draft constitution for the shadow authority, remuneration panel issues and the process for the appointment of interim statutory officers. The original terms of reference were very limited by design and are attached as Appendix 1 to this report.
- 3.2 The augmented/extended terms of reference have been developed with input and agreement from the monitoring officers in Northamptonshire taking into account the terms of reference used in other unitary projects - for example Dorset; and the draft SCO that MHCLG provided on 18 September 2019.
- 3.3 The draft SCO, if approved in its current form, will require the establishment of a joint committee for the West (already established) with specific functions outlined in the SCO. There is a massive programme of works and decisions that are required to be made leading up to the establishment of the shadow authority - many of which have a lead-in time. The joint committee has advantages of being member-led and the formality of the committee requires openness and transparency in its decision-making. For all these reasons, it is proposed that the WNJC's terms of reference are amended and augmented as set out at Appendix 2.
- 3.4 Full agreement on the extended terms of reference is required in the West as the WNJC will need to work to one set of terms of reference. The same terms of reference will therefore be taken for approval to all sovereign councils in the West.
- 3.5 The WNJC has already met three times. Further meetings will, once the extended terms of reference have been agreed, be called in order that the WNJC can agree a second tranche work programme and facilitate the smooth transition to the shadow unitary authority.
- 3.6 The WNJC also has a Joint Committee Agreement that sets out standing orders and operating practices for the committee. Following the finalisation of the SCO and amendments to the terms of reference, subsequent changes to the Agreement may be required. It is proposed that any such changes are delegated to the Monitoring Officer in consultation with the Leader of the Council.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The WNJC is designed to provide the partner councils with the opportunity to come to a collective position in a timely manner. Given the tight timeframe, this is particularly beneficial.
- 4.2 The recommendations within this report allow the widening of the WNJC's terms of reference so that it is able to prepare for the shadow authority.

5.0 Consultation

- 5.1 Not applicable

6.0 Alternative Options and Reasons for Rejection

- 6.1 Option 1 – to not widen the WNJC's terms of reference. This would severely limit the WNJC's ability to fulfil the requirements of the SCO and hinder preparedness for the shadow authority. It would result in some decisions having to be made through each individual council. This option is consequently rejected.

7.0 Implications

Financial Implications

- 7.1 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.

Councils within Northamptonshire have agreed budgets for the unitary programme.

Comments checked by:

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Legal Implications

- 7.2 There are powers under section 101(5) of the Local Government Act 1972 which enable local authorities to enter into joint arrangements with one or more local authorities to discharge its functions.

The SCO is not as yet in force, but it is anticipated that it will be imminently. Once it is in force it will impose legal obligations on South Northamptonshire Council and the other councils on matters outlined in the SCO.

This report has been approved by the County Monitoring Officers Group.

Comments checked by:

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Risk Implications

- 7.3 A risk register has been compiled for Local Government Reorganisation. Agreeing appropriate ToR for the WNJC should help mitigate a number of risks that have been identified. Risks will be discussed regularly and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:
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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

Councillor Rebecca Breese - Portfolio Holder for Local Government Reform

Document Information

Appendix No	Title
Appendix 1	West Northamptonshire – Current Terms of Reference
Appendix 2	West Northamptonshire – Proposed Terms of Reference
Background Papers	
None	
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