

BOROUGH OF KETTERING

Committee	COUNCIL	Item 5	Page 1 of 6
Report Originator	Lisa Hyde – Executive Director	<i>Fwd Plan Ref No:</i>	
Wards Affected	All	6 th March 2019	
Title	THE ESTABLISHMENT OF THE NORTH NORTHAMPTONSHIRE JOINT COMMITTEE		

1. PURPOSE OF REPORT

- 1.1 To agree the establishment and membership of the North Northamptonshire Joint Committee and its Terms of Reference.

2. BACKGROUND

- 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 Corby, East Northamptonshire, Kettering and Wellingborough (referred to as 'North 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 has not decided whether to accept the Joint Proposal. However, he decided to embark on an eight-week public consultation 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 new unitary authorities for West and North Northamptonshire in spring 2020, with shadow unitary authorities as the interim transition body from spring/summer 2019.
- 2.4 Each of the North Northamptonshire councils is due to receive and consider this report.

3. PURPOSE OF A JOINT COMMITTEE

- 3.1 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 North Northamptonshire steering groups. It was envisaged that the current interim arrangements would continue into the approval of the structural change order and the shadow arrangements.
- 3.2 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

BOROUGH OF KETTERING

Committee	COUNCIL	Item 5	Page 2 of 6
-----------	----------------	-----------	----------------

government reorganisation. Their considerations have led to the production of this common report advocating the establishment of a formal joint committee, to provide appropriate governance arrangements, achieve consistent decisions and influence ahead of a shadow authority.

- 3.3 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 local coordinated leadership.
- 3.4 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 five individual councils in the hope that they agree the same thing.
- 3.5 A further feature of a joint committee is that, unlike the interim governance arrangements, its meetings would normally be in public providing openness and transparency, all part of good governance.

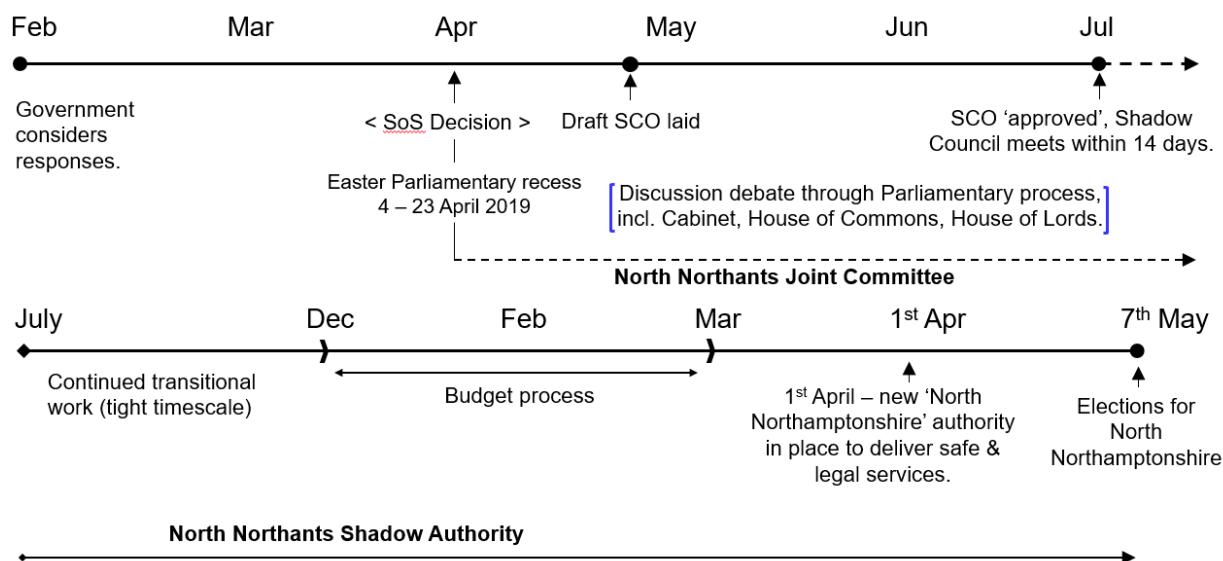
4. **BUSINESS OF A JOINT COMMITTEE**

- 4.1 Whilst there have not been any substantive issues requiring formal Council decisions since the Joint Proposal was submitted, this can be expected to change once the consultation responses have been considered and a decision made. In particular, the key process for establishing new shadow and unitary authorities is agreement of a Structural Change Order ('Order') by the cabinet and both Houses of Parliament. The content of the Order is the subject of a separate report to this Council.
- 4.2 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. These are outlined in the proposed Terms of Reference of the Joint Committee attached to this report as **Appendix 1**. Collective recommendations by a joint committee on these and other governance matters would give a shadow authority the opportunity to 'hit the ground running'.
- 4.3 It is important to recognise that this joint committee is specifically for starting the implementation work for the proposed new unitary authority (prior to the creation of the shadow arrangements). The Council's existing governance arrangements remain in place for all other things.

Committee	COUNCIL	Item 5	Page 3 of 6
-----------	----------------	-----------	----------------

4.4 The indicative timeline below illustrates the timeline from the SOS decision through the elections in May 2020.

Indicative Committee Timeline 2019/20 (Joint Committee, Shadow Arrangements)



**please note the above timeline is indicative only. The exact timings are dependent upon when government decisions are made, over which this council has no direct control.*

- 4.5 It is not proposed to give any wider-ranging responsibilities to such a joint committee at this time. For example, it would not be involved in service planning for any authority. It is important to note that 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 a few of each council's current Members, a shadow authority would comprise all Members of the councils.
- 4.6 A proposed North 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, programme board for North Northamptonshire and the Local Government Reform Advisory Committee for Kettering Borough Council.
- 4.7 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 beyond April 2020.

BOROUGH OF KETTERING

Committee	COUNCIL	Item 5	Page 4 of 6
------------------	----------------	-----------	----------------

5. MEMBERSHIP OF A JOINT COMMITTEE

- 5.1 In terms of numbers, the recommendation of the North Steering Group is that the Joint Committee would have 3 Members from each council (making a Committee of 15). This number has been devised to keep the committee to a manageable size with equal and proportionate representation from all councils. This also reflects the suggested make-up of the Shadow Authority Executive within the structural Change Order (SCO), another item on this Councils agenda. In effect, the Joint Committee membership arrangements should morph into the shadow arrangements.
- 5.2 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. Political proportionality applies because the Joint Committee will exercise Council as well as Executive functions. Therefore for this Council this would be 2 from the Conservative group and 1 from the Labour group.
- 5.3 Council is invited to appoint substitute Members for the North Northamptonshire Joint Committee in order to ensure representation.

6. MEETINGS OF A JOINT COMMITTEE

- 6.1 The Joint Committee would meet before a shadow authority is established but after the Secretary of State has confirmed his decision to proceed with the proposal. 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.
- 6.2 It is proposed that the Chairman of the Joint Committee be elected by the Joint Committee at its inaugural meeting.
- 6.3 The Joint Committee would be as per a conventional committee in compliance with national rules. To formalise the arrangements for the Joint Committee, a partnership 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, equal 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.
- 6.4 Given timeframes, it is proposed that the partnership agreement be produced by the Monitoring Officers of the councils.

BOROUGH OF KETTERING

Committee	COUNCIL	Item 5	Page 5 of 6
-----------	----------------	-----------	----------------

6.5 It is proposed that the North Northamptonshire Joint Committee would commence after the Secretary of State has made a positive decision to support the Joint Proposal and continue to meet until a North Northamptonshire Shadow Authority is established (see timeline in paragraph 4.3). Such timing would enable preparations for the new Unitary Council to proceed in the event of any further delay in Government decision-making, particularly to the timings for laying and agreeing the Order. 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.

7. CONSULTATION AND CUSTOMER IMPACT

7.1 There are no direct implications for our customers in terms of current service delivery as a result of this report. The creation of the Joint Committee will, however, create openness and transparency about the preparations for the new Shadow Authority.

8. POLICY IMPLICATIONS

8.1 If and when the Council is abolished in 2020, it will be the policies adopted by the new North Northamptonshire Council that will become relevant. The creation of the Joint Committee will help establish the foundation for their development and delivery.

9. FINANCIAL RESOURCE IMPLICATIONS

9.1 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. It is proposed that the costs be defrayed in proportion to the number of Members appointed to the joint committee by each council, i.e. equally. These costs would be funded from existing budgets or from the £500k earmarked reserves the council has set aside for Local Government Reform.

10. HUMAN RESOURCE IMPLICATIONS

10.1 None

11. LEGAL IMPLICATIONS

11.1 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

BOROUGH OF KETTERING

Committee	COUNCIL	Item 5	Page 6 of 6
-----------	----------------	-----------	----------------

councils. It is for full Council to establish such a committee and this is reflected in the Council's Constitution.

12. RECOMMENDATION

12.1 To agree the establishment of the North Northamptonshire Joint Committee.

12.2 To agree the Terms of Reference for the Committee as set out at **Appendix 1**.

Background Papers:

Title

Date

Contact Officer

Previous Minutes/Reports:

Ref:

Date: