

NORTH NORTHAMPTONSHIRE JOINT COMMITTEE (NNJC)

TERMS OF REFERENCE WORKING GROUP

DRAFT SCOPING DOCUMENT

Councillor David Jenney	East Northamptonshire Council
Councillor Elayne Francis	Borough Council of Wellingborough
Councillor Elise Elliston	Corby Borough Council
Councillor Mark Rowley	Kettering Borough Council
Councillor Wendy Brackenbury	Northamptonshire County Council

1. Purpose/Objectives of this Working Group

- To consider whether amendment is required to the Joint Committee's Terms of Reference in light of the Secretary of State's announcement of 14th May 2019 and the probability that the Shadow Period will not commence until May 2020.
- To consider implications for the Joint Committee based on discussions with the Ministry of Housing, Communities and Local Government (MHCLG) ahead of the laying of a Structural Change Order in Parliament later this year.

2. Outcomes Required

- A draft revised Terms of Reference to be adopted by sovereign councils for the North Northamptonshire Joint Committee taking into account that the Shadow Period is now unlikely to commence until May 2020.

3. Information

Information required

- Copy of current Terms of Reference (Appendix 1)
- Copy of suggested amended/expanded Terms of Reference (Appendix 2)
- Monitoring Officer opinion
- Statutory orders

Methods used to gather and receive information

- Officer reports
- Presentations
- Desktop research

4. Timetable for completion of the Tasks

The dates and times of the Terms of Reference Working Group are as set out in the table below. It is unlikely that all of these meetings will be required.

Date	Time	Location
9 th September 2019	7:00 pm	East Northamptonshire
TBC		East Northamptonshire
TBC		East Northamptonshire

Any changes to the terms of reference of the North Northamptonshire Joint Committee currently need to be agreed by all five sovereign councils. Monitoring Officers across the county have been working to compile a revised terms of reference, which seeks to anticipate items likely to be included in the final Structural Change Order. In addition, as work progresses among councils to formulate plans and programmes to support any future Shadow Council it is clear the need for some decisions pre-May 2020 will be required. These are in addition to those previously highlighted.

Appendix 2 attached to this report contains reference to those existing terms of reference which it is suggested require addition/amendment or deletion and new proposed terms to ensure efficient, economic and effective decisions may be made by the Joint Committee to underpin the local government reform programme.

Whilst the Structural Change Order (SCO) is unlikely to have completed its Parliamentary process until December 2019, it is suggested that decisions on revising the terms of reference need to be made as soon as possible. This will increase political accountability and openness, ensuring key decisions are fully debated and subject to formal political decision making.

5. Responsible Officers

Martin Hammond	Monitoring Officer	Kettering Borough Council
Susan Zeiss	Monitoring Officer	Northamptonshire County Council
Paul Goult	Monitoring Officer	Corby Borough Council
Louise Tyers	Democratic Services	East Northamptonshire Council

6. Proposed Methodology

Background

The currently understood timeline of Local Government Reorganisation in Northamptonshire anticipates the creation of a unitary authority for North Northamptonshire in April 2021. This would likely mean the creation of a shadow authority for North Northamptonshire in May 2020.

The Structural Change Order is currently anticipated to be laid before Parliament after the 2019 Summer Recess. Completion of the Parliamentary process on the SCO might be expected by the end of 2019. The first meeting of the Shadow Authority would take place within 14 days of the designated election day of 7th May 2020. Therefore, it is estimated, the first meeting of the Shadow Authority would take place by the end of May 2020.

As part of the preparations being made by sovereign councils ahead of the establishment of a Shadow Council, the councils voluntarily agreed to the creation of a North Northamptonshire Joint Committee. This arrangement was made under Section 101(5) of the Local Government Act 1972 (LGA 1972) which 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 LGA 1972, local authorities are empowered to appoint joint committees to discharge functions of the councils or to advise the councils.

It was recognised at the time of the creation of the Joint Committee that the terms of reference adopted were “limited” in nature and may not provide full coverage of those items to be raised in the final Structural Change Order (SCO).

Since the North Northamptonshire Joint Committee’s inaugural meeting on 24th June 2019 further indications have been received from the MHCLG that:-

- The Shadow Period will commence in May 2020, with Vesting Day for the new unitary authority being 1st April 2021;
- That the Structural Change Order (SCO) will prescribe the creation and operation of a Joint Committee for North Northamptonshire for the period of the Order coming into force until the day after the inaugural Shadow Full Council meeting (late May 2020); and
- That the terms of reference of the Joint Committee will need to be expanded to take into account a greater role for the period (*likely to cover October 2019 – May 2020*) prior to the Shadow Council’s creation.

There will be a duty placed on the County Council and district councils to co-operate in the establishment of the relevant Joint Committee.

The composition of the North Northamptonshire Joint Committee is likely to reflect current arrangements, with three representatives from each local authority.

Potential areas of responsibility arising from the Structural Change Order (SCO)

Not later than 14 days after the coming into force of the Order, the county council and the North Northamptonshire councils shall establish a joint committee for the purpose of discharging, until the inaugural meeting of the Shadow Full Council of North Northamptonshire, the functions mentioned below:-

- (i) There shall be added to the functions of the county council the function, which shall be exercisable only in the transitional period beginning on the coming into force of the Structural Change Order (December 2019) and ending on the fourteenth day after

the 2020 election day (21st May 2020), of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.

- (ii) There shall be added to the functions of each of the North Northamptonshire councils the function, which shall be exercisable only in the transitional period beginning on the coming into force of the Structural Change Order (December 2019) and ending on the fourteenth day after the 2020 election day (21st May 2020), of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.
- (iii) None of the North Northamptonshire councils or the county council shall undertake, as a local authority, the preparation of any budgets or plans that are to be prepared by a shadow authority or the North Northamptonshire Council.
- (iv) The North Northamptonshire Joint Committee must prepare, keep under review, and revise as necessary, an Implementation Plan which shall include –
 - (a) Such plans and timetables as are of the opinion of the Joint Committee necessary to ensure the effective, efficient and timely discharge of the functions mentioned in (i) – (iii) above; and
 - (b) Such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1st April 2021, of the functions that, before that date, are functions of the County Council or the North Northamptonshire councils.
- (v) The Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for North Northamptonshire and present these proposals at the inaugural meeting of the shadow authority.
- (vi) Not later than 21 days after the coming into force of the SCO, the North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting –
 - (a) The relevant Joint Committee in the discharge of their functions; and
 - (b) If, after the dissolution of the relevant Joint Committee, the relevant shadow council so requires, that shadow authority.

In undertaking preparing, reviewing and revising the Implementation Plan, its responsibilities under (i) – (iii) above, and discharging such other functions as may be conferred on it, the Joint Committee **must have regard** to the information previously supplied to the Secretary of State in support for single tier local government in Northamptonshire, the Best Value Inspection Report dated 15th March 2018, the report by the Children’s Services Commissioner dated 20th February 2019, directions issued by the Secretary of State for Housing, Communities and Local Government under LGA

1999, and directions issued by the Secretary of State for Education under the Education Act 1996.

Work Packages

Consider amendment, addition or deletion of the functions or responsibilities within the current Terms of Reference.

7. Recommendations

The Working Group is recommended to:

- a) Agree the scope of the Working Group as set out in this document; and
- b) Agree a suggested revised Terms of Reference, to be forwarded to the Joint Committee for comment.

Appendix 1 – Current Terms of Reference

1. To consider and recommend a Constitution to be adopted by the North Northamptonshire Shadow Authority at its inaugural Full Council meeting;
2. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting;
3. To agree and undertake the recruitment process for the selection of the posts 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;
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer;
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;
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;
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting;
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;
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;
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; and
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.