

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

25 February 2019

Agenda Status: Public

Directorate: Borough Secretary and
Monitoring Officer

Report Title	Local Government Reform in Northamptonshire – Proposed Joint Committee
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1. Purpose

- 1.1 To consider establishment of a joint committee between councils with functions related to implementation of local government reform for Northamptonshire.

2. Recommendations

- 2.1 A “West Northamptonshire Joint Committee” of 16 seats (4 per council) be established with Northampton Borough Council, South Northamptonshire 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.
- 2.2 The statutory allocation of seats to political groups following the rules of proportionality will for Northampton Borough Council be, 3 Conservatives and 1 Labour Members. Council is invited to make nominations to the Joint Committee.
- 2.3 Subject to recommendations above being approved, the Monitoring Officer be delegated to agree a “West Northamptonshire Joint Committee Agreement” identifying appropriate standing order 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.

3. Issues and Choices

3.1 Report Background

- 3.1.1 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.
- 3.1.2 One of the proposed unitary authorities comprised the current administrative areas of Daventry, Northampton and South Northamptonshire (referred to as “West Northamptonshire”) established to discharge all local government functions of county and district councils.
- 3.1.3 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 29 November 2018 to 25 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.
- 3.1.4 Each of the West Northamptonshire councils is due to receive and consider a largely common report, based on the agreed preferences of the Leaders’ Steering Group.
- 3.1.5 (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 of the public and unnecessary expense at this time. This Order was confirmed and has postponed district and borough elections due in 2019 to 2020).
- 3.1.6 Purpose of a Joint Committee
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.
- 3.1.7 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 with key officer groups.
- 3.1.8 The current interim arrangements prove useful, but they were not necessarily expected to remain unchanged. The steering groups and programme boards do not have formal 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.

- 3.1.9 Members will appreciate that there have been very few areas of such local government reorganisation in recent years. A learning point from the 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 reorganisations 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.
- 3.1.10 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
- 3.1.11 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.
- 3.1.12 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.
- 3.1.13 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. The Joint Committee will be empowered to establish advisory Task and Finish Groups, comprised of such members as the Joint Committee see fit, to advise the Joint Committee on key work streams. This will allow greater participation and effectiveness.
- 3.1.14 **Business of a Joint Committee**
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. In particular, the key process for establishing new shadow and unitary authorities is agreement of a Structural Changes Order ('Order') by both Houses of Parliament.

- 3.1.15 The Order would set the basic governance and operating principles for the shadow authority and subsequent unitary council. It would be drafted by Government officials but it is considered wise for the councils to seek to influence the Order's content. Hence, there is a separate report to Council setting out local preferences for that content. When it comes to negotiations on this – and other matters in the build-up to reorganisation - the risk to consistency of approach is greater without a single formal decision-making body. If established and in so far as this fell within the proposed terms of reference, a joint committee would be able to consider subsequent iterations of the draft Order and provide the common position to Government officials.
- 3.1.16 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', ensure legal compliance 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.
- 3.1.17 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.
- 3.1.18 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.
- 3.1.19 Terms of reference agreed for the Joint Committee can be reviewed if appropriate subject to proper approval thorough the executive and full council. 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.
- 3.1.20 **Membership of a Joint Committee**
In terms of numbers, the recommendation of the West Steering Group (Leaders-led) is that the Joint Committee would have 4 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.

- 3.1.21 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.
- 3.1.22 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 includes confirmation of the Council's representation on both the Joint Committee and across all of its committees.
- 3.1.23 For the Council, the political balance in establishing the Joint Committee with 4 Members would be a requirement for 3 Conservative Members and 1 Labour Member to be appointed to it. The consequence across the other committees is that there would be no changes required to maintain a politically balanced position. As already stated, this can be different if agreed by Council *nem con*.
- 3.1.24 In determining membership, Council is invited to appoint substitute Members for the 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).
- 3.1.25 Meetings of a Joint Committee
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.
- 3.1.26 It should be noted that the Joint Committee will also be empowered to establish Task and Finish groups to facilitate the development of proposals for the Joint Committee to adopt. The Joint Committee will appoint to these Task and Finish groups as appropriate.
- 3.1.27 It is proposed that the Chairman of the Joint Committee be elected by the Committee at its inaugural meeting.
- 3.1.28 Agreement for a Joint Committee
The Joint Committee would be as per a conventional committee in compliance with national rules. To formalise the arrangements for a 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 – without County Council bias, for the reasons given earlier - , rules of debate, provision for recorded votes, and voting normally by show of hands.

- 3.1.29 Given timeframes, it is proposed that the agreement be produced by the Monitoring Officers of the councils

4. Implications (including financial implications)

4.1 Financial

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. These would be able to be funded from existing budgets or the resource allocation identified in the Council's resolution on local government reform in August 2018.

4.2 Policy

- 4.2.1 None arise from the Advice directly. The recommendations are pursuant to the Councils' agreed position on local government reorganisation.

4.3 Resources and Risk

- 4.3.1 In terms of the Advice, support to the joint committee would be given by existing personnel from one or more of the councils. This will be clarified in a formal agreement and could be from a single lead governance team or from the governance team of the council where the meeting is being held if rotated.

4.4 Legal

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.

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

4.5 Equality

- 4.5.1 None arise from the report directly.

4.6 Other Implications

4.6.1 Environmental

None arise from the report directly.

4.6.2 Crime and Disorder

None arise from the report directly.

5. Background Papers

5.1 Proposed to Government on Local Government Reform – August 2018

5.2 Various minutes – West Steering Group

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FOR FUTURE DECISION COUNCIL