



Council 14 October 2019

Changes to the Terms of Reference for the North Northamptonshire Joint Committee

Purpose of report

To agree an amended terms of reference for the North Northamptonshire Joint Committee

Appendices

Appendix 1 – Potential Impact of Structural Change Order on current Terms of Reference and potential additions to current scheme

1.0 Background

- 1.1 At its meeting on 25 February 2019 Council agreed terms of reference for the Joint Committee for North Northamptonshire, which is charged with creating the conditions in which a shadow authority for North Northamptonshire can be established and up and running, in advance of local government reform in 2021.
- 1.2 Originally, it was expected that the Joint Committee would exist for a relatively short time and be superseded by a new shadow authority in the autumn of 2019. This timetable arose from the then target date of creating new unitary councils from April 2020.
- 1.3 Since then, the Government has said that (subject to the necessary legislation being made) it intends to push back the start date for the new councils to 2021, and that a shadow authority be elected in May 2020. This means that the joint committees will both have a longer life but will also be expected to do more work on the transition.
- 1.4 In light of the above, the existing terms of reference for both joint committees in the county require revising. To date, of the North Northamptonshire councils, Kettering Borough Council has approved the revised terms of reference at its council meeting held on 25 September 2019.

2.0 Revised Joint Committee Terms of Reference

- 2.1 The North Northamptonshire Joint Committee set up a task group comprising one member from each of the five outgoing councils to consider new terms of reference and their work was presented to and agreed by the Joint Committee at its meeting on the 16 September 2019.
- 2.2 Attached as Appendix 1 are the proposed new terms of reference shown as highlighted additions and changes to the original. They reflect the provisions of the draft Statutory Change Order, as it is currently written.

3.0 Equality and Diversity Implications

3.1 There are no equality or diversity implications arising directly from this report.

4.0 Privacy Impact Implications

4.1 There are no privacy implications arising directly from this report.

5.0 Legal Implications

5.1 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 councils. Council approved the establishment of such a committee on 25 February 2019 and this is reflected in the Council's Constitution.

6.0 Risk Management

6.1 Ensuring the Joint Committee's terms of reference are up to date helps mitigate the risk that timely decisions in relation to the Structural Change Order and transition to a shadow council for North Northamptonshire cannot be made via the individual existing councils and that the local influence on key decisions is weakened or lost.

7.0 Resource and 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. These costs are defrayed in proportion to the number of Members appointed to the Joint Committee by each council, i.e. equally. These costs are funded from existing budgets or from the £500k earmarked reserves the council has set aside for LGR.

7.2 This council's contribution to the costs will be made from its LGR earmarked reserve. To date the council has approved £500k from this reserve to be used to fund LGR costs identified in the LGR Prospectus. If there are any further funding requests to manage the transition and transformation arising from the LGR Prospectus these will require council approval.

8.0 Constitutional Implications

8.1 The existing delegation of functions from this council to the North Northamptonshire Joint Committee are detailed in the Constitution in Article 10.2 'Joint Committees' and Part 3.2 'Responsibility for Joint Functions'. The proposals within this report do not require any further changes to the Constitution.

9.0 Implications for our Customers

9.1 There are no direct implications for our customers in terms of current service delivery as a result of this report. The Joint Committee does, however, create openness and transparency about the preparations for the new shadow authority.

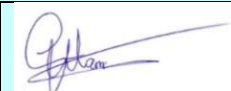
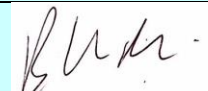
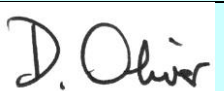
10.0 Corporate Outcomes

10.1 As and when the Council is abolished in 2021, it will be the outcomes adopted by the new North Northamptonshire Council that will become relevant. The Joint Committee is helping to establish the foundation for their development and delivery.

11.0 Recommendations

11.1 Council is recommended to agree the new terms of reference as set out in the attached Appendix 1.

[Reason; to enable prompt and efficient preparation for the Shadow Authority which will drive forward the creation of the new Unitary Authority if the Secretary of State approves the joint proposal]

Legal	Power: Section 101(5) of the Local Government Act 1972				
	Other considerations:				
Background Papers:					
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Date: 3 October 2019					
CFO 3/10/19		MO 3/10/19		CX 3/10/19	

APPENDIX 1 – Potential impact of Structural Change Order on current Terms of Reference AND potential additions to current scheme

Current provision in Joint Committee’s Terms of Reference	Action(s) Required
1. To consider and recommend a Constitution to be adopted by the North Northamptonshire Shadow Authority at its inaugural Full Council meeting	No change required
2. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting	No change required
3. To agree and undertake the recruitment process for the selection of the designations 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	Amended – “posts” deleted, replaced with “designations”
4. To consider and recommend to the Shadow Authority at its inaugural Full Council meeting a nomination for the post of Returning Officer	This may be specified in the Structural Change Order
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	This be expanded to include designation of the permanent Chief Finance Officer and the permanent Monitoring Officer if included within the Structural Change Order. The Structural Change Order may specify the deadline by which all three statutory officers are appointed.
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	No change required
7. To establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting	No change required
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	Amend to delete “Steering Group” and replace with “Leaders’ Oversight Board or Design Board”.

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<p>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</p>	<p>Amend to read:- To identify and approve a policy framework (including production of draft policy statements and supporting procedures) relevant to the required statutory compliance of the new unitary council</p>
<p>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</p>	<p>Delete all. Covered by other TOR provisions.</p>
<p>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</p>	<p>No change required</p>
<p>POTENTIAL ADDITIONS TO CURRENT SCHEME</p>	
<p>12. To agree a mechanism for expenditure incurred by the officer(s) responsible for the conduct of the election on 7th May 2020 for North Northamptonshire Council and West Northamptonshire Council to be paid. The cost to be divided among, and paid by, the County Council, North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New Provision Agree a formula and note the arbitration procedure</p>
<p>13. To agree a mechanism for expenditure incurred by the shadow authorities to be divided among, and paid by, the County Council, the North Northamptonshire councils and the West Northamptonshire councils.</p>	<p>New provision Agree a formula and note the arbitration procedure</p>
<p>14. To prepare and keep under review an Implementation Plan to include such plans and programmes as are in the opinion of the Joint Committee necessary to secure the effective, efficient and timely discharge of any functions necessary and/or proscribed in a future Structural Change Order.</p>	<p>New provision</p>
<p>15. To form a single team of officers as an "Implementation Team" for the purpose of assisting the Joint Committee to discharge its functions</p>	<p>New provision This would be the LGR Programme team</p>
<p>16. To take steps to prepare for the economic, effective, efficient and timely transfer of the functions, property, rights and liabilities of the County Council and district/borough councils to the new unitary council</p>	<p>New provision</p>

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17. To develop and oversee early enabling strategies including, but not limited to, organisation design process and principles, ICT, digital transformation, organisational development and assets	New provision
18. To identify, promote and ensure collaborative working between councils and to ensure that all Members are kept fully briefed and engaged in establishing a new unitary council	New provision
19. To oversee the development and delivery of a comprehensive communications and engagement strategy that addresses the requirements of Members, staff, town & parish councils, local partners and wider stakeholders and, to consider how decisions and issues shall be communicated to local people and stakeholders and to engage with stakeholders on matters within the purview of the Joint Committee	New provision
20. To liaise with relevant internal and external auditors and ensure their focus supports the development of the new unitary council.	New provision To ensure options are considered so the Shadow Council has an appropriate internal & external audit provision to comply with financial regulations
21. To agree an induction & training programme for newly elected Members for 2020/2021	New provision Needs to be established by May 2020 for activation after the unitary elections
22. To agree support services for newly elected Members for 2020/21	New provision To include committee administration, Member support, ICT provision, Shadow Council website, accommodation etc. This needs to be operational by May 2020 for activation after the unitary elections
23. To progress arrangements for civic & ceremonial matters and functions related to the new unitary council.	New provision Some issues may need to be actioned prior to May 2020 for Vesting Day in 2021.