



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

16 September 2019

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Local Government Reform in Northamptonshire – Additional Terms of Reference for the West Northamptonshire Joint Committee
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1. Purpose

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

2. Recommendations

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

3. Issues and Choices

3.1 Report Background

- 3.1.1 In August 2018, NBC 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 (SoS). That proposal was duly submitted. The SoS issued a Written Statement on 14th May 2019 in which he stated that there would be two new single tier councils established for the county of Northamptonshire operational from 1st April 2021.

3.1.2 The West Northamptonshire Council is to comprise geographical areas of the existing councils of Northampton Borough Council, South Northamptonshire Council and Daventry District Council.

3.1.3 In order to give legal effect to this decision, the Ministry of Housing, Communities and Local Government 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 shadow councils in 2020, as well as determine the date for the full power and authority of all the current Northamptonshire councils, including the County Council, to transfer to these councils.

3.1.4 The SCO also provides for the establishment of Joint Committees in both the West and the North and outlines the tasks that these committees need to complete in order to prepare for the formation of the Shadow councils.

3.1.5 **Joint Committee**

On 25th February 2019, Full Council agreed to set up the West Northamptonshire Joint Committee (WNJC) with defined Terms of Reference (ToR) and associated delegated authority. This Committee met on 26th March 2019; 14th May 2019 and 5th 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 Council; 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.

3.1.6 The augmented/extended terms of reference have been developed with input and agreement from the Monitoring Officers in Northamptonshire taking into account the ToR used in other unitary projects, for example the Dorset council's. Full agreement is required in the West as the WNJC will need to work to the same terms of reference. The same terms of reference will therefore be taken for approval to all sovereign councils in the West.

3.1.7 MHCLG has shared a draft of the SCO with all the councils in Northamptonshire and they have provided their individual comments on that draft in writing directly to the SoS.

3.1.8 The draft SCO if approved in its current form will require the establishment of a Joint Committee for the West with specific functions outlined in the SCO. There is no current legal requirement for the Councils to extend the West Northamptonshire Joint Committee's terms of reference, pending parliamentary approval of the SCO. However, there is a massive programme of works and decisions that are required to be made leading up to the establishment of the Shadow Council 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 recommend that the WNJC's terms of reference are amended and augmented.

3.1.9 Meetings of the West Northamptonshire Joint Committee (WNJC)

The WNJC has already met 3 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 councils.

No changes to the membership of the WNJC are being proposed by this report. 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. The administrative arrangements for the meetings of the WNJC will be agreed between the councils.

3.2 Decision details

3.2.1 The recommended additional and amended Terms of Reference align with the requirements of the Structural Changes Order. However, it is likely that the WNJC's terms of reference will need to be adjusted following the approval of the final SCO. Further reports will be brought to full Council if required.

3.2.2 It is hoped that the SCO will be laid before Parliament and made timeously.

4. Implications (including financial implications)

4.1 Policy

4.1.1 None specifically

4.2 Resources and Risk

4.2.1 A risk register has been compiled for Local Government Reorganisation. Agreeing appropriate ToR for the WNJC in place 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. Councils within Northamptonshire have agreed budgets for the unitary programme.

4.3 Legal

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

4.3.2 The Structural Changes Order 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 Northampton Borough Council and the other councils on matters outlined in the order.

4.3.3 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.

4.4 Equality

4.4.1 None specifically arising from this report. However, relevant decisions of the WNJC will be assessed for equality impacts.

4.5 Other Implications

None specifically

5. Background Papers

5.1 None specifically

Francis Fernandes
Borough Secretary
01604-837334