

TITLE: Local Government Reorganisation – Establishment of Voluntary Joint Committee

Committee: Council

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Issue

1. To consider, before the publication of the Cambridgeshire and Peterborough Structural Changes Order (SCO), a proposal to establish voluntary Joint Committees with the Councils in Cambridgeshire and Peterborough to oversee transitional and implementation activity ahead of vesting day for the new Shadow Authorities. These committees will then become the statutory joint committee for the new unitary.

Recommendations

2. Council is recommended to:
 - (a) Approve the establishment of a voluntary Joint Committee for each Unitary Authority area, which will then become the statutory joint committee for the new unitary set out in the Structural Changes Order.
 - (b) Delegate authority to the Monitoring Officer, in consultation with the Leader of Council, to:
 - (i) Approve the agreed Terms of Reference of the voluntary Joint Committee prior to the Structural Changes Order being made; and
 - (ii) Approve any amendments to the Terms of Reference required to ensure consistency with the Structural Changes Order once made by the Secretary of State.
 - (c) Authorise the Monitoring Officer to make changes to the Council's Constitution to effect (b)(i) and (ii) above.
 - (d) Delegate authority to the Director Operations, in consultation with the Leader of Council, to appoint members as the Council's representatives to the voluntary and statutory Joint Committees in accordance with the respective Terms of Reference.

Background/Options

3. The Secretary of State for Housing, Communities and Local Government is expected to announce the Government's indicative decision on Local Government Reorganisation (LGR) in Cambridgeshire and Peterborough shortly.
4. The Secretary of State has indicated that a Structural Changes Order (SCO) will then be laid before Parliament. The Ministry of Housing, Communities and Local Government (MHCLG) is currently discussing the proposed SCO with the constituent councils, who will continue to work collaboratively with MHCLG on the process of transition to the new authorities. The SCO will set out the arrangements for the transfer of the functions, property, assets, rights, liabilities and investments of the constituent councils to the unitary councils, while also setting out the governance arrangements for the transitional period until vesting day for the unitary councils on 1 April 2028.
5. Prior to the making of the SCO, there are a number of actions and decisions that will need to be taken by the Councils before the establishment of the Shadow Authorities, in order to provide collaborative oversight of the transition and implementation.
6. The establishment of joint committees, based on the local government arrangements currently in place across the footprints of the new unitary authorities, will provide collaborative democratic oversight and transparency for such actions and decisions. Such actions and decisions could include providing direction and oversight to the Officer Implementation Team and developing proposals for consideration by the Shadow Authority.

Arguments/Conclusions

7. The proposed joint committees will provide a formal governance mechanism to:
 - Coordinate work across the councils;
 - Oversee and steer the development of an implementation plan;
 - Support effective decision-making during the transition to new unitary authorities.
8. At this stage, the joint committees will operate on a voluntary basis, exercising only those functions delegated to them by the Councils. Once the SCO is made, the role and powers of the joint committees may be placed on a statutory footing or replaced by shadow authorities or other implementation bodies, in line with the SCO.
9. Terms of Reference are being developed jointly across the Councils, drawn on statutory requirements, Government guidance and learning from other areas that have already undertaken the earlier stages of LGR.
10. The Terms of Reference of the joint committees will set out:
 - Purpose and scope;
 - Functions and responsibilities;

- Membership, substitution and appointment arrangements;
- Chairing arrangements;
- Meeting arrangements;
- Decision-making arrangements;
- Sub-committee arrangements;
- Administration arrangements; and
- Arrangements for review and amendment.

11. The joint committees will not:

- Set budgets or council tax;
- Exercise planning, licensing, regulatory or quasi-judicial functions;
- Fetter the sovereign decision-making powers of individual councils, except where lawfully delegated.

12. Decisions of the joint committees will be made in accordance with the Terms of Reference and relevant delegations, with each Council retaining responsibility for its own governance, scrutiny and accountability arrangements. Further proposals on scrutiny and transparency arrangements may be brought forward once the SCO is published and the governance framework for the shadow authorities becomes clearer.

13. The joint committees will not have separate legal personalities or independent budgets. Costs associated with their operation will be managed in accordance with agreed officer arrangements and reported to constituent councils as appropriate. Day-to-day administrative support will be provided through officer collaboration across the councils.

14. Subject to the approval of their establishment and Terms of Reference by all Councils, this Council is required to appoint Members to each joint committee. The number of members is still to be agreed as part of the Terms of Reference.

Additional Implications Assessment

15.

Financial Implications No	Legal Implications Identified in the body of the report	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) Not required	Carbon Impact Assessment (CIA) Not required	Data Protection Impact Assessment (DPIA) Not required

Appendices

None.

Background documents

None.