



**JOINT COMMITTEE
15 January 2014**

Subject Heading:

Delegations to Joint Committee

Report Author and contact details:

Helen Edwards, Director of Legal & Governance, Tel: 02033739236

Helen.edwards@newham.gov.uk

Financial summary:

There are no specific financial implications involved in agreeing the executive delegations to the Joint Committee

Is this a Key Decision?

No

SUMMARY

This report sets out the proposed delegations that the London Boroughs of Newham and Havering intend to delegate to the Joint Committee and the shared service management board.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- 1) consider and comments upon the proposed delegations;

Joint Committee, 15 January 2014

- 2) recommend them for approval by each Council through its own processes;
- 3) note that the approval process for the London Borough of Havering will be consideration by the Governance Committee which will make a recommendation to Council, and that for the London Borough of Newham the Mayor will amend his scheme of delegations and report this to the next ordinary meeting of Council;
- 4) agree, (subject to the proposed delegations being approved), to delegate certain functions to the Managing Director and Directors as shown in Appendix 1; and
- 5) note that the Chief Executives of the two Councils will separately enter into an agreement under s113 of the Local Government Act 1972 to place the officers within the shared services functions at each others disposal, for the purpose of carrying out any non-executive functions which is it necessary for them to fulfil to enable the efficient operation of the shared service.

REPORT DETAIL

The Councils have agreed to establish a shared service to provide certain support services, detailed in the business case approved by each Councils Cabinet in November 2013. The Councils agreed that the shared services would be provided through a Joint Committee arrangement under delegated authority from each Council. The proposed delegations are set out in Appendix 1, table 1 in respect of the London Borough of Havering, and Table 2 in respect of the London Borough of Newham.

In order to facilitate the effective and efficient conduct of the shared services, it is recommended that the Joint Committee delegates certain functions and responsibilities to the Managing Director and management board of the shared service, who may in turn, where they consider it necessary to do so, delegate further to officers within their respective service directorates, subject to maintaining a written schedule of such delegations.

REASONS AND OPTIONS

Reasons for the decision:

S101(5) of the Local Government Act 1972 allows two or more authorities to arrange for the discharge of functions by Joint Committees. The London Boroughs of Newham and Havering have decided to establish this Joint Committee to

Joint Committee, 15 January 2014

exercise some of its executive functions. All executive functions for the London Borough of Havering are vested in the Leader and Cabinet, and for the London Borough of Newham in the directly elected Mayor. To enable the Joint Committee to exercise executive functions on behalf of both Councils, it is necessary for the relevant executive functions to be delegated to it, and to the management board of the shared service.

Other options considered:

Different functions could have been delegated to the Joint Committee, but alternatives have been rejected, as it is considered that the proposed delegations will allow the Joint Committee maximum flexibility to deliver the anticipated benefits of the shared service.

IMPLICATIONS AND RISKS

Financial implications and risks:

The financial implications and risks of the establishment of the shared service between the two councils are detailed in the reports to the respective Cabinet meetings (Havering, 20.11.13; Newham 21.11.13) and are not repeated here. There are no additional financial implications or risks that are specific to the agreement of the delegations to the Joint Committee.

Legal implications and risks:

The legal implications and risks of establishing a shared service between the two councils are set out in the respective cabinet reports referred to above. To allow the shared service to operate effectively, it is necessary for each of the Councils to delegate the executive functions that it intends to deliver through the shared service, to the Joint Committee, so that it, in turn, may delegate certain of those functions to officers to allow the effective day to day operation of the shared service. If functions were not delegated to the Joint Committee, the Leader of Havering and his Cabinet, and the Mayor of Newham and his Cabinet, would need to retain detailed involvement in the decisions necessary to operate the shared services, which would prevent it operating effectively and achieving expected outcomes.

Human Resources implications and risks:

There are no specific implications or risks involved in the delegation of functions.

Equalities implications and risks:

Joint Committee, 15 January 2014

An Equality Analysis was undertaken in the preparation of the Business Case prior to consideration of the establishment of the Joint Committee by the Cabinets of each Council. It is not considered necessary for a further analysis to be carried out in respect of the delegation of functions, as all relevant issues have already been considered previously.

BACKGROUND PAPERS

Reports to Cabinet meetings dated 20.11.13 for the London Borough of Havering, and 21.11.13 for the London Borough of Newham.