

Division(s): N/A

COUNCIL - 11 SEPTEMBER 2018
JOINT WORKING ARRANGEMENTS BETWEEN
OXFORDSHIRE COUNTY COUNCIL & CHERWELL DISTRICT COUNCIL:
GOVERNANCE ARRANGEMENTS

Report by Director of Law & Governance

Introduction

1. Cabinet agreed on 4 June 2018 to enter into a joint working arrangement with Cherwell District Council. These arrangements are governed by a formal "Section 113 Agreement".
2. Section 113 of the Local Government Act 1972 enables local authorities to enter into agreements with one another for the placing at the disposal of each other their respective officers for carrying out their respective functions. The Section 113 Agreement establishes a structure to enable proposals for joint working to be approved with the necessary Member oversight.
3. The Section 113 Agreement envisages that the two Councils will establish "such joint committees to facilitate joint appointments working as agreed by the two councils".
4. It is proposed that two such Joint Committees are established as follows:
 - a. Joint Personnel Committee – to take decisions on certain staffing matters arising from and necessary for implementing, the shared service approach
 - b. Joint Appeals Committee – to hear and determine staffing appeals arising from the shared service proposals
5. Draft terms of reference for both these bodies are included at Annex 1. This report therefore asks Full Council to establish these two committees and to:
 - a. Delegate to the Audit and Governance Committee (meeting on 12 September) to approve the final terms of reference of the established Joint Personnel Committee and Joint Appeals Committee; and
 - b. Ask the Monitoring Officer to use his delegated authority to appoint members to the Committee in accordance with the rules on political proportionality and with the wishes of Group Leaders.

The Joint Committees – in practice: status and purpose

6. The Joint Committees would be formal Committees of the Council under Local Government legislation. As such, they would be subject to the rules on political

proportionality, to the normal legal and constitutional rules on access to information and would carry out a mix of executive and non-executive functions.

7. In practice, the Joint Committees would operate where proposals for shared working are approved by each Council's Executive. The Agreement provides for a Partnership Working Group (an informal group) of both councils to explore the creation of a shared management team and possible areas of shared services and to recommend these to each authority. Once each authority has approved such proposals, it would then be for the Joint Personnel Committee to determine the staffing implications of each shared service proposal, to put these into effect. (The proposed main functions are shown in Annex 1).
8. The Joint Appeals Committee would then operate, as required, to consider any appeals from senior officers with regards to personnel decisions taken to implement and monitor shared service proposals by the Joint Personnel Committee, or any officers acting under delegated powers. (The proposed main functions are shown in Annex 1).
9. It is proposed that Council delegates to Audit and Governance Committee the decision to approve the final Terms of Reference of both Joint Committees. As part of its Constitutional remit, the Audit and Governance Committee will also be considering other governance protocols, including an 'ethical walls' arrangement to regulate any instances where there may otherwise be potential conflicts of interest for officers (or indeed dual hatted members) of either authority who may be working/deciding on services/projects for the other.

Membership of the Joint Committees

10. It is proposed that the membership of the committees would be as follows:
 - a. Joint Personnel Committee – 10 councillors, 5 from each authority (Cherwell DC and this Council) with 5 named substitutes from each authority.
 - b. Joint Appeals Committee – 6 councillors, 3 from each authority.
11. It is proposed that Council asks the Director of Law and Governance to exercise his delegated authority under the Constitution to give effect to the wishes of political groups and thereby formally to appoint members to the respective Joint Committees.

Financial and legal implications

12. While it is likely that these Joint Committees would be serviced by Oxfordshire County Council's Democratic Services officers, it is not envisaged that the establishment of these Joint Committees would have any significant, additional financial implications either in terms of running costs or any implications for special responsibility allowances.
13. The Joint Committees would be established under Section 101(5) of the Local Government Act 1972 and in accordance with The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

RECOMMENDATION

14. Council is **RECOMMENDED** to:

- (a) establish a Joint Personnel Committee and a Joint Appeals Committee;
- (b) delegate to the Audit and Governance Committee the decision to approve the final Terms of Reference of both of the Joint Committees;
- (c) ask the Director of Law and Governance to exercise his delegated authority to give effect to the wishes of Group Leaders and to make appointments to these Joint Committees; and
- (d) ask the Monitoring Officer to exercise his delegated authority to make the necessary and consequential changes to the Constitution to reflect these decisions.

NICK GRAHAM

Director of Law & Governance and Monitoring Officer

September 2018

Background paper: Section 113 Agreement between Cherwell District Council and Oxfordshire County Council