

SUBJECT:	Joint Working - Appointment of a Joint Overview and Scrutiny Committee
REPORT OF:	Chief Executive Bob Smith
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services
WARD/S AFFECTED	None

1. Purpose of Report

To agree the recommendation from the Chiltern and South Bucks Joint Committee and Governance and Electoral Arrangements Committee that a new joint committee be established with responsibility for discharging overview and scrutiny functions in relation to the functions delegated to the Joint Committee. For the avoidance of doubt the recommendations below will not affect the existing overview and scrutiny arrangements in place for items which are not delegated to the Joint Committee.

RECOMMENDATION

Subject to Chiltern District Council approving the same recommendations at their meeting on 15 May,

- 1. That pursuant to section 102 of the Local Government Act 1972 the Councils agree to appoint a Joint Overview and Scrutiny Committee with authority to discharge the Councils' overview and scrutiny functions in relation to the functions delegated to the Chiltern and South Bucks Joint Committee as set out in the terms of reference at Appendix 1 to this report**
- 2. That the rules of procedure for the Joint Overview and Scrutiny Committee be agreed as set out in Appendix 2**
- 3. The Council's constitution and respective Cabinet Procedure, Access to Information and Overview and Scrutiny Procedures Rules be amended to reflect the new Joint Committee**
- 4. That the Head of Legal and Democratic Services be authorised to make the necessary amendments to the IAA to reflect the above decisions in consultation with the Chief Executive and respective Cabinet Leaders**

2. Reasons for Recommendation

To ensure the overview and scrutiny function in relation to the next phase of joint working arrangements remains efficient and effective.

3. Content of Report

- 3.1 The Joint Committee (JC) was set up under the Inter-Authority Agreement in January 2012. Its terms of reference were amended in 2015 to include responsibility for making decisions and recommendations in relation to the Chiltern and South Bucks Joint Local Plan. Now that Phase 2 of joint arrangements is complete the JC is tasked with establishing and monitoring performance indicators for the arrangements, as well as taking forward Phase 3 Stronger in Partnership including the Customer Experience Strategy and progressing the joint Local Plan. It is therefore appropriate to review and update the Councils' overview and scrutiny functions in relation to those items delegated to the JC e.g. joint working arrangements moving forward.
- 3.2 All local authorities with executive (cabinet) arrangements must have at least 1 overview and scrutiny committee with power to review cabinet decisions and make recommendations on the discharge of cabinet functions. Where certain cabinet functions are delegated to a joint committee of both Councils (as it the case at Chiltern and South Bucks), the responsibility for discharging overview and scrutiny functions in respect of these arrangements can become unclear and fragmented. There is, for example, potential for the same JC decision or function to be reviewed by 2 separate overview committees, making different comments and recommendations and reporting back to their respective Councils.
- 3.3 A solution adopted by other authorities implementing shared services, and recommended to Full Council by the JC and Governance and Electoral Arrangements Committee, is to appoint a joint overview and scrutiny committee. This joint committee would have specific authority to scrutinise and make recommendations only on those decisions taken, and functions discharged, by the JC. All the other functions discharged by the respective Cabinets at each Council would continue to be scrutinised under each Council's existing overview and scrutiny arrangements.
- 3.4 Proposed terms of reference the proposed joint overview and scrutiny committee are attached at Appendix 1. The size of the committee is matter of discretion and this has been considered by Governance and Electoral Arrangements Committee. The Committee agreed that 5 members from each Council was appropriate and recommended that the quorum was 4 with a minimum of 2 members from each Council. The joint overview and scrutiny committee cannot include members of the cabinet and political balance rules apply. It is proposed that co-Chairman be appointed and that chairmanship and meeting venues will alternate.

3.5 The procedural rules under which a joint overview and scrutiny committee works also need to be agreed and consequential amendments made to the current procedural rules at both Councils. Proposed rules of procedure are therefore attached at Appendix 2 for approval. These are based on the rules which apply to the existing overview and scrutiny committee but incorporate provisions necessary to reflect the joint arrangements.

4. Consultation

4.1 The JC considered this matter on 24 July 2017, and made the above recommendations to the respective Full Council meetings, subject to the consideration and comments of both Councils' Governance and Electoral Arrangements Committees, as the proposal requires amendments to both Constitutions.

4.2 The Governance and Electoral Arrangements Committee at Chiltern District Council considered and agreed the recommendations at their meeting on 6 September 2017, subject to agreement by the respective Committee at South Bucks District Council. The recommendations were considered by the Governance and Electoral Arrangements Committee at South Bucks District Council on 7 March 2018, and agreed subject to the joint committee comprising 5 members from each Council and a quorum of 4 with a minimum of 2 members from each Council. This is reflected in the proposed terms of reference at Appendix 1.

5. Corporate Implications

Financial – There are no financial implications arising directly from this report

Legal – As set out in the report

Risks issues – None specific

Equalities - None specific

6. Links to Council Policy Objectives

There are no direct links to the policy objectives. But an efficient and effective decision-making process accords with best practice and good governance generally.

7. Next Steps

If both Councils agree to establish the new joint committee member appointments can be made to it and the respective Constitutions amended as necessary.

Background Papers:	None except those referred to in the report
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