

SUBJECT:	Joint Working - Appointment of a Joint Overview and Scrutiny Committee in relation to oversee the work of Chiltern and South Bucks Joint 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 invite comments on a recommendation from Chiltern and South Bucks Joint 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 not delegated to the Joint Committee.

RECOMMENDATION

The Committee is invited to reconsider and make comments on the following recommendation from Chiltern and South Bucks Joint Committee:

Subject to receiving and considering comments from the Councils' respective Governance and Electoral Arrangements Committees and the agreement of both Councils:

- 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 Councils' constitutions 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 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. These are attached at Appendix 1. Now that Phase 2 of joint arrangements is nearing completion 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 consider how the Councils' overview and scrutiny functions are discharged in relation to those items delegated to the Joint Committee 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 for the shared service arrangements 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 JC function to be reviewed by 2 separate committees, making different comments and recommendations and reporting back to their respective Councils.
- 3.3 One solution which has been adopted by other authorities implementing shared services is to appoint a joint overview and scrutiny committee with specific authority to scrutinise and make recommendations on decisions taken, and functions discharged, by the Joint Committee only. All the other functions currently discharged by the respective Cabinets at each Council would continue to be scrutinised under existing overview and scrutiny arrangements. Draft terms of reference for such a joint scrutiny committee are attached at Appendix 2. The size of the committee is matter of discretion but it is suggested that 5 members from each Council is appropriate with a quorum of 2 members from each Council. The 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.

3.4 The procedural rules under which a Joint Overview and Scrutiny Committee works will also need to be agreed and consequential amendments made to the current procedural rules at both Councils. Draft rules of procedure are therefore also attached at Appendix 3 for consideration. These are based on the rules which apply to the existing overview and scrutiny committees but incorporate provisions necessary to reflect the joint arrangements.

4. Consultation

The Joint Committee considered this report at its meeting held on 24 July 2017, and recommended that the recommendations above be agreed by the respective Full Council meetings, subject to the consideration and comments of both Councils' Governance & Electoral Arrangements Committees.

The Governance and Electoral Arrangements Committees at both Councils are being consulted on this proposal because of the necessary amendments to both Constitutions.

The Governance & Electoral Arrangements Committee held on 6 September 2017 at Chiltern District Council agreed the above recommendations, subject to agreement by the respective Committee at South Bucks District Council. The report was deferred by the Governance & Electoral Arrangements Committee meeting held on 27 September 2017 at South Bucks District Council.

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

Comments from both Governance and Electoral Arrangements Committees will be taken account when taking the recommendation to the respective Full Councils for final approval.

Background Papers:	None except those referred to in the report
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