



South Bucks
District Council



Wycombe, Chiltern and South Bucks District Councils Joint Cabinet Meeting Agenda

Wednesday 23 March 2011

8.00 p.m.

Council Chamber, Wycombe District Council, Queen Victoria Road,
High Wycombe, Bucks. HP11 1BB

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AGENDA

1. APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declaration of personal or personal and prejudicial interest by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, whether personal or personal and prejudicial, then (subject to paragraph 14 of the Code of Conduct) they should state the nature of that interest whether or not they leave the meeting.

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SUBJECT:	Proposal for Shared Arrangements
REPORT OF:	Leaders of Chiltern, South Bucks and Wycombe District Councils

1. Purpose of Report

- 1.1 To propose the adoption of a Statement of Intent setting out our intention to share a single Chief Executive and Senior Management Team to serve Chiltern, South Bucks and Wycombe District Councils.
- 1.2 Recommendation to Cabinets and Councils :
- The Cabinets are asked to recommend to the three Councils :
- (a) that the Statement of Intent as set out in Appendix 1 be agreed,
 - (b) that the setting up of a Joint Member Working Group be agreed as soon as practicable after the May elections to oversee the development of a detailed Business Case and Inter Authority Agreement for all three Councils,
 - (c) that an initial budget be provided as necessary up to a total of £10,000 shared between the councils on the basis of population as set out in para 8.1 of this report , to undertake initial legal and HR work and provide any initial advice on the setting up of a single team.

2. Corporate Implications

- 2.1 This initiative aims to deliver savings through sharing and to open up opportunities for further savings in the future, whilst maintaining the sovereignty and independence of the three District Councils.
- 2.2 The Councils have a duty under section 4 of the Local Government and Housing Act 1989 to employ a Head of Paid Service.
- Provision enabling the joint discharge of the Council's functions by local authorities is made under Section 101, sub-section 5 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended).
- Significant savings should result from the appointment of a single Chief Executive and Management Team but expenditure will be required to achieve the savings as outlined in this report.

3. Detail

- 3.1 The Leaders of the three southern Districts in Buckinghamshire have been discussing the possibilities for closer co-operation for some time and we are united in the view that such co-operation is not just possible but essential. It makes no sense for three councils to be located so close to each other without a very serious examination of the possibility of sharing Senior Management Teams and looking at a closer integration of services, but on a service by service basis.

Our discussions have led to this proposal which would see the current three Chief Executive posts, five Director posts and nineteen Heads of Service posts merged to form a single Management Team under one Chief Executive.

- 3.2 This shared team would be aimed at delivering financial savings for the three Councils but should not of course stop there. The commitment would extend to asking the new shared Management Team to then look at the possibilities for joining together service provision, rationalisation of assets including offices and an examination of the opportunities for smarter purchasing or procurement. Apart from the delivery of immediate savings, the arrangements would also open up the potential for further economies together with maintaining front line resilience, the option to share specialist teams and to actually positively improve services to the public by adopting best practice and learning from others.
- 3.3 However, perhaps the most crucial caveat is that the independence of the Councils would be maintained with the councillors in each of the authorities setting policy, service standards and monitoring delivery just as now. Thus the individuality of service provision in each area could also be maintained or even improved where it is of benefit to residents.

Thus there would be three key principles:

- (a) Preserving the sovereignty and independent identity of each council
- (b) Retaining councillor independence and leadership in each council
- (c) Retaining accountability both to councillors and externally to our residents for each council.

- 3.4 The national context is also important. The Councils have just suffered a severe grant settlement with up to a 30% reduction over 2011/12 and 2012/13 but must also all consider the final two years of the four year settlement, that is 2013/14 and 2014/15. Whilst the Government has said overall grant loss to councils is to be front loaded in the first two years, there is a growing view that the final two years of the settlement period will be severe as well.

If this is the case, whilst the finances of the three Councils are sound and we have all put in place the necessary savings and additional income to meet the cuts identified so far without a substantial effect on frontline services, such a situation cannot continue indefinitely and further major losses of grant may well impact on the frontline. If this can be minimised or even avoided altogether by making savings through sharing with similar councils then that must be good for residents as taxpayers and for those who receive our services.

- 3.5 The Government is encouraging councils to look at joining up and this has already happened with many pairs of District Councils getting together in various ways. Examples include the first of Adur and Worthing from 2006 but there are many others including South Oxfordshire/Vale of White Horse, Cherwell/South Northamptonshire etc. However, thus far no example exists of three councils getting together although Westminster City, Kensington & Chelsea and Hammersmith & Fulham Councils in London are currently discussing a closer working.
- 3.6 Finally, it is important that this is not seen as either a merger of the three Councils - they will retain their independent identity - or a move towards the creation of a unitary southern Buckinghamshire. The unitary question is one that must be decided by Government and this Coalition Government has made clear that they are committed in the foreseeable future to three tier working.

4. Statement of Intent and Timescales

- 4.1 The proposed Statement of Intent is attached as Appendix 1 to this report and sets out the principles behind the proposal. The Statement does exactly what it says on the tin in the sense that it is a political commitment but not a legal commitment, that comes later after the District elections.

It is important to also accept the need to make this arrangement work once all three Councils agree the Statement of Intent, and there are a series of commitments within it which attempt to broadly codify the basis on which we should move forward.

- 4.2 In terms of the timescale for these arrangements, the timescale envisages agreement for all three Councils by mid April and then subsequent to the elections, agreement to a legally based arrangement together with the appointment of executive search capacity to recruit the new Chief Executive. Depending on whether that individual comes from within the three Councils or is an external appointment, we anticipate the commencement of the new postholder sometime between October 2011 and January 2012.

5. The Business Case and Risk Analysis

- 5.1 An outline Business Case incorporating a risk analysis has been devised and is attached as Appendix 2 to this report.

The Business Case is not detailed and will have to be refined and expanded at a later date including looking at possible alternatives, but it does give a broad indication of the sort of immediate savings which can be expected and also points out the potential one off costs in terms of redundancies which might have to be paid before savings are delivered. Thus an illustrative payback period of between 1.5 and 3 + years can be envisaged.

- 5.2 A very important part of the Business Case is the risk analysis and the Councils need to consider the risks carefully. It must be recognised that so far no other three councils have undertaken similar arrangements and so there is no direct template to which we can work. Many pairs of councils have successfully joined in a variety of ways, all maintaining their individual sovereignty, and the lessons from those councils could be very useful and need to be taken into consideration.

There is also the complication of the elections which adds in a further degree of political uncertainty, particularly when viewed across three differing organisations. There is also the question of motivation, morale and impetus and there is a possibility that these key elements might experience at least a temporary downturn in the Councils until the new shared Chief Executive is appointed.

On the other hand, there are also substantial risks with doing nothing - quite apart from the potential impact on frontline services in the future there is also a growing perception from the public nationally that councils should be joining up and seeking as many efficiencies as they can.

6. Governance Arrangements and Funding

- 6.1 With the risks already outlined and the relatively complex nature of what we are proposing, at least until the shared Management Team is in post when the strategic running of the three Councils can be handed over to them, there will be a need for

robust and transparent governance arrangement which are seen to produce a partnership of equals rather than an arrangement which favours any particular council or group of interests, whatever their size.

At Appendix 3 are the proposed Terms of Reference for a Joint Working Group to be formed of councillors from the three Councils (four councillors from each, politically proportional). That Working Group is envisaged as reporting to the three Leaders who in turn will ensure that their Councils are kept updated and are invited to make any necessary decisions. The Working Group will operate until the new legal agreement, the Inter Authority Agreement, is finalised at which point the governance arrangements will need to be reconsidered. It might be that the Working Group continues or that more formal arrangements perhaps involving the Cabinets from each of the three Councils are put together.

- 6.2 In relation to funding, it is suggested that the costs incurred during this interim period before a formal legal agreement is reached post election, are shared according to the populations of the three Councils. Part of the Inter Authority Agreement will be to put in place a more permanent, long term arrangement for sharing the costs of the Chief Executive and Management Team and the costs of recruitment etc. That needs to be considered post May.

7. Communication with Staff

- 7.1 The three Chief Executives have held meetings with staff who might be directly affected by these proposals and also with the remainder of staff who will not be directly affected by the suggestion for a shared Chief Executive and Senior Management Team. They have also met separately with the various Staff Side and Union representatives.

Any staff views and comments will be reported and it is hoped that these will be available for the Special Joint Cabinet meeting but if not, they will be made available to the Council meetings. Further consultation will need to be undertaken in advance of relevant future decisions with staff directly affected as appropriate in line with local and statutory requirements.

It is important that the Councils take full note of any concerns that the staff may have before making a decision and that communication arrangements continue to be operated to ensure that our employees are fully informed and encouraged to submit their comments and concerns.

8. Finance and Other Resource Implications

- 8.1 Whilst the long term potential implications of these proposals are profound, they are also difficult to estimate beyond the Outline Business Case. However, there is likely to be the need in the short term to provide a small amount of funding for the Working Group to operate and where necessary, to obtain independent initial HR and legal advice. In accordance with the Statement of Intent this would be shared proportional to population. It is suggested that an initial budget of £10,000 be provided as it is felt this should be sufficient, but with any additional sums being brought back to the Councils for decision if needed.

This would be divided according to population as follows :

CDC	28.48%	Population	92,653	Cost	£ 2848
SBDC	20.84%	Population	67,800	Cost	£ 2084
WDC	50.68 %	Population	164,857	Cost	£ 5068
Total	100%		325,310		£ 10,000

9. Recommendations

9.1 The Cabinets are asked to recommend to the three Councils that :

- (d) the Statement of Intent as set out in Appendix 1 be agreed,
- (e) that the setting up of a Joint Member Working Group be agreed as soon as practicable after the May elections to oversee the development of a detailed Business Case and Inter Authority Agreement for all three Councils.
- (f) that an initial budget be provided as necessary up to a total of £10,000 shared between the councils on the basis of population as set out in para 8.1 of this report, to undertake initial legal and HR work and advice on the setting up of single teams.

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Background Papers:	

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Appendix 1

BUCKINGHAMSHIRE SOUTHERN DISTRICTS - STATEMENT OF INTENT

What is it ?

A joint statement by Chiltern, South Bucks and Wycombe District Councils setting out their intention to share a single Chief Executive and a single Senior Management team to serve the three authorities.

The three Councils also intend to then examine the opportunities for further savings by the joining together of services, officer teams and offices.

Why is it Needed ?

All three Councils agree that they should take the current opportunity of a retirement at Chief Executive level to bring together their senior management into one team, thus saving money for local taxpayers and generating possibilities for further savings.

The three Councils are used to working together successfully on projects such as the shared paper sort facility, and are keen to operate as efficiently and cost-effectively as possible. They also have broadly similar characteristics and needs and are geographically close.

They see opportunities for :

- further medium to long term economies beyond the immediate savings
- maintaining front line resilience
- better services to the public, especially sharing specialist teams
- opportunities to rationalise office space and assets
- opportunities for smarter purchasing

Experience from other areas suggests that bringing together the post of Chief Executive and the creation of one Senior Management Team is an effective catalyst to a closer integration of services and their delivery, with consequent additional savings and efficiencies. It is also noted that in other areas indirect efficiencies have followed with other public services and the voluntary/community sector considering whether to mirror the council changes.

The Principles

The new arrangement would be based on the key principles of :

1. preserving the sovereignty and identity of each Council,
2. retention of councillor independence and leadership in each Council,
3. retaining accountability to councillors and residents for each Council.

These key principles will be delivered by :

- separate policy and decision making and independent policy advice for each Council,
- each Council of equal importance to the others,
- leadership will come from the political leaders in the three Councils,
- regular and coordinated communication with residents, councillors, staff, unions and other stakeholders,

- value for money and competitive processes must be capable of being demonstrated with decisions based on robust business cases,

Timescale

The aim is for all three Councils to approve this Statement of Intent by April 2011 and also to agree the principle that a shared Chief Executive will be appointed after the District Council elections in May 2011.

The new Chief Executive will then be tasked with appointing their senior management team as soon as possible.

Following these appointments the Chief Executive and new senior team will then be asked to examine the front line services and back office functions of the three Councils with the aim of achieving further efficiency savings by consolidation where possible and appropriate. This is to include examining the potential for shared services and shared buildings.

What Commitments are given by the parties ?

The three councils undertake :

- to work together in good faith and to act reasonably.
- to provide information to each other as needed.
- to identify issues and problems early and to seek solutions.
- to attempt actively to resolve any political difficulties.
- to keep all councillors, residents, staff and others informed.

In the event of a disagreement which cannot be resolved, it will be open to any or all of the parties to withdraw from this arrangement giving as much notice as possible but being required to meet any abortive costs which reasonably fall to them. It will then be open to any remaining parties to continue with the arrangement if they wish to do so.

These provisions apply only during the lifetime of this Statement of Intent. It will be superseded by a formal Inter Authority Agreement later in 2011.

Cost Sharing

Costs of the process arising from this Statement of Intent will be shared according to population size.

Costs of the shared arrangements themselves will be subject to further detailed discussion and incorporation in an Inter Authority Agreement which will replace the Statement of Intent and will be legally binding.

Risk and Governance

Risks are explored in detail in the initial Business Case and will need to be fully taken into account in the decision-making process.

Governance arrangements are crucial and need to be agreed at an early stage. They are examined separately but are based on the assumption that each of the three councils will wish to be involved in every decision.

14/3/2011 v7

Appendix 2

OUTLINE BUSINESS CASE FOR SHARED MANAGEMENT: SOUTHERN BUCKS DISTRICT COUNCILS

1.0 INTRODUCTION AND BACKGROUND

1.0 The financial outlook for the public sector, including local government has in recent weeks been made clear by the coalition government. With a target of around 30% savings to be made over financial years 2011/12 and 2012/13, the challenge facing local government is major. As in most local authorities across the country, the three southern Bucks District Councils of South Bucks, Wycombe and Chiltern have been modelling worst case scenarios over the last few months and have now put these into budget plans following agreement by full councils in February. The objectives of all three have been to make the necessary savings to set a legal budget and keep Council Tax to a 0% increase for 2011/12, while maintaining front line services to council taxpayers as far as possible, particularly the vulnerable.

1.1 While plans for the next 2 years are becoming clearer, the likely settlement for 2013/14 and 2014/15 is completely unknown.. We need to plan for the possibility that that settlement is as severe as the next 2 years. A Local Government Finance Review is due to be undertaken this summer however for the present we need to work on the general assumption that our grant is likely to reduce over time and we will need to become ever more innovative in what services we provide, and how, all at lower cost.

1.2 There is already extensive partnership work across the 3 authorities which has been developed over a number of years. Examples include:-

- Paper sort
- Joint waste collection contract between Chiltern/Wycombe
- Plans for joint Building Control Wycombe/Chiltern
- Joint Legal service between South Bucks/Chiltern

1.3 The Leaders of the three southern districts have been meeting since last October to consider how this partnership between the authorities could be moved on further to maintain services as far as possible while saving cost. The Leaders wish to pursue the approach of Shared Management Teams and have requested the three CExs to develop a Statement of Intent and Outline Business Case. Leaders have had discussions with their respective Cabinets and Groups, who have been supportive of the principle.

1.4 Shared Cexs and Management Teams are being trialled or have been adopted in a number of authorities across the country. It was begun by Adur and Worthing adopting a joint CEx and management team in 2006. There are now around 16 pairs of authorities preparing to take the step of sharing CExs/management teams and it is acknowledged that motivations are primarily financial. A number of lessons are emerging from these partnerships including:-

- Financial savings is a key objective
- Political leadership is crucial to the success of the shared arrangement
- Agreeing as a partnership of equals with democratic sovereignty maintained and not a takeover by one authority of another
- The expected scope of the arrangement needs to be defined and agreed from the outset
- Communication with staff, Members, partner organisations and the public is essential
- A trigger for the sharing is often the retirement/departure of a CEX
- There is a need to invest in capacity to implement. Some authorities have established a transformation team to achieve integration effectively.
- The impact of transformational change is not to be under estimated

1.5 To date there are no other shared arrangements between 3 authorities and feedback indicates that three is a stretching initiative. The proposed arrangements would produce a combined population of 325,000 across the three authorities.

2.0 OPTIONS

Options to sharing management include:-

- Sharing CEXs only- this hampers the chance of making synergies across services through shared operational management
- Developing closer partnership working only-this misses the opportunity of saving cost and achieving synergy at senior management level
- No change - this is not considered an option given the financial challenges on local government
- Full merger of all 3 councils- this is not an option Leaders wish to pursue as they want to retain individual sovereignty of each organisation
- Work towards shared management team over next 2 years, taking advantage of natural wastage - cheaper option insofar as it avoids redundancy.

These points are further examined in the Risk Analysis below which is indicative as further work will need to be done on this aspect .:

3.0 RISK ANALYSIS

Key risks include:

Risk Identified	Impact	Probability	Approach to Mitigation & Management
Setting up shared Chief Exec/Mgmt team arrangements distracts senior staff from current essential transformation work to achieve savings.	H	H	Establish clear timescale for planning and implementation to ensure it works for all 3 authorities.

Risk Identified	Impact	Probability	Approach to Mitigation & Management
Reduction and sharing of senior management will require more strategic and less operational focus across all three authorities.	H	H	Experience shows this may require re-structuring throughout all levels of the organizations in order to establish new teams.
Senior officer pressure of managing three organizations.	H	H	Strong member support of officers going through change and recognition of need for changed ways of working between leaders/shared chief exec and members/shared management team.
Recognition of one chief executive and management team for three Councils	H	H	There will be efficiencies through the shared services agenda but in essence there are three organizations for the chief executive and management team to run. Members will need to recognize that the chief executive cannot be in three places at once and will need to prioritize. Appropriate deputizing arrangements will need to be made.
A reluctance by some of the shared management arrangements.	H	M	Communication that this option will achieve more efficient and better services, without duplication of effort. However this should be managed in a phased approach linked to the shared services agenda and clarity that all parts of all three organizations will be involved.
Doing nothing	M	L	Changes in future local government policies at a national or regional level and future savings requirements could enforce shared practices. "Choose to be ahead of the game".
Perceptions of losing control and of a "takeover" not a "merger".	M	H	Sovereignty of Councils will remain and Councils will take their own decisions. Clear ongoing communications plan to continue to clarify this.
Trust breakdown between Authorities	H	M	Strong communications in place and successes are seen. Shared Chief Executive needs to build strong relationships with all three leaders very quickly.
Unequal costs/savings incurred by different authorities.	M	L	Sufficient and robust financial arrangements are needed to ensure each Council benefits from the arrangements.
Political activity influences decisions not based on business	H	M	Clear communications plan required and senior political commitment to

Risk Identified	Impact	Probability	Approach to Mitigation & Management
case analysis.			"win-win" business case decisions for all authorities.
Change in politics at 2011 elections	M	M	Statement of principles to be agreed before May elections. Appointment of shared Chief Exec to take place after May elections.
Risk for officers of competitive recruitment processes.	M	M	HR rules need to be explicit during recruitment and restructuring processes and streamlined across all three authorities wherever possible.
Timescale slip and savings are not made.	M	L	Clear timescales and project plan to be agreed at the outset.
Sharing Chief Exec and management team across three authorities will be a "first", with no experience or lessons learned to be gleaned from elsewhere.	H	H	Ensure the implications of actions and decisions are very fully considered at first stages. Clear ongoing communication plan. Ensure timescale is measured and not rushed.
Risk of one or more authorities pulling out of the arrangement.	H	M	Intense Leader/Cabinet/ Senior Officer involvement needed from the start of the project and throughout to build and maintain relationships and understanding and assist in negotiations.
Consultation and selection processes fall short of legal and contractual requirements risking litigation, reputational damage and financial loss. Challenges may impact timescales.	H	L	Affected staff consulted before final decisions. Process to include measures to minimise redundancies including consideration of the suitability of available posts in the new structure for existing post holders before advertising.

4.0 COSTS

4.1 Current Structure across the three councils is :

- Three CE's
- Five Directors
- Nineteen Heads of Service

Costs are :

- WDC £1.3m
- CDC £1.0m
- SBDC £0.7m
- Total £3.0m including oncosts

4.2 Possible Structure has been used for costing purposes only at this initial stage

4.3 Potential Compensation Costs are in the range of :

Worst case = £2.4m assuming all external appointments, pension strain built in, redundancies paid.

Best case = £650k assuming 13 redundancies.

Mid point of these would be a one-off cost of £1.75m

4.4 Other costs include recruitment consultancy/executive search, independent advice.

There may be other knock-on costs or savings once a new team is in place but these have not been factored in.

5.0 SAVINGS

Based on the illustrative structures used for costing purposes, the savings are likely to be in the order of £1.3m per year across all three councils, thus giving a payback period of between 1.5 and 3+ years.

6.0 COMMUNICATIONS

To be developed to identify key messages and audiences.

7.0 TIMESCALES

SBDC will have a vacancy at CE level, CDC is holding a number of senior vacancies and all three councils have heavy programmes of transformation and major projects including support services in WDC and SBDC, transfer of housing stock in WDC and HS2 in CDC. The capacity and timescales therefore need to recognise these demands.

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Appendix 3

JOINT MEMBER WORKING GROUP on SHARED ARRANGEMENTS

DRAFT TERMS OF REFERENCE

OBJECTIVES

- Oversee the development and subsequent delivery of a business case for the creation of a single senior management team (Chief Executive, Directors and Heads of Service) to serve the three districts of Chiltern, South Bucks and Wycombe and present conclusions and recommendations to the Councils both initially and on an ongoing basis.
- Understand the benefits gained and lessons learned from other similar successful and also failed attempts to integrate District Councils and present the findings to the Councils.
- Recommend a mechanism/formula for the allocation of associated costs and efficiencies across the three organisations.
- Detail the risks, dependencies and resource and policy implications to the three Councils of taking this step and recommend any mitigating actions.
- Propose a communications plan to inform elected members, staff and managers in the Councils, the media and (where and when appropriate) to residents in the three Districts.
- Subsequently, consider the next stages of delivering efficiencies through service integration, make any necessary recommendations on the future governance of that process and if requested identify suitable services and a timetable for integration and report accordingly.

MEMBERSHIP

- Four elected members from each Council, each block to be proportional to political composition of that Council.
- Substitute members to be appointed to ensure attendance where possible.

OFFICER SUPPORT

- Three Chief Executives (or Directors as substitutes)
- and other officers as and when required
- A named Administrative Support Officer

COMMUNICATION

A Communications Plan must be drawn up at a very early stage and agreed by the Leaders to ensure :

1. regular and effective communication with potentially affected staff.
2. good communication with staff in general, with unions and staff reps.

3. regular updates and involvement as appropriate with managers.
4. relevant information and communication with councillors in each Council.
5. involvement of Heads of HR, Monitoring and Legal Officers, Finance Officers as required.

QUORUM

The Working Party meetings will be considered quorate if two elected members from each Council are present.

DECISION-MAKING POWERS

Decisions on the implementation of any recommendation from the Group rest separately with each Council. The Working Group will report to the Joint Leaders of the three Councils who will monitor progress against a timetable and will be responsible for reporting as necessary to their respective Councils using information supplied by the Group.

It is anticipated that the Leaders will wish to keep their Councils informed on a frequent and regular basis as well as seeking the appropriate decisions as and when needed.

It is hoped that recommendations to the Leaders can be made with a consensus view but in the event of disagreement it is the Working Group's role to highlight the issues and differing views to the Joint Leaders as soon as possible.

BUDGETS and RISKS

The working Group has no power to commit any of the Council's financially but will be allocated a budget to allow its efficient and timely working. It will however be responsible for alerting Leaders to the costs of the project on an ongoing basis. It must prepare and maintain a risk register which accurately and sensibly reflects the risks, both collectively and where possible, for each Council and report to each meeting. However, the Group will not be seen as taking the responsibility for identifying individual risks for each of the Councils.

METHOD OF APPROACH

The Working Group must update the Joint Leaders after every meeting and at other times as required.

Meetings will alternate between the three sets of offices.

Officers will facilitate an agenda for the meetings and maintain a record of decisions and actions, together with a risks, actions and issues log which will be updated in time for each meeting.

TIMETABLE

The three Councils have agreed a timetable and it is the Working Group's responsibility to ensure that the project is delivered on time and budget and to alert the Leaders to issues and factors which may affect such delivery.