

## MEMORANDUM OF UNDERSTANDING

### Five Host Boroughs London 2012 Olympic and Paralympic Programme

#### Introduction

1. The London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest (the five boroughs) have decided to establish a joint committee to discharge executive functions on behalf of the five boroughs in so far as they relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games.

2. This Memorandum of Understanding sets out the basis for operating the joint committee and associated activities as agreed between the five boroughs. The Memorandum and the terms of reference for the joint committee (which are attached as Appendix One) will be approved by the Executive for each of the five boroughs.

#### Legal Framework

3. Section 101 (5) of the Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly and that where joint arrangements are in force in respect of any functions, those functions may be discharged through a joint committee established by the authorities.

4. Section 101 (2) of the Local Government Act 1972 provides that unless the joint arrangements specify otherwise, a joint committee can also establish a sub-committee to discharge any of its functions or delegate functions to an officer and unless the joint arrangements or joint committee specify otherwise, a sub-committee established by a joint committee may delegate functions to an officer.

5. Appointments to a joint committee are made under section 102(1)(b) of the Local Government Act 1972 and the establishment of a joint committee is governed by The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, issued under section 20 of the Local Government Act 2000. The relevant Regulations provide:

a) Regulation 11 (2A) - where a joint committee is established to discharge more than one function by the same authorities at the same time and at least one of those functions is an executive function in at least one authority, the joint arrangements may provide for one joint committee to discharge all the functions on behalf of all the authorities.

b) Regulation 11 (3A) – the decision on appointment to a joint committee should be taken by either the elected mayor, the council manager, the executive leader, the executive, a member of the executive or a committee of the executive (dependant on the detailed executive

arrangements that are being operated by the authority), where the joint committee is to discharge only executive functions on behalf of the executive of the authority.

c) Regulation 12(1) - where the executive is responsible for deciding on the appointment of Members to a joint committee, an executive Member must be appointed to the joint committee and the political balance requirements do not apply.

d) Regulation 12 - (1A(a)) where a joint committee is discharging a function in relation to five or more local authorities and the executive is responsible for deciding on the appointment of Members, both executive and non-executive Members may be appointed to the joint committee by the executive and the political balance requirements do not apply.

6. At present the law does not permit local authorities to discharge their functions through non local authority bodies or through mixed bodies. Therefore, stakeholders and other partners will be involved in the operation of the joint committee in an advisory capacity.

7. A joint committee is subject to overview and scrutiny requirements under section 21(2)(a) of the Local Government Act 2000 which provides that executive arrangements by a local authority must ensure their overview and scrutiny committee (or their overview and scrutiny committees between them) have power to scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.

8. The 'call in' provisions also apply to a joint committee under section 21(3) of the Local Government Act 2000 which provides that the above power of an overview and scrutiny committee under section 21(2)(a) to review or scrutinise a decision made but not implemented, includes power to recommend that the decision be reconsidered by the person who made it. However, the requirement to publish a forward plan and the provisions relating to key decisions and special urgency contained in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 do not apply to the operation of a joint committee.

9. The joint committee is not a separate legal entity and existing arrangements for lead boroughs to take on responsibility for particular activities will be made and/or continue to operate in accordance with the Inter Authority Agreement made between the five boroughs dated 31 August 2006.

### **Inter Authority Agreement (IAA)**

10. The existing IAA excludes the operation of a joint committee and its terms will therefore be amended to remove that exclusion and also to give effect to other matters covered by this Memorandum of Understanding.

11. Under the terms of the IAA any variation must be agreed by each of the five borough Chief Executives and for the avoidance of doubt the Executive of each of the five boroughs will also specifically delegate responsibility for agreement of the revised IAA to their respective Chief Executives.

### **Employment of Staff**

12. The IAA currently designates the London Borough of Hackney as lead borough for the employment and management of staff in the Olympics Joint Borough Central Unit (OJBCU - the five host boroughs unit)). This arrangement will continue and the Executive Director of the OJBCU will be responsible for day to day management/direction of the OJBCU, reporting to the joint committee through the Chief Executive's Board (see 14 below).

### **Annual Budget**

13. The IAA currently designates the London Borough of Hackney as lead borough for discharging the annual budget. This arrangement will continue and the joint committee will be responsible for managing the annual budget. As part of this function, the joint committee may also make proposals for any revision in the level of contribution made by each of the five boroughs to the annual budget for consideration as part of each of the five boroughs annual budget allocation process. Most of the budget will continue to be spent on staffing and accommodation for the five host boroughs unit. The IAA provides a framework for engaging and managing staff, and reporting on revisions to staffing structures. The IAA also provides arrangements for establishing and controlling a balanced annual budget funded by equal contributions from the 5 host boroughs and grants/contributions secured from other sources such as the ODA and LETF.

### **Five Borough Meetings**

14. The IAA currently provides for regular meetings of the five borough Chief Executives and the five borough Leaders and elected Mayors. When the joint committee is established the latter will cease but the Chief Executives will continue to meet as at present as the Chief Executives' Board.

### **Administration**

15. Administrative support for the meetings of the five borough Chief Executives and the five borough Leaders and elected Mayors is presently being provided by the OJBCU. When the joint committee is established, administrative support for the joint committee will be provided by the London Borough of Hackney on a lead borough basis and the Chief Executive of Hackney Council will be formally designated as clerk to the joint committee with responsibility for the provision of administrative support.

## **Overview and Scrutiny**

16. Decisions of the joint committee will be subject to scrutiny and 'call in' by the five boroughs. It has not been possible to identify a statutory power enabling the establishment of a joint overview & scrutiny committee (save for matters relating to health). Each of the five boroughs will establish overview and scrutiny arrangements for the joint committee (and any sub-committee(s)) to be agreed by their respective Overview & Scrutiny Committee or Council as appropriate to include uniform time limits for the 'call in' process in each of the five boroughs

17. In the event that a decision of the joint committee or any sub-committee is 'called in' the Chief Executive (or an officer designated by the Chief Executive) for the relevant borough will attend the relevant scrutiny committee together with one or both of the Members nominated by that borough to the joint committee or any Member of a sub- committee.

## **Constitution**

18. Once established the joint committee will adopt a constitution to cover matters such as rules of procedure for meetings, public access to information (including arrangements for the publication of key decisions) and the scrutiny process agreed by the five boroughs.

## **Functions**

19. The executive functions discharged by the joint committee shall be as specified in the terms of reference attached as Appendix One to this memorandum. The joint committee does not have power to exercise non executive functions on behalf of the five boroughs.

20. The functions of the joint committee will not be limited by area, but it will only discharge executive functions that relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games, including negotiation and agreement of any Strategic Regeneration Framework and Multi Area Agreement(s).

21. Prior to the adoption of financial procedure rules alongside the proposed constitution, the joint committee will need to take spending decisions in accordance within the financial arrangements set out in the IAA. In effect, spending will be limited to the annual budget funding provided by the five boroughs and grants/contributions secured from other sources such as the ODA and LETF.

## **Membership and Chair**

22. The Executive for each of the five boroughs will nominate two Members to the joint committee. The maximum term of office for any nomination may not exceed a Member's remaining term in office, so that in the first instance nominations may not extend beyond the end of the current municipal year.

23. The joint committee will be responsible for electing a Chair and it has been agreed by the five boroughs that this Memorandum should record that the intention of the five boroughs is that the Chair of the joint committee should be the Mayor of Newham.

### **Agenda Management**

24. The rules of procedure adopted by the joint committee as part of a Constitution shall include the following provisions relating to agenda management.

25. All prospective items of business for the joint committee or any sub-committee established by it shall in the first instance be considered at a meeting of the Chief Executives' Board. An item shall only be included on the agenda for a joint committee or sub-committee meeting with the agreement of each of the five borough Chief Executives.

26. Where an item of business has been included in the agenda for a joint committee or a sub-committee meeting in accordance with paragraph 25 above but it appears to the Chair of the joint committee or sub-committee (as appropriate) that unanimity of voting may not be achieved, the Chair may propose that the agenda item be referred back to the Chief Executives' Board for further consideration.

27. Where a decision of the joint committee does not apply to all five boroughs, the delegation of functions to the joint committee is limited to those boroughs to which the decision applies so that any borough to which the decision does not apply retains the capacity to determine the issue(s) in accordance with its own procedural requirements.

28. The joint committee is not subject to the legal requirement to publish a forward plan. Nevertheless the joint committee and any sub-committee established by it will receive a report setting out the work programme for the committee/sub-committee at least annually.

### **Quorum and Voting**

29. The quorum for meetings of the joint committee will be at least one Member from each borough.

30. Each Member of the joint committee will have one vote and all questions coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting (paragraph 39 of Schedule 12 to the Local Government Act 1972).

### **Sub-Committees**

31. The joint committee will be able to establish decision making sub-committees to discharge specific functions.

32. Any sub-committee established by the joint committee will comprise one Member from each borough

32 Each Member of a sub-committee will have one vote and all questions coming or arising before a sub-committee shall be decided by a majority of the members of the sub-committee present and voting.

### **Delegation to Officers**

33. The joint committee or any sub-committee established by it may delegate specific functions to an officer of one of the five boroughs. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of one or more of the other four boroughs or subject to the requirement for the officer with delegated authority to consult with the Chair of the joint or sub-committee (as appropriate) before exercising their delegated authority.

### **Partner and Stakeholder Representation**

34. Partners and stakeholders will be invited to send observers to meetings of the joint committee (and any sub-committees) as appropriate.

### **Commencement**

35. The joint committee will be established when this Memorandum of Understanding and the terms of reference for the joint committee (attached as Appendix One) have been approved by the executives of each of the five boroughs.

## Appendix One

### JOINT COMMITTEE TERMS OF REFERENCE

**To act as a joint committee of the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest (the five boroughs) for joint collaboration in relation to the Olympic and Paralympic Games in 2012.**

#### **1. Functions:**

To discharge on behalf of the five boroughs the executive functions listed below in so far as they relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games:

1. Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the five boroughs dated 31 August 2006
2. Management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the five boroughs in addition to the annual budget.
3. Approval of an annual business plan.
4. Development, negotiation and agreement of any Strategic Regeneration Framework and Multi Area Agreement(s).
5. Development, negotiation and implementation of joint regeneration policies and programmes.
6. Development, negotiation and agreement of a joint approach to post Olympic legacy, including promotion of the five boroughs as a sub region.
7. Development, negotiation and implementation of joint legacy strategies.
8. Development, negotiation and implementation of joint arrangements in relation to bidding for, accepting and distributing external funding.
9. Development, negotiation and implementation of joint publicity and a joint communications strategy.
10. Development, negotiation and implementation of joint cultural event programmes and policies.
11. Development, negotiation and implementation of joint economic development and employment programmes and policies.
12. Review of the operation and effectiveness of the Joint Local Authority Building Control (JLAB) agreements for the Olympic Park. and Olympic venues in the five host boroughs.
13. Review of the operation and effectiveness of the Joint Local Authority Regulatory Services (JLARS) agreements in respect of the Olympic Park and Olympic venues in the host boroughs, covering environmental health (food safety & standards, health & safety enforcement, pest & pollution control and public health), highways and

traffic management, street naming and numbering, licencing, safety at sports grounds, street scene enforcement, parking, and waste management.

14. Development, negotiation and implementation of joint policies for tourism and the business travel economy.
15. Development, negotiation and implementation of joint policies to maximise educational opportunities.
16. Development, negotiation and implementation of joint sports development policies.

Any other executive functions relating to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources are allocated to the joint committee.

For the avoidance of doubt, where a decision of the joint committee does not apply to all five boroughs, the delegation of functions to the joint committee is limited to those boroughs to which the decision applies so that any borough to which the decision does not apply retains the capacity to determine the issue(s) in accordance with its own procedural requirements.

## **2. Membership:**

Ten Members, comprising two Members nominated by the Executive from each of the five boroughs for a maximum period not extending beyond any Member's remaining terms of office as a councillor.

## **3. Quorum:**

At least one Member from each of the five boroughs.

## **4. Voting Requirements:**

Each Member of the joint committee will have one vote and all questions coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting.

## **5. Sub-Committees:**

The joint committee may establish such sub-committees to discharge any, some or all of the functions listed in paragraph 1 above and/or for such other purposes as the joint committee determines appropriate. Any sub-committee so established shall comprise one Member from each of the five boroughs, who shall each have one vote and all questions coming or arising before a sub-committee shall be decided by a majority of the members of the sub-committee present and voting.