

<b>Committee:</b> Cabinet	<b>Date:</b> 9 February 2011	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b>
<b>Report of:</b> Assistant Chief Executive (Legal Services)  <b>Originating officer(s)</b> David Galpin, Head of Legal Services - Community		<b>Title:</b> Olympic Host Boroughs – Review of Governance Arrangements  <b>Wards Affected:</b> All		

## 1. SUMMARY

- 1.1. By virtue of an agreement in 2006, updated in 2010, between the five Host Boroughs for the 2012 Olympic and Paralympic Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest], cooperative working has taken place to secure local benefits and a sustainable legacy from the Games. To date the joint working arrangements have been successful and recognised by Government as integral to the future legacy of East London, and discussions between the Leaders and Mayors of the five Host Boroughs have suggested that their position would be further strengthened by the inclusion of the London Borough of Barking and Dagenham as a sixth Host Borough. Although they have been involved on an informal basis since September 2010, this report seeks authority to revise the existing Inter Authority Agreement to admit them as a member of the Host Boroughs and the necessary arrangements to the existing Joint Committee arrangements and related Memorandum of Understanding to take effect from 1 April 2011.
- 1.2. In June/July 2009 the respective Executives of the five Host Boroughs for the 2012 Olympic and Paralympic Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest] each gave their approval to the establishment of Joint Committee [Section 101 LGA 1972] to facilitate the discharge of executive functions regarding joint arrangements in respect of the Games and legacy, as set out in an agreed terms of reference and Memorandum of Understanding. This report seeks to vary those arrangements to incorporate the inclusion of the London Borough of Barking and Dagenham as a Sixth Host Borough and I commend it to Cabinet.

## 2. DECISIONS REQUIRED

Cabinet is recommended to:-

- 2.1. Approve the disestablishment of the existing Joint Committee of the five Host Boroughs for the 2012 Olympic and Paralympic Games, and the establishment of

a new Joint Committee of six Host Boroughs, to incorporate the London Borough of Barking and Dagenham with effect from 1 April 2011.

- 2.2 Authorise the Chief Executive to amend the Inter Authority Agreement, Memorandum of Understanding and the Procedure Rules and give effect to any matter necessary to achieve their objectives.
- 2.3 Confirm the terms of reference as agreed previously, subject to the agreement and incorporation of London Borough of Barking and Dagenham as sixth Host Borough and the delegation of executive functions as agreed previously to be discharged by the new Joint Committee with effect from 1 April 2011.
- 2.4 Appoint two Executive Members, and two substitute Executive Members, to be the Council's representatives on the new Joint Committee.

### **3. REASONS FOR THE DECISION**

- 3.1 The arrangements for the five Host Boroughs for the 2012 Olympic and Paralympic Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest] to engage in cooperative working has taken place to secure local benefits and a sustainable legacy from the Games. The joint working arrangements have been successful to date and recognised by Government as integral to the future legacy of East London, discussions between the Leaders and Mayors of the five Host Boroughs have suggested that their position would be developed and strengthened by the inclusion of the London Borough of Barking and Dagenham as a sixth Host Borough.
- 3.2 In particular the inclusion of the London Borough Barking and Dagenham as a sixth Host Borough would reflect that Borough's similarity with the current five boroughs, in terms of socio economic need and the convergence targets as set out in the Host Boroughs Olympic and Paralympic Legacy Strategic Regeneration Framework. Indeed the Mayor of London and the Government have recognised the added value of the inclusion of London Borough Barking and Dagenham as part of the legacy arrangement and the 'sixth' Host Borough is already referred to in the Department for Culture, Media and Sport's Plans for the Legacy from the 2012 Olympic and Paralympic Games, as published on 20 December 2010.

### **4. ALTERNATIVE OPTIONS**

- 4.1 Cabinet may choose not to agree to the proposed inclusion of Barking and Dagenham as a sixth Host Borough or to the consequential amendments to the Inter Authority Agreement, Memorandum or Understanding, Procedure Rules and appointments, either as proposed or at all. If Cabinet took this approach, it may prejudice the ongoing joint working arrangements.

## **5. BACKGROUND**

- 5.1 Cabinet at its meeting on 29 July 2009 considered all relevant matters with regard to the discharge of Executive arrangements in respect of the five Host Borough collaborative working in respect of the 2012 Olympic and Paralympic Games and associated legacy for the future regeneration of the area. In doing so it agreed to the establishment of a Joint Committee of those Boroughs [S.101 LGA 1972] to discharge those functions having regard to an agreed Memorandum of Understanding in the context of the agreed Inter Authority Agreement between those Boroughs.
- 5.2 This report seeks to amend those arrangements to incorporate a sixth Host Borough, the London Borough of Barking and Dagenham.

## **6. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 6.1 This report describes the review of the governance arrangements for the Olympic Host Boroughs.
- 6.2 There are no other specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

## **7. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 7.1. In order to establish a body with the power to discharge functions of the individual Boroughs each must agree to such arrangements in accordance with the provisions of the Local Government Act 1972 and 2000 and subsequent regulations.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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) – 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.

7.5. 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 as observers and in an advisory capacity only.

7.6. It is proposed that the joint committee should exercise only executive functions and thus approval of the arrangements, delegation of functions to be discharged by the joint committee and the appointment of members to the joint committee can be effected by the executive of each authority.

7.7. The joint committee will not be subject to the requirement to publish a Forward Plan.

## **8. ONE TOWER HAMLETS CONSIDERATIONS**

8.1. The Community Plan makes direct reference to the opportunities offered by the 2012 Olympic and Paralympic Games in relation to the Plan's key themes. Under the theme of A Great Place to Live, the Community Plan refers to the need to make the Olympic Park site and its venues accessible to local people, to ensure the Games benefit local people and to use High Street 2012 as a model

project to improve the quality of borough's road corridors as places for people. Under the theme of A Prosperous Community, the Community Plan refers to the need to maximise opportunities for local businesses to benefit from the Games, to promote Tower Hamlets businesses and to encourage growth and tourism. It also refers to the need to highlight employment opportunities arising from the Games and to support people to seize them.

8.2. The work of the Joint Committee covers the development, negotiation and implementation of policies and programmes in relation to a range of matters, such as cultural events, economic development, employment, tourism, regeneration, joint legacy and education. In this way, joint working with the Host Boroughs provides opportunities to support the Council's Community Plan objectives.

8.3. The work of the joint committee has the potential to advance the Council's equalities agenda. It may reasonably be expected that equalities considerations will be considered in the committee's work, as all participating authorities are subject to the same equalities duties.

9. **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

9.1. There are no implications arising from this report.

10. **RISK MANAGEMENT IMPLICATIONS**

10.1. It is consistent with sound risk management that there are clear, lawful governance arrangements in place in respect of joint working between the Host Boroughs.

11. **EFFICIENCY STATEMENT**

11.1. The work dealing with contractual matters and other arrangements is shared between the Boroughs so that efficiencies in resources are achieved.

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**Local Government Act, 1972 Section 100D (As amended)  
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection.
None	F N/A

12. **APPENDICES**

None