

REPORT OF THE CLERK TO THE JOINT COMMITTEE

Joint Committee Procedure Rules	Classification Public	Enclosures Appendix A
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1. INTRODUCTION

- 1.1 The Joint Committee is a unique body exercising executive functions on behalf of the Five Host Boroughs in relation to matters concerning and surrounding the 2012 Olympic and Paralympic Games. It is not a separate legal entity from its constituent boroughs but neither can it operate as if it was wholly part of any one borough. In order to run successfully the arrangements which govern its activities need to take account of its political and administrative strengths and weaknesses and develop the former to ensure that all the objectives identified at the time of establishment can be achieved in reality.
- 1.2 Good governance is a key to ensuring that powers and duties are exercised progressively yet lawfully and those necessary qualities can only be achieved through tailor-made Procedure Rules which achieve legal compliance and integrity whilst leaving room for innovation and decision-making which will maximise the Host Boroughs' opportunities to bring benefits to their areas before, during and after the Olympic and Paralympic Games take place in 2012.
- 1.3 The Procedure Rules submitted for consideration contain current best practice in the processes of maintaining a democratically elected body, legal requirements in various respects and discretionary procedures to which all boroughs have signed up in the Memorandum of Understanding (MOU) which was a condition precedent to the establishment of the Joint Committee.

2. RECOMMENDATIONS

- 2.1 The Joint Committee is recommended to approve the Procedure Rules for the Joint Committee, attached at Appendix 1 which shall take effect forthwith.

3. RELATED DECISIONS

- 3.1 The formal establishment of the Joint Committee in September 2009 envisaged that it would be regulated by a set of procedures of this nature.

4. ALTERNATIVE OPTIONS

- 4.1 There are no alternative options. If the Joint Committee was to operate without appropriate procedures there is a high risk that legal requirements would not be met and that decisions could be open to challenge.

5. SUSTAINABILITY AND LEGACY

- 5.1 The arrangements now presented are both enduring and robust and will guide the Joint Committee through its lifespan in accordance with legal requirements and best governance practice and will provide the basis for the Joint Committee to realise its objectives.

6. ECONOMIC IMPACT

- 6.1 An effective Joint Committee will stimulate the economies of all the Host Boroughs by attracting grant aid and investment based on the staging of the Olympic and Paralympic Games.

7. HUMAN RIGHTS

- 7.1 There are no human rights implications arising from this report.

8. RISK

- 8.1 The Joint Committee's exposure to risk through legal challenge will be reduced significantly by approval of and adherence to these Procedure Rules.

9. FINANCIAL CONSIDERATIONS

- 9.1 One of the functions of the Joint Committee is the approval of an annual budget for the funding of the Five Host Boroughs Unit. The Unit is required to deliver a coordinated Olympic and Paralympic programme for the 2012 Games pursuant to the Inter Authority Agreement of 2006, recently revised. This Agreement appointed Hackney as Lead Borough. Accordingly, Hackney is responsible for the employment and management of the staff of the Five Host Boroughs Unit, and for the financial management and administration of the budget, income and expenditure of the Unit. Hackney applies its own financial, procurement and human resources procedures in carrying out these Lead Borough responsibilities.
- 9.2 Although grant awards secured by the Five Boroughs in respect of the Olympic and Paralympic programme have been generally managed by Hackney as Lead Borough, the Inter Authority Agreement enables the Joint Committee to appoint one or more of the other four boroughs to undertake the Lead Borough function for specific grant awards.

10. LEGAL CONSIDERATIONS

- 10.1 The Procedure Rules have been drafted by the Host Boroughs Solicitors Group which has taken into account all relevant legal considerations. These procedure rules meet all statutory requirements relating to procedures to which a Joint Committee exercising executive functions must have regard.

11. DETAILS

- 11.1 Although the Joint Committee is constituted from the Host Boroughs and undertakes executive functions delegated by the Host Boroughs it is not appropriate for the procedure rules of any particular borough to govern the practices and procedures of the Joint Committee. Consequently the Host Boroughs Solicitors Group has considered the arrangements in all the boroughs and has selected the best and most appropriate provisions for a set of rules designed to meet the requirements of the law together with the arrangements mentioned in principle in the Memorandum of Understanding (MOU) which was agreed by the Host Boroughs as the forerunner to the establishment of the Joint Committee.
- 11.2 Paragraphs 1-9 detail the purpose and functions of the Joint Committee followed by the principles agreed in the MOU regarding membership, delegation to sub-committees or officers, administration and the annual budget. Arrangements for Agenda Management which were agreed in the MOU are specifically designed for the Joint Committee and the Host Boroughs organisation.
- 11.3 Paragraphs 10-25 concern the arrangements for and the conduct of meetings and are generally similar to procedures which obtain in the Host Boroughs.
- 11.4 Paragraph 26 sets out the Access to Information requirements which apply to the Joint Committee as it is a body exercising executive functions on behalf of the Host Boroughs. Whilst the provisions are complex they will be very familiar to Members of the Joint Committee as they are the standard legal requirements concerning the provision of documents and exclusion of the public.
- 11.5 As an executive body, the decisions of the Joint Committee are subject to call-in and review by an Overview and Scrutiny Committee. It is not legally possible to establish a Host Boroughs Overview and Scrutiny Committee for the purpose of scrutinising the Joint Committee, and so the arrangements are that decisions of the Joint Committee may be called-in by any of the Host Boroughs pursuant to their own procedures. If a decision is called-in by one or more Boroughs, implementation of the decision will be held in abeyance pending the outcome of the call-in. If the outcome is that an alternative course of action is proposed, further consideration by the Joint Committee will be necessary.
- 11.6 Although these Overview and Scrutiny Arrangements are unique, the principles are well established and the procedures have been kept as simple as possible by placing reliance on the existing procedures in the Boroughs without any amendment so that the process can mirror the established arrangements for calling-in Cabinet decisions.
- 11.7 As the Joint Committee is not legally separate from its constituent Boroughs, implementation of Joint Committee decisions will generally need to be carried out by one or more Boroughs designated for the purpose or by a Lead Borough appointed by the Joint Committee pursuant to the Inter Authority Agreement. This will be particularly so where there are legal consequences to the action required eg contractual relations, necessitating a legal entity to undertake the role on behalf of the Host Boroughs. Accordingly, officers carrying out those duties will be subject to the financial and procurement rules of their own borough and it is not necessary for the Joint Committee to have separate financial and procurement procedures.

Tim Shields
Chief Executive of the London Borough of Hackney
Clerk to the Joint Committee

Report Originating Officers: Graham White, Interim Head of Legal Services
London Borough of Hackney ☎020-8356 6234

Financial considerations: David Bell, Interim Financial Advisor
☎020-8356 7688

Legal Comments: Graham White, Interim Head of Legal Services
London Borough of Hackney ☎020-8356 6234

Background papers

The following documents have been relied upon in the preparation of this report:

No background papers.

Description of document	Location	Date

Appendices

Appendix A: Five Host Boroughs Olympic Joint Committee Procedure Rules