

REPORT OF CLERK TO THE JOINT COMMITTEE

Updated Joint Committee Procedure Rules – 25 November 2011	Classification Public	Enclosures Appendix A
	Ward(s) affected All	

1. SUMMARY

- 1.1 In June/July 2009 the respective Executives of the five Host Boroughs for the 2012 Olympic and Paralympics 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 (MOU).
- 1.2 In February/March 2011, the respective Executives of the five Host Boroughs for the 2012 Olympic Games each gave their approval to the disestablishment of the existing Joint Committee of the five Host Boroughs for the 2012 Olympic and Paralympics Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest], and the establishment of a new Six Host Borough Joint Committee, incorporating the London Borough of Barking and Dagenham with effect from 1 April 2011.
- 1.3 On 15 February 2011, the Executive of the London Borough of Barking and Dagenham gave approval for the London Borough of Barking and Dagenham to join and participate as a member of the Joint Committee of the Six Host Boroughs.
- 1.4 The Joint Committee is a unique body exercising functions on behalf of the Six Host Boroughs in relation to matters concerning and surrounding the 2012 Olympic and Paralympics 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.

- 1.5 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 Paralympics Games take place in 2012.
- 1.6 The updated Procedure Rules submitted for consideration, drafted following the inclusion of the London Borough of Barking and Dagenham as a sixth Host borough, contains current best practice in the processes of maintaining a democratically elected body, legal requirements in various respects and discretionary procedures.

2. RECOMMENDATIONS

- 2.1 The Joint Committee is recommended to approve the updated 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 the 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 Paralympics Games in 2012.

7. HUMAN RIGHTS AND EQUALITIES

- 7.1 There are no human rights implications arising from this report. The report has no direct impact on the equalities policies of the Host Boroughs

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 Host Boroughs Unit (HBU). The Unit is required to deliver a coordinated Olympic and Paralympics programme for the 2012 Games pursuant to the Inter Authority Agreement of 2010. This Agreement appointed Hackney as Lead Borough. Accordingly, Hackney is responsible for the employment and management of the staff of the HBU, 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 Host Boroughs in respect of the Olympic and Paralympics 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 Host Boroughs to undertake the Lead Borough function for specific grant awards.

10. LEGAL CONSIDERATIONS

- 10.1 The Procedure Rules which take into account all relevant legal considerations was updated by the London Borough of Hackney legal services and the amendments were agreed by the Host Boroughs. 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 by 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. The Procedure Rules are made up of the most appropriate provisions for a set of rules designed to meet the requirements of the law together with the arrangements 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.
- 11.3 Paragraph 10-25 concern the arrangements for and the conduct of meetings and are generally similar to procedures 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 amendments so that the process can mirror the established arrangements for call-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 when there are legal consequences to the action required e.g. 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.

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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: Six Host Boroughs Olympic Joint Committee Procedure Rules