


<p>[Cabinet/Individual Mayoral Decision – delete as applicable]</p> <p>Insert Date</p>	
<p>Report of: Stephen Halsey, Acting Head of Paid Service</p>	<p>Classification: Unrestricted</p>
<p>Joint Committee of the Six Growth Boroughs</p>	

Lead Member	Mayor
Originating Officer(s)	Service Head – Legal Services
Wards affected	All wards
Community Plan Theme	A great place to live
Key Decision?	No

Executive Summary

The Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs discharged all outstanding items of business in February 2014. Approval is sought to put into place revised and more appropriate arrangements for the future cooperative working between the six Boroughs, now titled Six Growth Boroughs.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the disestablishment of the existing Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs and the establishment of a new Joint Committee of the Six Growth Boroughs with immediate effect.
2. Authorise the Head of Paid Service to amend the existing Inter Authority Agreement and Memorandum of Understanding and give effect to any matter necessary to achieve their objectives.
3. Approve the revised terms of reference and membership for the new Joint Committee, as set out in the final appendix to the report, and the delegation of executive functions once approved by all constituent Authorities.
4. Agree the new arrangements for dealing with matters of concern and joint interest amongst the Growth Boroughs as they relate to legacy, convergence and other associated matters.

1. REASONS FOR THE DECISIONS

- 1.1 To provide a suitable legal and governance framework for the legacy and convergence work of the Six Growth Boroughs in a post-Olympics environment.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could choose to separate from the formal arrangement proposed by the other growth boroughs and collaborate where necessary in an informal way.

3. DETAILS OF REPORT

- 3.1 In June 2009 LBTH agreed to the establishment of a Joint Committee of the 2012 Olympics and Paralympic Host Boroughs to provide for the discharge of any relevant executive arrangements in respect of collaborative working between the then five Host Boroughs regarding the Olympics, convergence and legacy from the Games. The Joint Committee was established in accordance with Section 101 of the Local Government Act 1972 to discharge those functions having regard to an agreed Memorandum of Understanding in the context of any agreed Inter Authority Agreement between those Boroughs.
- 3.2 In February 2011 these provisions were amended to facilitate the inclusion of a sixth Host Borough, the London Borough of Barking and Dagenham, to allow for its participation in these arrangements regarding the promotion of legacy and convergence.
- 3.3 In order to provide a suitable legal and governance framework relating to legacy and convergence in a post Olympics environment the Boroughs have expressed the desire to update the existing arrangements through a new Inter Authority Agreement for the re-branded Six Growth Boroughs and a consequent updated Memorandum of Understanding and provision for a new Joint Committee with revised Terms of Reference to reflect the scope of the tasks ahead for those Boroughs. These are attached in the Appendices to this report.
- 3.4 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. Once these arrangements are ratified by all six partners, the new joint committee can begin its work.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. The report seeks cabinet approval to disband the existing Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs and establish arrangements for a new Joint Committee of the Six Growth Boroughs with immediate effect.

- 4.2. The new committee will establish an annual budget, although this will not be finalised until the 2015/16 budget. The Council currently contributes £60k from Corporate resources to fund the existing Joint Committee. This funding will be re-directed to fund the new organisation.
- 4.3. Any budget variation as a result of the new arrangements will be funded by contingencies in the short term, although significant variation is not expected.
- 4.4. Given the above, there is sufficient provision in the budget to meet the commitments of the new arrangements.

5. LEGAL COMMENTS

- 5.1. Section 101(5) of the Local Governance Act 1972 provides that 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.
- 5.2. 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.
- 5.3. 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 2012, issued under sections 9EA, 9EB and 105 of the Local Government Act 2000. The relevant Regulations provide:
 - (a) Regulation 11(2) – 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 12(3) – the decision on appointment to a joint committee should be taken by either the elected mayor, 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(3) – 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.

- 5.4. 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.
- 5.5. 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.
- 5.6. A joint committee is subject to overview and scrutiny requirements under section 9(F) 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 actions taken, in connection with the discharge of any functions which are the responsibility of the executive.
- 5.7. The provisions relating to executive decisions contained in the Local Authorities (Executives Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not apply to the operation of this joint committee because under Regulation 2(c) of such Regulations this joint committee is not a decision maker or decision making body under Regulation 2(b) to which such Regulations refer.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. The proposed arrangements will help the Council to secure the legacy from the London 2012 Olympics, which were intended to be positive for the east of London and should be consistent with the Council's strategic plans which include the Council's single equality framework.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The proposed arrangements will help the Council to secure the legacy from the London 2012 Olympics, which were intended to be positive for the east of London and should be consistent with the Council's strategic plans which in turn seek to deliver the Tower Hamlets Community Plan, including making Tower Hamlets a great place to live.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. The recommendations are intended to manage risk by providing a lawful framework for continued cooperation by the Six Growth Boroughs.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no direct crime and disorder implications arising from the report.

10. EFFICIENCY STATEMENT

- 10.1 Details of the proposed expenditure are provided in the finance comments section of the report. The annual cost is considered to be modest by reference to the potential benefits and consistent with the Council's duty as a best value authority.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Inter-authority agreement

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

- N/A