

EAST KENT (JOINT ARRANGEMENTS) COMMITTEE

25 JUNE 2008

- Subject:** **Administrative processes - East Kent (Joint Arrangements) Committee and the East Kent (Joint Scrutiny) Committee**
- Director/Head of Service:** Head of Legal and Democratic Services (Canterbury)
- Decision Issues:** These matters are within the authority of the Joint Committee
- Decision type:** Not applicable
- Classification:** This report is open to the public.
- Summary:** *This report outlines the administrative processes for these two Committees and asks for certain decisions to be made.*
- To Resolve:**
- 1. That the operational arrangements of the East Kent Joint Arrangements Committee and the East Kent Joint Scrutiny Committee be reviewed by officers of the respective host authorities in six months and a report made.**
 - 2. The Committee may by invitation of the Chairman invite the Chairman of the East Kent Joint Scrutiny Committee or other persons to attend and speak to items on its Agenda.**
 - 3. That the dates for the Joint Committee Meetings set out in Appendix 1 be accepted and meetings set according to these arrangements.**
 - 4. The Committee adopt the arrangements in Appendix 3 of the report for recommending items to the Leaders of the respective Councils for inclusion on their Forward Plans.**
- Next stage in process** The East Kent Joint Arrangements Committee will commence work on the basis of these administrative arrangements.

SUPPORTING INFORMATION

- 1. Introduction**

This paper outlines the administrative processes for the East Kent (Joint Arrangements) Committee (EKJAC) and the East Kent (Joint Scrutiny) Committee (EKJSC). Members of EKJAC may wish to consider how to engage with EKJSC at the earliest opportunity.

2. **Detail**

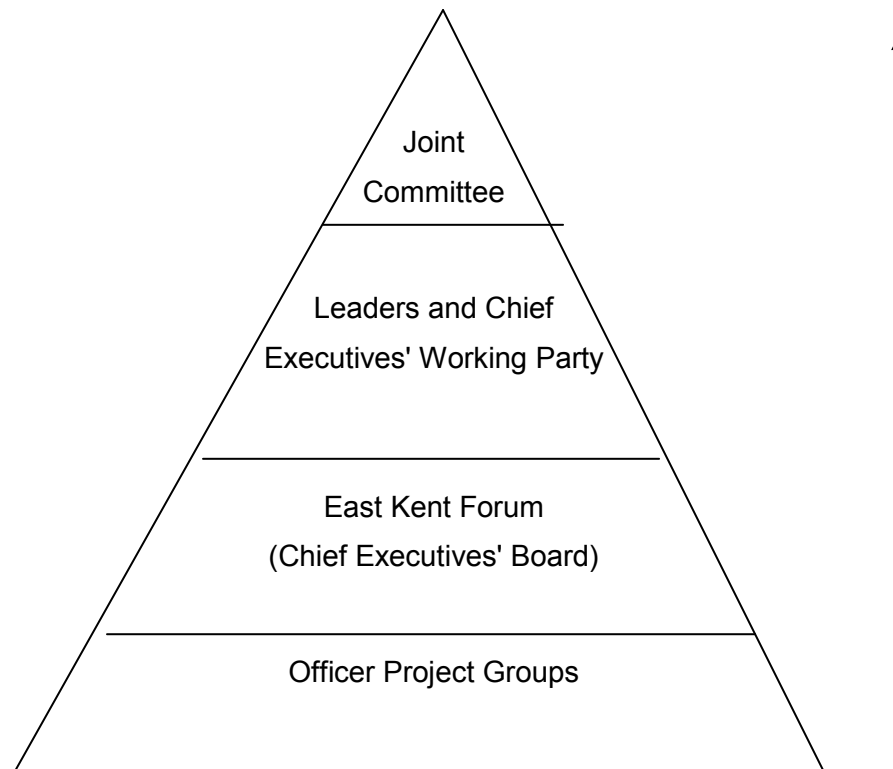
The terms of reference of the two Committees are contained in the previous report. Some liaison between the Committees is desirable particularly as the guiding principle for EKJSC is that its work should be consensual and positive.

The East Kent Chief Executives meeting which is the principal advisory body to the Committees has been called the 'East Kent Forum' and that title has been retained.

The two committees provide the governance framework and to work up and examine the business cases for each service. In relation to Joint Scrutiny the law does not contemplate a Joint Scrutiny Committee in this form, but by agreement the parties have created one for the purpose of making these joint arrangements more coherent and to provide a focus of scrutiny activity.

The next step is to identify the programme for joint service provision. When that is done each project within the programme should have an officer team and lead officer assigned to it. It is envisaged that decision making for EKJAC follows a pyramidal structure with officer project groups forming the base of the pyramid feeding up to a board composed of the Chief Executives of each subscribing authority or their nominees. Above them the leaders and chief executives meeting as a working party will review the work done and either pass back down the pyramid for further work or approve for formal submission to the joint committee which sits at the top of the pyramid.

As previously indicated council and/or cabinet approvals to delegate will be required before services become shared. The pyramid is shown below with the Joint Committee which sits at the apex; please also see later section "Reporting and Consideration of Reports". Whilst EKJAC will meet in public the other meetings will not.



The administration burdens on the two host authorities and the joint committee system itself must be kept under review. It is suggested that next December/January is a good time to make a first assessment.

3. The practicalities of doing business

Time/Venue

The East Kent (Joint Arrangements) Committee meets at 10.30am in the Guildhall, Canterbury.

Proposed meeting dates

EKJAC	EKJSC
<ul style="list-style-type: none"> • 25 June 2008 • 10 September 2008 • 3 December 2008 • 11 March 2009 	<ul style="list-style-type: none"> • 9 July 2008 (it is assumed that following this first meeting a fortnight will elapse following EKJAC to allow for call in) • 24 September 2008 • 17 December 2008 • 25 March 2009

Officer support

Democratic Services, Legal and Finance officer support will be from Canterbury City Council for the first year. In practice, the Legal and Financial officer support will be a co-ordinating role ensuring that the project groups working on the detail of the proposals are producing robust and well resourced material. There should be liaison between these officers and those advising EKJSC to avoid conflicting advice.

Preparation and consideration of draft reports

1. Officers prepare reports for circulation at the appropriate meeting of the East Kent Forum (EKF). Prior to this the officer project groups with their nominated lead officers will have worked up the proposals with any input from the respective council's own Management Teams.
2. The EKF debate the reports and recommend any amendments.
3. Amendments will be reported back to the report author by the respective Chief Executive, with supporting notes provided by the EKF administrator

The joint committee meeting arrangements

4. The Access to Information Act 1985 provisions apply where 'key' decisions are taken or will be taken within 28 days and an officer is present.
5. Where meetings are open every report must be available for inspection ie there can be no oral reports.

6. Notification must be given to the Joint Scrutiny Committee Chairman if Key matters are to be decided that are not included in the relevant Forward Plan. Public notice to be given and the five clear day rule must be observed.
7. Urgent matters need consent from the Joint Scrutiny Committee Chairman or Vice-Chairman if the five day clear rule cannot be observed and Key decisions are to be made. See the report on the Joint Committee's Procedure Rules elsewhere on this agenda.
8. Final reports to be submitted to the Democratic Services Officer at Canterbury City Council, 10 working days before the date of the meeting.
9. Notice of the meeting given, agenda collated and dispatched to members and the DS team at each authority no later than five working days prior to the meeting. DS teams to receive agenda, reports and notice electronically and post public notice of meeting in accordance with their own practices.
10. A meeting of the EK Leaders and Chief Executives will take place at 8.30am on the date of the meeting, which will provide an opportunity for an informal briefing.
11. A public meeting takes place at 10.30am.
12. The approved minutes are issued by close of business on the Friday following the meeting. These need to include reasons, show alternative options and any interests declared.

(Note – for practical reasons the Chairman, the host Chief Executive, Legal and Finance officers only approve the minutes and any comments be taken at the next meeting.)
13. Rules on background documents are the same as for the Local Government Act 1972 as amended by the 1985 Act. There are rules relating to Key decisions taken by individual Executive members but these will not apply to the workings of this Committee.

**Call-in arrangements
EKJC**

14. Notification of a call-in (which should be received by 10am on the following Thursday) would be received by the Shepway District Council Democratic Services team. Decision suspended pending completion of the call-in process.
15. (Note – it is assumed that there will be a standard pro-forma with set criteria that Members of the Scrutiny Committee would need to complete)
16. SDC issue the relevant notices and invitations to attend a meeting at 10.30am at SDC on the dates stated in the committee deadlines.
17. Meeting held (generally two weeks after the date of the EKJAC) and recommendations for consideration referred back to the joint committee. Once it is known an EKJSC call-in meeting is to take place provisional dates would need to be found for an EKJAC reconsideration meeting.

18. EKJAC to reconvene to consider recommendations and make final decision.

By individual authorities

19. Because decisions of the Joint Committee remain the responsibility of individual authorities and their Executives, decisions may also be called in by members of each council. (Because of practical concerns (see below) it may be this should be discouraged and members directed to their council members on EKJSC to voice concerns and suggest call-ins.)
20. Notification of call-in would be received by the individual council's Democratic Services team. SDC Democratic Services would be notified by them and a notice posted both at their offices and at the offices of the authority making the call-in of a meeting. CCC must also be notified as the host authority of EKJAC. It could be held at SDC's offices by the call-in council's Scrutiny Committee at the rising of EKJSC. This would allow project officers or relevant members to be at the same place on the same day which should ensure their attendance and avoid diary clashes. However the legislation states that the call in relates to functions which are the "responsibility" of the Executive. Thus it is that only the officers or relevant Executive members of the authority making the call in that can be compelled to attend; other officers or members could only be invited to do so. It may be more convenient for such meetings to take place at the at the call in authority's premises although it would have to be expected that, for example, the project officer from another authority may not attend.

In order to make scrutiny arrangements work in a way which is most beneficial to all concerned a further inter authority protocol may be required, which can be considered as part of the review previously mentioned.

21. The meeting would be held and the recommendations would be to the "decision maker" under the legislation and therefore it does appear EKJAC will need to reconvene to consider them before such decisions are implemented.

Committee deadlines and Committee report template

See attached sheets as Appendix 1 and Appendix 2.

Forward plan

For the suggested method by which items get into the respective council's Forward Plans, see Appendix 3.

Speaking Rights

Members are not obliged to do so but may wish to consider the question of speaking rights, both of fellow Councillors and members of the public. The nature of the work of the Committee and the point at which decisions are taken about Joint Services means the individual Councils maintain their relationship with their own populations.

Individual Councils will make the decision on whether or not a service of theirs becomes shared. Apart from any consultation that EKJSC may carry out, individual authorities may wish to consult or be advised by EKJAC to do so. Thus there is no compelling case for public speaking rights at the Committee. The same reasoning applies to members of the individual Councils although the Joint Committee may wish

to extend invitations for particular purposes. There may also be other individuals whom the committee may wish to hear from. It would be anticipated that the chairs of EKJAC and EKJSC could each address the other's Committee by invitation.

A recommendation has been included to reflect these points, but it is entirely up to members to consider whether they wish to accept it.

4. Relevant Council Documents

The four East Kent District Councils joint working protocol. They and the County Council have also signed up to the Kent Commitment to be applied to this Joint Committee on the current two tier arrangements.

5. Consultation planned or undertaken

Each Council has gone through its own processes to establish the two Joint Committees.

6. Options available with reasons for suitability

To some extent Member options are limited because the operational arrangements outlined in this report follow the decisions each of the Councils has already made. Nevertheless when and where to meet are within the control of EKJAC and, to an extent, how it relates to other members, the public and other bodies. What is proposed in this report is an appropriate start to this new venture, but a pragmatic approach will be the key to success. All these arrangements must be kept under review.

7. Reasons for supporting option recommended, with risk assessment

The recommendations are consistent with the decisions which the Councils have already taken and any risk associated with them is unlikely to seriously inhibit the working of the Committee.

8. Implications

Financial implications – the host authorities carry the burdens of staffing and resourcing these Committees.

Legal implications – whatever operational arrangements the Joint Committee adopts it must ensure all decisions are properly made and based on material considerations.

9. Conclusions

These arrangements provide a sound basis upon which EKJAC can commence work.

10. Background Papers (other than published works)

E-mail exchange with Counsel.

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Appendix 1

EAST KENT JOINT COMMITTEE REPORT DEADLINES

EK Joint Committee date	Reports to CCC for inclusion in EKF agenda	EKF meeting - considers draft reports	Deadline for final reports to CCC	Agenda for joint committee dispatched	Consideration by the EK Leaders/CE	Deadline for call-in (10am)	Date reserved for call-in EKJSC meeting date
25-Jun-08	30-May-08	04-Jun-08	11-Jun-08	17-Jun-08	25-Jun-08	03-Jul-08	09-Jul-08
10-Sep-08	08-Aug-08	13-Aug-08	27-Aug-08	02-Sep-08	10-Sep-08	18-Sep-08	24-Sep-08
03-Dec-08	07-Nov-08	12-Nov-08	19-Nov-08	25-Nov-08	03-Dec-08	11-Dec-08	17-Dec-08
11-Mar-09	13-Feb-09	18-Feb-09	25-Feb-09	3-Mar-09	11-Mar-09	19-Mar-09	25-Mar-09

COMMITTEE

DATE

Subject: **Heading of Report**

Director/Head of Service: (Insert Title)

Decision Issues: These matters are within the authority of the Council/Executive/Committee/Board
(delete as appropriate)

Decision type: Key/Non-key * *(delete as appropriate)*

(If Key decision involved indicate the date when the issue first appeared in the List of Forthcoming Decisions. In addition, indicate if it has been considered by the relevant Area Member Panel and/or the Overview and Scrutiny Committee).

Classification: *Please select one of the following options and delete the others*

This report is open to the public.

This report includes an annex containing confidential information and may be discussed without the press and public present.

This report is confidential.

REASON: *(for the justification for making any report or part of report confidential please see the FOI exemption guidance on PAPA giving a list of exemptions and the public interest test. Full reasons must be given. If in doubt please consult the Committee Administrator in the first instance)*

Summary: *[italics]*

**To Recommend/
Resolve/Consider:** **[bold]**

Next stage in process

SUPPORTING INFORMATION

1. **Introduction**

(text)

2. **Detail**

[text]

3. **Relevant Council Policy/Strategies/Budgetary Documents**

[text]

4. **Consultation planned or undertaken**

[text]

5. **Options available with reasons for suitability**

[text]

6. **Reasons for supporting option recommended, with risk assessment**

[text]

7. **Implications**

(a) Financial Implications

(b) Legal Implications

Other implications

(c) Staffing/resource

(d) Property Portfolio

(e) Environmental/Sustainability

(f) Planning/Building Regulations

(g) Human Rights issues

(h) Crime and Disorder

(i) Biodiversity

(j) Safeguarding Children

(k) Energy efficiency

8. **Conclusions**

[text]

Contact Officer: [name] **Telephone:** [number]

ANNEX CONTAINING CONFIDENTIAL INFORMATION

(see page xy)(to be placed at back of Agenda)

EKJAC

EKJAC will develop a work programme but will not have its own Forward Plan as such. The Forward Plan remains the responsibility of each individual Leader. As progress reports are presented to EKJAC it will be asked to give guidance to the Leaders on what are key decisions which should be reflected in their Forward Plans and, to ensure consistency, it is expected that guidance will be followed. We shall need interim arrangements given the three month gap between meetings. It is suggested the East Kent Forum advise the Chair of EKJAC of a forthcoming item and then guidance is issued in the Chair's name to the Leaders. In case time does not allow for advice from the East Kent Forum then the Chair will take advice from the Chief Finance Officer and lawyer advising EKJAC and issue guidance accordingly.