

SURREY COUNTY COUNCIL**CABINET****DATE: 20 SEPTEMBER 2016****REPORT OF: MR RICHARD WALSH, CABINET MEMBER FOR LOCALITIES AND COMMUNITY WELLBEING****LEAD OFFICER: YVONNE REES, STRATEGIC DIRECTOR FOR CUSTOMERS AND COMMUNITIES****SUBJECT: FORMATION OF SPELTHORNE JOINT COMMITTEE****SUMMARY OF ISSUE:**

Building on the positive partnership working between Surrey County Council (SCC) and Spelthorne Borough Council (SBC), it is proposed to create a Joint Committee in place of the current SCC Spelthorne Local Committee. This new partnership arrangement will speed up decision making, improve outcomes for residents and strengthen local democracy.

The Joint Committee will have an extended remit over and above that of the current local committee with decision making functions in relation to the Community Infrastructure Levy (CIL) and Youth provision and advisory functions such as Older People's services and making the best use of public assets in the Borough. These changes will support more integrated approaches to service delivery and planning.

SCC Cabinet (and Full Council) approval is now sought to establish the Joint Committee, following SBC agreement at their Cabinet meeting on 20 July 2016 and Council on 21 July 2016.

RECOMMENDATIONS:

It is recommended:

1. To agree and recommend that Full Council agrees to establish the Spelthorne Joint Committee to deal with both executive and non-executive functions from 1 December 2016 in place of the current Local Committee in Spelthorne which will cease to function from that date.
2. To agree changes to the scheme of delegation:
 - to delegate the executive functions to the Spelthorne Joint Committee as set out in Annex A
 - to recommend to Council to delegate the non-executive functions to the Spelthorne Joint Committee as set out in Annex A
 - the advisory functions that will come under the remit of the Spelthorne Joint Committee as set out in Annex A.
3. To note the functions that SBC has agreed to delegate to the Spelthorne Joint Committee as set out in Annex A.
4. To agree the Spelthorne Joint Committee Terms of Reference, including the Standing Orders under which it will operate, as set out in Annex A, and delegate authority to the Director of Legal and Democratic and Cultural Services to agree to any minor amendments to the Terms of Reference which may be required.

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5. To recommend to Council to appoint a Chairman of the newly formed Spelthorne Joint Committee from 1 December 2016.

REASON FOR RECOMMENDATIONS:

Cabinet and Full Council agreement is required to establish a Spelthorne Joint Committee in place of the current Local Committee arrangements; to delegate recommended executive functions to the newly formed Spelthorne Joint Committee; and to agree the Terms of Reference and Standing Orders under which the newly formed committee will operate.

This approach has already proved successful in Woking where a Joint Committee, has been operating since June 2014 and was recently reviewed and showed to have improved partnership working between both authorities.

The new Joint Committee will simplify and speed-up local decision making processes, enabling for the first time, all functions and budgets delegated to it by both authorities to be jointly decided upon.

Joint Committees are an innovative two tier response to central government policy initiatives including devolution. Positive conversations are being held with other Surrey borough and district councils on the formation of further Joint Committees with SCC.

DETAILS:

Business Case

1. Discussions between SBC and SCC have revealed a shared aspiration for the councils to create a Joint Committee which would take the place of the current Surrey County Council Local Committee in Spelthorne.
2. A Joint Committee would be a true partnership between SCC and SBC with joint decision making delegated from both organisations, and will be formed on a similar basis to Woking Joint Committee, which has been operating successfully since June 2014. The Spelthorne Joint Committee will help deliver the following aims:
 - Increase the involvement of residents, local communities, businesses and partners
 - Improve decision making, speed-up processes and reduce duplication in governance
 - Support Councillors in their role as community leaders and champions
 - Promote greater accountability and local scrutiny
 - Provide an innovative two tier response to central government policy initiatives and a platform on which future joint arrangements can be coordinated.
3. By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Spelthorne. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

4. The Joint Committee will determine priorities for collaborative work undertaken within the committee's remit by both councils, including working with other partners.
5. If agreed by both SCC and SBC, the Spelthorne Joint Committee will become operational from 1 December 2016.

Remit of the Spelthorne Joint Committee

6. It is proposed that changes are made to the scheme of delegation to enable the establishment of the Spelthorne Joint Committee with functions delegated to it by both SCC and SBC. The full functions of the Joint Committee are set out in the Terms of Reference in Annex A.
7. It is recommended that the advisory and decision making functions currently delegated to the Local Committee in Spelthorne by SCC are delegated to the Spelthorne Joint Committee.

Extended Decision Making

8. The Joint Committee will carry out the following function delegated to it by SBC for joint decision making:
 - Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended
9. The formation of a Joint Committee will also enable joint decision making on budgets delegated to it by both authorities. It is proposed that the remit of the Joint Committee is extended to consider both SCC and SBC youth provision, to work towards the aim of achieving a more integrated approach to preventative work young people in the Borough.

An Enhanced Advisory Role

10. In support of joint working it is proposed that a number of new advisory functions are delegated to the Joint Committee by both authorities:
 - To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst SCC, SBC, and other public sector partners (SCC/SBC)
 - To oversee and agree joint priorities to inform the improvement of educational attainment in Spelthorne with the aim of working closely between SCC, SBC and Spelthorne Schools Federation (SCC/SBC)
 - Oversee and influence priorities for the Family Support Programme in Spelthorne (noting the shared nature of this service with other boroughs) and monitor its performance (SCC/SBC)
 - To oversee and agree joint priorities to inform commissioning and delivery of Independent Living, Older People's Services and Day Centres in Spelthorne, with the aim of achieving an integrated approach from SCC and SBC (SCC/SBC)
 - To receive reports from and provide political oversight and advice to the Spelthorne Safer Stronger Community Partnership on the Community Safety functions of the Borough (SCC/SBC)

- To receive reports from and provide political oversight and advice to the Spelthorne Together Health and Wellbeing Group within the framework of Surrey's Joint Health and Wellbeing Strategy (SCC/SBC)
11. The respective councils and the committee will keep under review those functions delegated to it, or that could be delegated to it, and it is proposed that the work and function of the Joint Committee will be reviewed after 18 months.

Spelthorne Joint Committee Terms of Reference

12. The Spelthorne Joint Committee will operate under its own Terms of Reference (Annex A) which set out the context and purpose, the functions and powers, and the Standing Orders under which the Joint Committee will operate. These were agreed by Spelthorne Borough Council in July 2016 and now need Cabinet and Council approval.
13. Under the Terms of Reference decision making in relation to delegated matters will be dealt with by the Joint Committee, the day-to-day operational arrangements relating to those functions will continue to be managed within the respective authority responsible for the function. All funds will be spent in accordance with their respective financial regulations and policies.
14. Meetings of the Spelthorne Joint Committee will be held in public, enabling local people to have their say and contribute directly to the decision making process.
15. At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

CONSULTATION:

16. The Leader and Cabinet Member for Localities and Community Wellbeing have been consulted and are supportive of further Joint Committees being established. In addition the Resident Experience Board and the Strategic Director for Customers and Communities have been consulted.
17. The Spelthorne Local Committee have been involved in the development of the proposals for the Joint Committee.
18. Detailed discussions during the development of the Terms of Reference have been held with officers from Legal and Democratic Services from both Surrey County Council and Spelthorne Borough Council. Officers from relevant SCC service functions have also been fully involved in the development.
19. Spelthorne Cabinet and Council agreed the formation of the Spelthorne Joint Committee at their meetings held on 20 July 2016 and 21 July 2016 respectively.
20. These proposals are based on the experience and operation of Woking Joint Committee.

RISK MANAGEMENT AND IMPLICATIONS:

21. There are no significant risk management implications arising from this report.

22. A more unified approach through the establishment of the Joint Committee should reduce the risks of fragmented service delivery and duplication or omission. The Joint Committee will operate under its own Standing Orders, which will provide effective governance and oversight of the issues being considered.
23. The Joint Committee will enable SCC and SBC to make joint decisions. SCC and SBC services are not being merged and separate budgets for the functions will be maintained by each authority. The normal call in protocols apply.

Financial and Value for Money Implications

24. There are no direct financial implications of establishing a Joint Committee in place of the current local committee arrangements; however, due to the increased remit of the committee, there may be an increase in administrative time required by the Community Partnerships Team in servicing the needs of the committee. This will be managed within existing staff resources. It is anticipated that this may be offset in part by improved partnership working between the two authorities and reduced duplication in governance arrangements, with this in turn leading to increased value for money.
25. Any members' costs and expenses resulting from the Joint Committee (including those in relation to Chairman and Vice Chairman roles) will be funded and administered by their respective authorities.
26. SCC and SBC will agree each year the amount of funding available to the Joint Committee to carry out its delegated functions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.

Section 151 Officer Commentary

27. The Section 151 Officer confirms that all material, financial and business issues and risks have been considered/addressed. The formation of a joint committee changes the process of decision making, but all expenditure will remain within and be administered by the originating authorities.

Legal Implications – Monitoring Officer

28. Sections 101(5) and 102 of the Local Government Act 1972 empowers local authorities to agree to discharge functions jointly, and to establish joint committees to enable these arrangements. Under the Local Authorities (Arrangements for Discharge of Functions) England Regulations 2012 the Cabinet is responsible for agreeing to the establishment of any joint arrangements in relation to any executive functions. Most of the County Council's functions that will be dealt with by the new Committee will be executive functions as outlined in the report. However, as there will also be some non-executive functions, the arrangements for the joint committee also need to be agreed by the full Council. The regulations require representation on the Committee of at least one cabinet member given that it will be dealing with executive functions.

Equalities and Diversity

29. An Equality Impact Assessment (EIA) was completed covering the options for change regarding Local Committees as part of the November 2012 Cabinet Report on the Public Value Review of the Community Partnership Team. A summary of the key impacts and actions was provided at this time and has been reviewed.
30. By delivering against the recommendations of the original Cabinet Report, the formation of the Spelthorne Joint Committee will effectively deliver some of the positive impacts identified through the EIA, such as enabling better partnership working with improved shared outcomes for local residents and communities. There are no negative equalities implications identified.
31. Equalities issues, particularly in relation to any disabilities, will be given consideration in the arrangements for public participation the Spelthorne Joint Committee to ensure that anyone with a protected characteristic is not disadvantaged.
32. There are no further impacts arising from this report.

Other Implications:

33. The potential implications for the following SCC priorities and policy areas have been considered. Whilst the advisory remit has been expanded, it is no felt that this will have any significant impact on the following areas. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report
Safeguarding responsibilities for vulnerable children and adults	Closer scrutiny of provision within Spelthorne area
Public Health	Closer scrutiny of provision within Spelthorne area
Climate change	No significant implications arising from this report
Carbon emissions	No significant implications arising from this report

WHAT HAPPENS NEXT:

34. Following Cabinet agreement (and endorsement where the decision is within the remit of the Council) of the recommendations, full Council approval will be sought for the establishment of Spelthorne Joint Committee, agreement of the Spelthorne Joint Committee Constitution and Scheme of Delegation.
35. Spelthorne Joint Committee will be formally constituted from the 1 December 2016 with the first meeting due to be held on 5 December 2016.
36. The Terms of Reference of the Spelthorne Joint Committee will be reviewed after 18 months, and any recommended changes reported back through appropriate processes at SCC and SBC.

Contact Officers:

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Consulted:

Internal consultation: Cabinet Member for Localities and Community Wellbeing; Spelthorne Local Committee; Resident Experience Board; and Strategic Director, Customers and Communities.

External consultation: Spelthorne Borough Council Leader, Cabinet and Overview and Scrutiny Committee; and Spelthorne Borough Council Chief Executive and Senior Management Team

Annexes:

Annex A: Spelthorne Joint Committee Terms of Reference

Sources/background papers:

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