

Full Council

Date: 22nd November 2017

Agenda item:

Wards: All

Subject: Changes to the Joint Regulatory Committee

Lead officer: Chris Lee, Director of Environment and Regeneration

Lead member: Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking; Cllr Nick Draper, Cabinet Member for Community and Culture

Forward Plan reference number:

Contact officer: Paul Foster, Head of the Regulatory Services Partnership, John Hill, Assistant Director, Public Protection

Recommendations:

- A. That Council approves the amended Terms of Reference for the Joint Regulatory Services Committee (JRSC) as set out in Appendix 3;
 - B. That Council agrees that the Chair of the JRSC rotates on an annual basis between Merton, Richmond and Wandsworth.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report presents proposed changes to the JRSC's Terms of Reference following Cabinet approval of the proposal to expand the Regulatory Shared Services partnership to include the London Borough of Wandsworth as a new partner.
- 1.2. This report seeks Cabinet's approval to the amended Terms of Reference for the JRSC as set out in Appendix 3.

2 DETAILS

Background

- 2.1. The JRSC was established at Merton Council on 9 July 2014, where the Terms of Reference and membership were agreed. It is not a decision-making body and therefore not subject to proportionality rules. No key decisions are taken by the JRSC and therefore the matters considered are not subject to call-in.
- 2.2. On 10 June 2014, Richmond Council approved the delegation of powers and appointment of two Members to the Joint Committee as well as changes to their Constitution.
- 2.3. Page 47 of Richmond's Constitution states the delegation as "Functions related to Regulatory Services including environmental health, trading standards and licensing are delegated under LGA 1972, s.101 to the London Borough of Merton so long as the shared service arrangements exists."

- 2.4. The first meeting was in October 2014 and the JRSC has met another 8 times since then. Merton is the “host” authority and therefore services the meetings, although the Chair currently alternates between Merton and Richmond (resolved at the JRSC on 23 February 2015).
- 2.5. Richmond’s Cabinet agreed to admit Wandsworth to the Shared Service on 22 June 2017. Merton Cabinet, at its meeting on 3 July 2017, also agreed to admit Wandsworth to the Shared Service; and delegated the details of the arrangements to the Director of Environment and Regeneration. This paper seeks to advise the Council on the proposed changes to the Terms of Reference and operation of the JRSC following the admittance of Wandsworth.

Current governance arrangements

- 2.6. The current Terms of Reference, as set out in Merton’s Constitution, are provided in Appendix 1. The purpose of the JRSC is to review and monitor performance; advise officers on funding matters; and consider any matter not reserved to the Council or Head of Shared Service.
- 2.7. The current members of the body are:
- Cllr Nick Draper, CM for Community and Culture (LBM)
 - Cllr Ross Garrod, CM for Street Cleanliness and Parking (LBM)
 - Cllr Pamela Fleming, CM for Environment, Business and Community (LBR) (Chair 2017/18)
 - Cllr Rita Palmer (LBR)
- 2.8. The existing Reserved Matters (i.e. matters that cannot be exercised by the JRSC) are set out in Appendix 2.
- 2.9. The agendas and minutes of the JRSC have been reviewed by Democratic services officers and it appears that the majority of the business considered by the JRSC is performance update reports and position statements¹.
- 2.10. Any decisions taken by the JRSC are to note a report or advise officers or endorse an approach. The consideration of discretionary fees and charges is for the purposes of noting and advising officers on their approach. Any decision taken to vary the fees would be taken by the Chief Officer in accordance with the Scheme of Delegation.

Review of Governance Arrangements

- 2.11. A meeting was held with officers from Merton and Wandsworth / Richmond (under their Shared Staffing Arrangement) on 22 June 2017. It was proposed that the wording of the Terms of Reference be amended to clarify that the JRSC is an advisory rather than a decision making body. The proposed revised Terms of Reference are provided in Appendix 3.
- 2.12. The composition of each council’s membership should be for that council to determine.

¹ <https://Mertonintranet.moderngov.co.uk/ieListMeetings.aspx?CId=344&Year=0>

2.13. It has been agreed that the Chair of the JRSC should rotate on an annual basis between Merton, Richmond and Wandsworth, the sequence of which to be agreed by the JRSC. The venue of each meeting will normally be in the borough of the Council with the Chair in that year, with associated accommodation costs being absorbed by that authority.

2.14. In order to share the administrative servicing of the JRSC (preparation of papers; minute taking), it has been proposed that this should become the responsibility of the authority hosting the Committee in that year, provided the hosting is rotated on an annual basis and there is not a significant variation in costs incurred each year.

3 INTER AUTHORITY COLLABORATION AGREEMENT

3.1. The existing inter authority collaboration agreement will be updated stating how the three councils will work together and will define the governance arrangements and appropriate service levels for their respective councils.

4 ALTERNATIVE OPTIONS

4.1. n/a

5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1. Governance officers from the three councils were engaged to review and agree the changes to the existing Terms of Reference for the JRSC.

5.2. Existing JRSC Members and Wandsworth's Deputy Leader and Cabinet Member for Community Services were consulted on these proposed changes.

6 TIMETABLE

6.1. The development, agreement and formal approval of the Inter Authority Collaboration Agreement by the three Councils is targeted for completion during last quarter of 2017/18.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1. As mentioned in paragraph 2.14, in order to share the administrative servicing of the JRSC (preparation of papers; minute taking), it has been proposed that this should become the responsibility of the authority hosting the Committee in that year, provided the hosting is rotated on an annual basis and there is not a significant variation in costs incurred each year. The venue of the meeting will be in the borough of the Council with the Chair in that year, with associated accommodation costs being absorbed by that authority.

8 LEGAL AND STATUTORY IMPLICATIONS

8.1. The information regarding Terms of Reference changes in this report complies with legal and statutory requirements.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1. None for the purposes of this report.

10 CRIME AND DISORDER IMPLICATIONS

10.1. None for the purposes of this report.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. None for the purposes of this report.

12 APPENDICES

12.1. Appendix 1: Current Terms of Reference for the JRSC.

12.2. Appendix 2: Reserved Decisions (as stated in the Collaboration Agreement, Schedule 3).

12.3. Appendix 3: Proposed Terms of Reference for the JRSC.

13 BACKGROUND PAPERS

None.

Existing Joint Regulatory Service Committee

- (a) **Membership:** 2 Members from each Council being represented on the Joint Committee

- (b) **Functions:**
 - 1. Review and set the service level obligations for the functions contained in the shared service
 - 2. Review the Shared Service performance against the requirements agreed by the Councils
 - 3. Review and monitor a risk register for all aspects of the Shared Service
 - 4. Be responsible for any matter relating to the Shared Service not specifically reserved to any Council or the Head of Shared Service
 - 5. Determine and review the charging and funding mechanisms of the operation of the Shared Service
 - 6. Establish future direction and expectations of the Shared Service

Appendix 2

Reserved Decisions (as stated in the Collaboration Agreement, Schedule 3)

1. Admit any body as a new member of the Shared Service.
2. Agree to allow any additional services to become Agreed Services for delivery by the Shared Service.
3. Adopt any Annual Budget in accordance with clause 13.4 and make any changes to it.
4. Agree an Exit Plan pursuant to clause 15.1
5. Agree the Shared Service Accounting Policies or any changes to them.
6. Alter any of the provisions of the Deed.
7. Enter into or make any contract with a cost to the Shared Service of more than £50,000 unless provided for in the Annual Budget (“a material contract”).
8. Give notice of termination of any material contract or make any material variation or amendment to any such contracts.
9. Enter into any contract which cannot be terminated within a 12-month period and under which the liability for such termination could exceed £25,000.
10. Incur any item or series of items of capital expenditure of more than £100,000 unless provided for in the Annual Budget.
11. Change any of the Shared Services' accounting or reporting practices.
12. License, assign or otherwise dispose of intellectual property rights owned jointly by the Councils pursuant to the Shared Service arrangements.
13. Commence, settle or defend any claim, proceedings or other litigation brought by or against the Shared Service.
14. Enter into any contract to do any of the things referred to in the foregoing paragraphs of this Schedule.
15. Alter the exclusivity provisions of Clause 10 of this Deed.

Appendix 3

Proposed Joint Regulatory Services Committee

- (a) **Membership:** 2 Members from each Council being represented on the Joint Committee

- (b) **Functions:**
 - 1. Review and recommend the service level obligations for the functions contained in the shared service

 - 2. Review the Shared Service performance against the requirements agreed by the Councils

 - 3. Review and monitor a risk register for all aspects of the Shared Service

 - 4. Be responsible for any matter relating to the Shared Service not specifically reserved to any Council or delegated to the Head of the Shared Service

 - 5. Review and advise on the charging and funding mechanisms of the operation of the Shared Service

 - 6. Review and advise on future direction and expectations of the Shared Service

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