

BROMSGROVE DISTRICT COUNCIL

CABINET

28 APRIL 2010

WETT – APPOINTMENT TO JOINT COMMITTEE AND DELEGATION OF REGULATORY SERVICES FUNCTIONS

Relevant Portfolio Holder	Peter Whittaker
Relevant Head of Service	Claire Felton

1. SUMMARY OF PROPOSALS

- 1.1 This report asks the Cabinet to agree to the Council's nomination of two representatives to the Worcestershire Shared Services Joint Committee which will oversee shared services provided under the WETT programme.
- 1.2 This report also requests Cabinet to delegate to the Worcestershire Shared Services Joint Committee such of its Regulatory Services functions as will become the responsibility of the Joint Committee with effect from the commencement of a unified Regulatory Services function on 1st June 2010

2. RECOMMENDATIONS

- 2.1 **That the Cabinet agrees to the Council's nomination of two members to the Worcestershire Shared Services Joint Committee such appointment to continue until the Annual Meeting in 2011.**
- 2.2 **That the Cabinet agrees that its Regulatory Services be delegated to the Worcestershire Shared Services Joint Committee**

3. BACKGROUND

- 3.1 In January 2010 Council agreed to participate in enhanced two tier working with other authorities in Worcestershire. In particular Council agreed that a unified Regulatory Service comprising Environmental Health functions, Licensing functions and Trading Standards functions for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils would be established from 1st June 2010 under the auspices of a Joint Committee. Council further agreed that with effect from 1 June 2010 this Council's Regulatory Services functions would be discharged by that Joint Committee and accordingly agreed to delegate its Regulatory Services functions to that Joint Committee with effect from 1 June 2010.

4. KEY ISSUES

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- 4.1 It is proposed that the Joint Committee, which will exercise both executive and non-executive functions, will comprise 14 members being 2 members from each authority in Worcestershire. There are requirements that:
- 4.1.1 the number of members to be appointed and their term of office shall be fixed by the Council with the agreement of the Cabinet; and
 - 4.1.2 at least one of those members must be a member of the Cabinet;
 - 4.1.3 the members appointed must reflect the political balance of the Council.
- 4.2 Council has nominated two members to sit on the Joint Committee and Cabinet is requested to agree to those nominations.
- 4.3 Council has already agreed to delegate to the Joint Committee the Council's functions in relation to Regulatory Services with effect from 1 June 2010. Cabinet is now requested to make the corresponding delegation in relation to executive Regulatory Services functions.

5. FINANCIAL IMPLICATIONS

- 5.1 The Business Case for Regulatory Services was considered by Council on 20 January 2010. This report does not add any further financial implications.

6. LEGAL IMPLICATIONS

- 6.1 Section 101(5) of the Local Government Act 1972 as amended enables two or more local authorities to arrange for the discharge of any of their functions jointly and where arrangements are in force for them to do so they may arrange for the discharge of those functions by a joint committee.
- 6.2 S102 of that Act enables authorities to appoint members to a joint committee established for the purpose of discharging functions in pursuance of arrangements made under s101 and requires.
- 6.3 The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2001 paragraph 12 (1C) requires that in respect of joint committees discharging both executive and non-executive functions and more than one member of the authority is a

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member of the Joint Committee, at least one Member of the Executive of the Authority shall be a member of the Joint Committee.

- 6.4 It is a requirement that the Council fixes the number of members and the term of office under s102 of the Local Government Act 1972 and under paragraph 11(3B) of the Regulations referred to in 6.3 above.

7. POLICY IMPLICATIONS

- 7.1 There are no direct policy implications.

8. COUNCIL OBJECTIVES

- 8.1 CO2 – Improvement, Priority - Value for Money, Key Deliverables – Shared Services and Efficiencies

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The main risks associated with the details included in this report are:

- Failure to follow the statutory process

- 9.2 These risks are being managed as follows:

Risk Register: *Legal & Democratic Services*
Key Objective Ref No:
Key Objective: *Effective Ethical Governance*

10. CUSTOMER IMPLICATIONS

- 10.1 N/a

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 N/a

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13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 N/a

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 The governance arrangements for the Joint Committee have already been reported to Council.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 N/a

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 N/a

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration,	No

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Regulatory and Housing Services	
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk or
Tel: (01527) 881429