

## CABINET

15 FEBRUARY 2011

### REPORT OF THE LEADER OF THE COUNCIL

<b>Title:</b> Olympics – Host Borough Membership	<b>For Decision</b>
<p><b>Summary:</b></p> <p>In 2006 an Agreement (the Inter Authority Agreement) was entered into between the five Olympic Host Boroughs for the 2012 Olympic and Paralympic Games (the London Boroughs of Hackney, Greenwich, Newham, Tower Hamlets and Waltham Forest) to foster and develop co-operative joint working and secure local benefits and a sustainable legacy from the Olympic Games.</p> <p>To strengthen the partnership working, the respective Executives of the five Host Boroughs in June/July 2009 each gave their approval to the establishment of a Joint Committee to facilitate the discharge of executive functions regarding joint arrangements in respect of the Games and legacy, as set out in an agreed Memorandum of Understanding and Terms of Reference.</p> <p>Discussions between the Leaders and Mayors of the five Host Boroughs have been going on for a few months with a view to including the London Borough of Barking and Dagenham as a sixth Host Borough.</p> <p>These discussions have suggested that the position of the five Host Boroughs would be developed and strengthened by the inclusion of the London Borough of Barking and Dagenham as a sixth Host Borough and proposals are being submitted before the executives of each Host Borough to make amendments to the current Joint Committee arrangements to enable the London Borough of Barking &amp; Dagenham to formally become a member of the new Joint Committee from 1 April 2011.</p> <p>This report seeks Cabinet approval of the recommendations below to enable the London Borough of Barking &amp; Dagenham to formally become a member of the new Joint Committee from 1 April 2011.</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is recommended to agree:</p> <ol style="list-style-type: none"><li>1. Agree that the London Borough of Barking and Dagenham joins and participates as a member of a Joint Committee of the Six Host Boroughs for the 2012 Olympic and Paralympic Games with effect from 1 April 2011, subject to approval of same by all the current Host Boroughs;</li><li>2. Agree that the London Borough of Barking and Dagenham i) enters into and signs up to the revised Memorandum of Understanding, the revised Inter Authority Agreement and any other necessary documents to be entered into between the Six Host Boroughs and ii) delegate power to the Chief Executive to do everything and</li></ol>	

give effect to any matter necessary to achieve their objectives.;

3. Agree the Terms of Reference specified in Appendix 1 to the Memorandum of Understanding or any amended version thereof;
4. Agree that all executive powers, duties and functions required to be executed by the London Borough of Barking and Dagenham to facilitate the objectives of the Host Boroughs in connection with the Games and their legacy, are delegated to and be discharged by the Joint Committee with effect from 1 April 2011;
5. Nominate two (Cabinet) Members to be the Council's representatives on the Joint Committee;
6. Nominate two (Cabinet) Members to be the Council's substitute representatives on the Joint Committee.

**Reason(s)**

To enable the London Borough of Barking & Dagenham to formally become a member of the new Joint Committee from 1 April 2011.

**Comments of the Chief Financial Officer**

The funding will come from existing Council budgets.

**Comments of the Legal Partner**

This report was prepared jointly with the Legal Partner and incorporates all the legal issues and implications and more particularly in section 4 below.

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**1. Background**

- 1.1 On 31 August 2006, the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest entered into an Inter-Authority Agreement to work together to develop and implement a co-ordinated programme of activities and issues that arise as a result of the 2012 Olympic and Paralympic Games, for the purposes of securing local benefits and a sustainable legacy for the geographical areas of the five Boroughs. The Inter-Authority Agreement is attached to this report as Appendix A.

- 1.2 The Agreement sought to facilitate strategic and operational coherence to the collaborative work of the Boroughs in relation to the Games and to aid that, a Central Joint Borough Unit was established and the pooling and sharing of costs was agreed whereby each Borough would pay an agreed annual contribution for the currency of the Agreement.
- 1.3 As envisaged in the Agreement, the Chief Executives of each of the five original member Boroughs met regularly, as have the Leaders and Mayors, and matters of mutual and collective interest were considered. As these arrangements became established within the Boroughs and with external organisations, the Boroughs formalised their arrangements and established a Joint Committee to exercise specific executive functions in relation to the Games.
- 1.4 A Memorandum of Understanding was entered into covering the proposed arrangements, structure and Terms of Reference of the Joint Committee. The Memorandum of Understanding is attached to this report as Appendix B and the Terms of Reference are appended thereto as its Appendix 1.
- 1.5 Successful so far and recognised by Government as integral to the future legacy of East London, discussions between the Leaders and Mayors of the five Host Boroughs have suggested that their position would be developed and strengthened by the inclusion of the London Borough of Barking and Dagenham as a sixth Host Borough.
- 1.6 Although involved on an informal basis since September 2010, negotiations between the London Borough of Barking and Dagenham and the original five Host Boroughs were delayed by last year's election but council officers during that time were being invited to participate in meetings and events with the five Host Boroughs. Barking and Dagenham is now integrated into all of the work streams of the Host Boroughs, including the Monthly Host Borough's Leaders and Mayors Meetings and the fortnightly Host Borough's Chief Executive meetings.
- 1.7 The inclusion of London Borough Barking and Dagenham as a sixth Host Borough would reflect the Host Boroughs' same broad base in terms of socio economic need and the convergence targets as set out in the Host Boroughs Olympic and Paralympic Legacy Strategic Regeneration Framework. Indeed the Mayor of London and the Government have recognised the added value of the inclusion of London Borough Barking and Dagenham as part of the legacy arrangement and the 'sixth' Host Borough is already referred to in the Department for Culture, Media and Sport's Plans for the Legacy from the 2012 Olympic and Paralympic Games , as published on 20 December 2010

## **2. Proposal**

- 2.1 Proposals are being submitted before the Executives of each of the five existing Host Boroughs to make amendments to the current Joint Committee arrangements to enable the London Borough of Barking & Dagenham to formally become a member of the new Joint Committee from 1 April 2011. The Executives of the Host Boroughs are being asked to approve the disestablishment of the existing Joint Committee of the five Host Boroughs for the 2012 Olympic and Paralympic Games, and the establishment of a new Joint Committee of six Host Boroughs, to incorporate the London Borough of Barking and Dagenham as a sixth Host Borough

and to make the necessary arrangements to the existing Joint Committee arrangements and related Memorandum of Understanding to take effect from 1 April 2011.

- 2.2 This report is being submitted to Cabinet to approve the recommendations set out above, to enable the London Borough of Barking & Dagenham to formally become a member of the new Joint Committee from 1 April 2011.

### **3. The Joint Committee**

It is proposed that Barking and Dagenham joins the current five Host Boroughs as the sixth Host Borough member of the new re-established Joint Committee. Key features of the existing Joint Committee are set out below.

#### **3.1 Membership**

- 3.1.1 The Joint Committee currently comprises 10 members, two nominated by the executive of each Host Borough, one of whom is the Borough's Leader/Mayor. The current Chair is the Mayor of Newham. With the inclusion of the London Borough of Barking and Dagenham, membership will increase to 12 members.
- 3.1.2 Given that only executive functions are exercised by the Joint Committee, all the current second members are Executive members, although the law does enable the appointment of non- Executive members when the Joint Committee comprises five or more authorities.
- 3.1.3 In order to ensure that each Borough is fully represented at every meeting of the Joint Committee each Borough appoints up to two substitute members who may attend, speak and vote in place of a full member nominated by that Borough if the latter is unable to attend.
- 3.1.4 The maximum term of office for any nomination may not exceed a Member's remaining term in office.

#### **3.2 Sub-Committees**

- 3.2.1 The Joint Committee can establish decision making sub-committees to discharge specific functions and any sub-committee established by the Joint Committee comprises one Member from each Borough.

#### **3.3 Quorum and Voting**

- 3.3.1 The requirement for a quorum for meetings of the Joint Committee is at least one Member from each Borough to ensure that decisions affecting any particular Borough are not taken without that Borough being represented at the meeting.
- 3.3.2 Pursuant to Schedule 12 to the Local Government Act 1972, the determination of questions before the Joint Committee must be made by a majority of those present and voting.

3.3.3 All prospective items of business for the Joint Committee or any sub-committee are initially considered by the Chief Executive's Board and only included on the agenda with the agreement of each of the Borough Chief Executives.

3.3.4 The Chair of the Joint Committee or sub-committee has the capacity to assess the feeling of the meeting and if it appears to him that unanimity of voting will not be achieved he may propose that the matter be referred back to the Chief Executive's Board for further consideration.

3.3.5 Where a decision of the joint committee does not apply to all the Host Boroughs, the delegation of functions to the joint committee will be limited to those Boroughs to which the decision applies so that any Borough to which the decision does not apply retains the capacity to opt out of any decision that it does not wish to participate in or to determine the issue(s) in accordance with its own procedural requirements.

### **3.4 Delegation to Officers**

3.4.1 The Joint Committee or any sub-committee established by it can delegate specific functions to an officer of one of the Host Boroughs, which may be subject to prior consultation and agreement with one or more officers of one or more of the other Boroughs, or subject to prior consultation with the Chair of the Joint Committee or sub-committee as appropriate.

### **3.5 Constitution and Procedures**

3.5.1 As a Joint Committee exercising executive functions of local authorities, the legal requirements in relation to meetings of executives apply. Meetings are held in public unless the Joint Committee resolves to exclude the public to prevent the disclosure of confidential or exempt material.

3.5.2 The Joint Committee has adopted a Constitution and procedure rules to cover all areas of process and conduct.

### **3.6 Overview and Scrutiny**

3.6.1 The Joint Committee is subject to overview and scrutiny requirements. Accordingly, decisions of the Joint Committee are subject to scrutiny and 'call in' by any of the Host Boroughs.

3.6.2 In the event that a decision of the Joint Committee is 'called in' the Chief Executive (or an officer designated by the Chief Executive) for the relevant Host Borough will attend the relevant Overview and Scrutiny Committee, together with one or both of the Members nominated by that Borough to the Joint Committee.

3.6.3 If called-in, a decision of the Joint Committee is held in abeyance pending the outcome of the 'call in', which will be either to concur with the decision, in which case it may be implemented, or to refer it back to the Joint Committee with recommendations for an alternative course of action. To date no decision of the Joint Committee has been called-in and the likelihood of this happening is minimised by the requirements to seek unanimity as mentioned in paragraphs 3.3.1 and 3.3.2.

### **3.7 Functions**

3.7.1 The executive functions discharged by the Joint Committee are set out in Appendix 1 to the Memorandum of Understanding.

### **3.8 Administration**

3.8.1 Under the Inter Authority Agreement the London Borough of Hackney has been and continues to be the lead Host Borough for the employment and management of staff in the Joint Borough Central Unit. The Joint Borough Central Unit is led by its Executive Director who is responsible for day to day management and direction of the Unit, reporting to the Joint Committee through the Chief Executive's Board. Administrative support to the Joint Committee is also provided by Hackney.

3.8.2 As lead Borough, Hackney is responsible for the budget which the Joint Committee will manage, with power to propose variations to the level of contribution by each Borough.

3.8.3 The Chief Executive of Hackney is the Clerk to the Joint Committee.

## **4. Financial Issues**

4.1 Barking and Dagenham will make a financial contribution in line with the other five Host Boroughs of £125,000 for 2011/12 and will make a voluntary contribution of £84,425 for 2010/11 to the costs of the Host Borough Unit.

## **5. Legal Issues**

5.1 In accordance with the provisions of the Local Government Acts of 1972 and 2000 and subsequent Regulations, the individual Boroughs each agreed to establish the Joint Committee, clothing it with the power to discharge executive functions.

5.2 The Local Government Act 1972 (Section 101) makes provision for two or more local authorities to discharge any of their functions jointly and through a joint committee established by the authorities.

5.3 Any joint committee can itself establish a subcommittee to discharge any of its functions or delegate functions to an officer and a subcommittee established by a joint committee may delegate functions to an officer.

5.4 Appointments to the joint committee are made under Section 102(1)(b) and the establishment of the joint committee is governed by regulations issued under Section 20 of the Local Government Act 2000.

5.5 The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, make provision for the discharge of executive functions by a joint committee and further provides for executive appointments to a joint committee.

5.6 The Regulations also provide that where the Executive is responsible for deciding on the appointment of members to a joint committee, an Executive Member must be

appointed to the joint committee and the political balance requirements do not apply.

5.7 Further, 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.

5.8 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. It is therefore appropriate that, as has happened in the past in all the Host Boroughs, and as is proposed in this report, that the decision to join the Joint Committee should be made by the Cabinet.

## **6 Other Implications**

## **7 Risk Management**

7.1 There are not considered to be any meaningful risks associated with the proposal.

## **8 Safeguarding Children**

## **9 Health Issues**

## **10 Crime and Disorder Issues**

10.1 The Games bring enormous opportunity to the region, but in addition it is likely that more crime and anti-social behaviour will emerge in the run up and also during the Games themselves. Membership on the Joint Committee will ensure that the issues of concern in Barking and Dagenham are not overlooked and that the Borough can influence regional resources to ensure that any emerging needs are met.

## **11 Property / Asset Issues**

## **12 Options appraisal**

## **13 Background Papers Used in the Preparation of the Report:**

### **List of Appendices:**

Appendix A Inter Authority Agreement

Appendix B Memorandum of Understanding between the Host Boroughs including the Terms of Reference appended thereto as Appendix 1.