1. PURPOSE OF REPORT

1.1 The report seeks the establishment by the Council of an Oldham and Rochdale Advisory Joint Committee to explore a programme of collaboration on joint working. The development and implementation of those shared services will require the approval of both Councils and the proposed Advisory Joint Committee would, in the first instance, oversee the development of joint working and make recommendations to the two Councils for implementation. This is described as Phase 1 of the process.

1.2 The Council has previously been advised of proposals to explore a programme of joint working with Oldham Council most recently at the budget Council meeting in February. Following on from this, members from both Authorities have recently met to discuss the possibility of joint working and as a result Phase 1 work is underway to identify potential areas for shared services.

1.3 It’s expected that the first meeting of the Oldham and Rochdale Advisory Joint Committee will take place on the 13th June 2011. The terms of reference for the Oldham and Rochdale Advisory Joint Committee are attached to this report. Members should be aware that part of the role of the Joint Committee is to consider the future Governance arrangements for the joint working work programme and members should note further reports will be presented on this to Cabinet and Council in July 2011. The reports will recommend the future governance arrangements and areas for joint working when the scale and scope of the programme will be considered. This is described as Phase 2 of the process.
2. RECOMMENDATIONS

2.1 That the establishment of an Oldham and Rochdale Advisory Joint Committee with the terms of reference set out in the Heads of Terms appended to this report be approved.

2.2 The Council appoint members to the Oldham and Rochdale Advisory Joint Committee as set out at paragraph 2.2 of the Heads of Terms attached.

2.3 That the Monitoring Officer be given delegated authority to make the necessary changes to the Constitution arising from the decision of Council.

3. BACKGROUND/INFORMATION

3.1 Two or more Councils may under section 101 (5) and s102 of the Local Government Act 1972 and s19 and s20 of the Local Government Act 2000 appoint a Joint Committee for the purpose of discharging any of their functions.

3.2 The Councils Constitution Article 11.02 (a) provides that the Council may establish Joint Arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with the other local authorities.

3.3 The number of Members to be appointed and their term of office are approved by Council. In the event that Executive functions are delegated to the Rochdale & Oldham Advisory Joint Committee the political balance rules do not apply. In the event that non Executive decisions are delegated the political balance rules would apply. It is likely that the political balance rules will apply if both non Executive and Executive decisions are delegated. Both Oldham’s and Rochdale’s Legal teams are considering the legal position. Consideration will also be given to the ability to waive the political balance rules. A full report will be presented in July 2011 covering all matters.

3.4 The scope of functions to be delegated and governance arrangements has yet to be determined and further reports will be presented for approval at future Council meetings.

4. OLDHAM AND ROCHDALE ADVISORY JOINT COMMITTEE

4.1 It is proposed that the Oldham and Rochdale Advisory Joint Committee will initially have limited powers as an advisory committee. At this stage there is no proposal to delegate specific functions to the Oldham and Rochdale Advisory Joint Committee. Instead the Committee will make recommendations to the respective Cabinets for Executive matters and in respect of non–executive matters to the respective Council meetings.

4.2 It is anticipated that once both Councils have agreed the Services which may be shared the Oldham and Rochdale Advisory Joint Committee will have those functions delegated to it and both Councils will reconsider the political balance rules and appointments of members dependent on whether executive matters or non-executive matters fall within the terms of reference.
5. OPTIONS AVAILABLE TO THE COUNCIL

5.1 The proposed establishment of an Oldham and Rochdale Advisory Joint Committee allows for formal elected member engagement in the process of considering joint arrangements and the related governance structure(s). To not have such a formal arrangement might restrict wider Member involvement in the development of joint working arrangements prior to their submission to the respective Council meetings.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising directly from the establishment of the Joint Committee.

7. LEGAL IMPLICATIONS

7.1 These are contained in the body of the report.

8. PERSONNEL IMPLICATIONS

8.1 These are contained in the body of the report.

9. RISK ASSESSMENT IMPLICATIONS

9.1 Set out in the body of the report.

10. EQUALITIES IMPACTS

10.1 Equality/Community Impact Assessments

The proposals contained in this report have no adverse impact on any sector of the community.

11. CONCLUSION

11.1 The Council is asked to approve the terms of reference of the Oldham and Rochdale Advisory Joint Committee and to appoint Members to the Oldham and Rochdale Advisory Joint Committee.

There are no background papers to this report.
Appendix 1

Oldham and Rochdale Advisory Joint Committee

Heads of Terms

1. The Committee

1.1 Rochdale Metropolitan Borough Council (RMBC) and Oldham Metropolitan Borough Council (OMBC) (together referred to as “the Authorities”) shall establish an advisory Joint Committee to make recommendations to the respective Councils with regard to the joint provision of Council functions and services, and the governance arrangements in respect of those services.

2. Appointment and Membership of the Committee

2.1 Appointment of the Oldham and Rochdale Advisory Joint Committee shall be made by the full Council of the respective Authorities.

2.2 The Authorities shall jointly agree:
   (i) The number of members to be appointed by each authority to be 5 (five) from RMBC and 5 (five) from OMBC;
   (ii) Members of the Oldham and Rochdale Advisory Joint Committee shall be appointed by the respective Councils at their annual meetings and the Councils shall appoint to any casual vacancy that may arise by way of the appointment of substitute members in accordance with the Councils existing schemes.

And such agreement shall only be binding and effective with the consent of the Council of the Authorities.

2.3 The committee is a formally constituted joint committee of Council, it is therefore required to be politically balanced notwithstanding that it only has advisory powers. There has been an indication that both Councils wish to have cross party membership on the Oldham and Rochdale Advisory Joint Committee. This being the case it is proposed that Council agree to waive the political balance rules.

2.4 Notwithstanding 2.3 above, the Authorities shall each appoint at least one member of their Executive to the Oldham and Rochdale Advisory Joint Committee.

2.5 The appointment of the Chairman and Vice Chairman of the Oldham and Rochdale Advisory Joint Committee shall be decided by the committee at its first meeting, with each Council taking one position and the respective positions alternating between the Councils on an annual basis.

3. Terms of Reference

3.1 The Oldham and Rochdale Advisory Joint Committee shall;
   (i) Oversee the shared service programme on behalf of the Authorities and recommend to the Cabinet and Council of each Authority areas considered to be suitable for Shared Services.
(ii) Make recommendations on the required resourcing requirements related to the joint working project.

(iii) Co-ordinate consultation with trade unions and/or employee representatives during the development of individual shared service proposals.

(iv) Consult, as appropriate, with the appropriate executive (including scrutiny) and non-executive structures within each of the Authorities prior to a final recommendation to the respective Councils.

4. **Committee Procedure Rules**

4.1 Rochdale Metropolitan Borough Councils Procedures Rules shall apply for the first meeting. The Oldham and Rochdale Advisory Joint Committee will consider the differences between the two Council's procedures at that meeting and consider whether the Council needs to adopt new procedure rules for this purpose.

5. **Administrative Support**

5.1 Administrative support will be provided by the Council of the committee chairman.

6. **Frequency of Meetings**

6.1 Joint committee meetings will be held 5 (five) times per year with a power to call additional meetings if required.

7. **Decision making**

7.1 The process for decision making will be agreed at the first meeting of the Oldham and Rochdale Advisory Joint Committee.