

## **Appendix 1– Proposed Revisions to the Terms of Reference of the Joint Shared Service and Personnel Committee**

### JOINT SHARED SERVICE AND PERSONNEL COMMITTEE

#### CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

Under the Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision-making processes, there are a few functions which are best delivered through joint arrangements.

Area: the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

Membership: the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority.

Quorum: will be 3 Members from each authority (i.e. a total of 6).

Chair: the Chair and Vice Chair will be elected by the committee and will be representative of each authority.

Decision making: Since both Councils have resolved to terminate the Agreement under Section 113 of the Local Government Act 1972 decisions will be by unanimity of the committee present and who choose to cast their vote.

#### Terms of Reference

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.

- To take all executive decisions with regard to any established and future shared service.

### Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.

### Termination of the Section 113 Agreement

In circumstances where the Section 113 Agreement is resolved by both Councils to be terminated:

- To instruct relevant officers of both Councils to establish a Joint Officer Working Group to consider and report upon the implementation of the termination of the Section 113 Agreement to include:
  - to carry out a short and directed due diligence exercise on the extent and cost of the s 113 arrangements;
  - thereafter to prepare a transition plan to separate the joint working arrangements between the two authorities;
  - to ensure steps are put in place to maintain effective operational activity in accordance with the s 113 Agreement during the transition period.
- The Joint Committee shall oversee the role of the Joint Officer Working Group
- The Joint Committee shall monitor progress regarding the termination arrangements
- The Joint Committee shall take non-executive decisions as necessary
- All decisions of the Joint Committee will be taken by unanimity of the committee present and who choose to cast their vote.