

Cherwell District Council

Council

18 July 2022

Disbanding of Joint Shared Services and Personnel Committee and Joint Appeals Panel

Report of Assistant Director Law, Governance and Democratic Services and Monitoring Officer (interim)

This report is public

Purpose of report

To agree to disband the Joint Shared Services and Personnel (JSSP) Committee as from 31 August 2022 following the end of the formal partnership arrangements between Cherwell District Council (CDC) and Oxfordshire County Council (OCC) and the conclusion of business for the Committee.

1.0 Recommendations

The meeting is recommended:

- 1.1 to disband the Joint Shared Services and Personnel Committee with effect from 31 August 2022 and note the conclusion of its business.
- 1.2 to disband the Joint Appeals Panel with effect from 31 August 2022.
- 1.3 to request that the interim Monitoring Officer update the Constitution to reflect the disbanding of the Joint Shared Services and Personnel Committee and Joint Appeals Panel accordingly effective 1 September 2022 and to add into the Chief Executive's delegations the power to terminate, extend or vary the new arrangements.
- 1.4 to request that the interim Monitoring Officer submit revised proportionality calculations with the Joint Shared Services and Personnel Committee removed from the calculations and any committee allocation and appointment adjustments made accordingly to the 17 October Full Council meeting.
- 1.5 to note that at its meeting of 4 July 2022, the Joint Shared Services and Personnel Committee noted that operational oversight of the new arrangements for service areas would be undertaken by each respective Chief Executive and agreed delegated powers to terminated, extend or vary the new arrangements.

2.0 Introduction

- 2.1 In February 2022, Cherwell District Council and Oxfordshire County Council agreed to the required six months' notice for the termination of the s.118 Agreement dated 18 August 2012 which gives joint working between the two councils.
- 2.2 In the decision agreeing to terminate the agreement, both councils agreed an ongoing role of the Joint Shared Services and Personnel Committee (JSSP Committee) with revised terms of reference, to provide suitable oversight and decision-making concerning the termination of the agreement. A Joint Officer Transition Working Group (JOTWG) has been established and a programme of due diligence and service reviews is underway, with the aim of keeping the best interests of residents at the centre of decision making.
- 2.3 The JSSP decision-making to consider the arrangements with regards the end of the formal partnership concluded at its 4 July 2022 meeting. At the meeting, JSSP resolved to recommend to the respective CDC and OCC Full Council meetings that JSSP be disbanded with effect from 31 August 2022.

3.0 Report Details

- 3.1 Following the February 2022 decisions of Cherwell District Council and Oxfordshire County Council as set out at paragraphs 2.1 and 2.2, the Joint Shared Services and Personnel Committee has met on four occasions to consider and agree the future working arrangements for the joint service areas. Papers for the meetings are available at the following link: [JSSP Committee papers](#)
- 3.2 The JSSP has agreed future arrangements in respect of all joint services. Of the 24 services in the previous partnership arrangements, 16 (67%) services have been fully de-coupled; 2 (8%) services will be provided by OCC to CDC under an SLA; 5 (21%) elements of service support will be brought from OCC under an SLA and 1 (4%) service will remain in partnership.
- 3.3 At its meeting on 4 July 2022, the JSSP accepted that whilst Regulatory Services and Community Safety will continue to be shared under a new s113 arrangement, other forms of partnership and collaboration agreements are being put in place for other areas where there is ongoing provision of services between councils. The service areas therefore that will be shared under new s113 arrangements are of much more limited scope and impact across both Councils. No statutory officers will be shared under the new arrangements.
- 3.4 In these circumstances, the JSSP Committee concluded that the new s113 arrangements did not require member-level oversight, but would be overseen at an operational level by each respective Chief Executive, with each Chief Executive being given delegated powers to terminate, extend or vary the new arrangements.
- 3.5 Accordingly, JSSP resolved to recommend to the respective Full Council meetings that the JSSP be disbanded as from 31 August 2022. The Committee will consequently be removed from the Constitution and committee allocation proportionality calculations.

- 3.6 Alongside the JSSP, a Joint Appeals Panel (JAP) had been established to meet, if required, in relation to matters concerning shared Chief Officer posts. As the formal partnership working will conclude on 31 August 2022, the functions of the JAP insofar as they relate to discipline and grievance of shared Chief Officers and statutory officers is not required and is already taken care of in the Constitution for CDC's own Chief and statutory officers.
- 3.7 As JSSP and JAP are formal committees constituted under the Local Government Act 1972 (as amended) and forms part of the proportionality and committee allocations calculations, it will be necessary to review these calculations following the disbanding of JSSP and JAP. A report will be submitted to the October 2022 Council meeting setting out the revised proportionality calculations and any adjustments required to committee membership. Group Leaders will be consulted on the revisions and requested to make any necessary amendments to committee appointments.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Following the decisions at the respective Cherwell District Council and Oxfordshire County Council Full Council meetings in February 2022 to terminate the s.113 Agreement between the councils and agree an ongoing role for the Joint Shared Services and Personnel Committee, the Committee has now concluded its work and has now further business. Accordingly, at its 4 July 2022 meeting, JSSP recommended to Council to agree to disband the Committee as from 31 August 2022. There are no longer shared Chief or Statutory Officers so there is no business for the Joint Appeals Panel and JAP should therefore also be disbanded as from 31 August 2022. .

5.0 Consultation

Joint Shared Services and Personnel Committee

The recommendation to Council disband the Joint Shared Services and Personnel Committee was agreed by JSSP at its 4 July 2022 meeting.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to disband the Joint Shared Services and Personnel Committee and Joint Appeals Panel. This is not recommended as decisions on future working arrangements for service areas have been taken and there is no longer any business for the Joint Shared Services and Personnel Committee. There are no longer shared Chief or Statutory Officers so there is no business for the Joint Appeals Panel.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by:

Michael Furness, Assistant Director of Finance & S151 Officer, 01295 221845

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Legal Implications

7.2 There are no legal implications arising directly from this report. The Council is required to make Constitutional changes and undertake a review of the proportionality calculations following the disbanding of any formal committee that had been established under the Local Government Act 1972 (as amended). Following the disbanding of JSSP and JAP as from 31 August 2022, a report will be submitted to the 17 October 2022 Council meeting setting out revised proportionality calculations and committee allocations.

Comments checked by:

Shahin Ismail, Interim Assistant Director Law, Governance & Democratic Services & Monitoring Officer, Shahin.ismail@cherwell-dc.gov.uk

Risk Implications

7.3 There are no risk implications arising directly from this report.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus, 01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

7.4 There are no equalities and inclusion implications arising directly from this report.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus, 01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Barry Wood, Leader of the Council and Portfolio Holder for Policy and Strategy

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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