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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	17 September 2015
<b>Subject:</b>	Harrow Council membership of the West London Economic Prosperity Board
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Tom Whiting, Corporate Director of Resources Caroline Bruce, Corporate Director of Environment and Enterprise
<b>Portfolio Holder:</b>	Councillor David Perry, Leader of the Council and Portfolio Holder for Strategy, Partnerships and Corporate Leadership Councillor Keith Ferry, Deputy Leader and Portfolio Holder for Business, Planning and Regeneration
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All Wards
<b>Enclosures:</b>	Appendix One: Functions and Procedure Rules of the Joint Committee of the Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (known as "West London Economic Prosperity Board") Appendix Two: West London Vision for Growth

## **Section 1 – Summary and Recommendations**

### **Summary:**

To enable Harrow Council to establish a Joint Committee to be known as “West London Economic Prosperity Board” (WLEPB) in partnership initially with Barnet, Brent, Ealing, Harrow and Hounslow, (with other WLA members (namely Hammersmith & Fulham and Hillingdon also potentially joining later), and to note the Leader or person nominated by the Leader will take up membership of the WLEPB on the behalf of Harrow.

### **Recommendations:**

Cabinet is asked to:

- (a) Agree that Harrow Council will enter into arrangements to form a joint committee under section 102 of the Local Government Act with other West London authorities to discharge certain functions, as outlined in the functions and procedure rules attached, jointly,
- (b) Agree that the Monitoring Officer will make any minor amendments necessary to the draft functions and procedure rules attached, following consultation with the Leader and the other boroughs involved,
- (c) Agree that the arrangements will include a Joint Committee (to be known as the West London Economic Prosperity Board or “WLEPB”),
- (d) Agree that the Leader and a reserve member will be appointed as a voting member of the WLEPB on behalf of Harrow Council,
- (e) Note that the functions to be discharged by the WLEPB will be with the intention of promoting economic prosperity within the local government areas of the participating boroughs,
- (f) Note that it is anticipated that the participating boroughs will initially be Barnet, Brent, Ealing, Harrow and Hounslow, but that other WLA members (namely Hammersmith & Fulham and Hillingdon) are also invited to join,
- (g) Note that the WLEPB will not discharge any of Harrow’s non-executive functions, and
- (h) To refer this matter to the Monitoring Officer so that he may consider any constitutional amendments necessary and refer these to Council as required.

### **Reason: (For recommendations)**

1.1 Two of the four priorities for the administration set out in Harrow Council’s Corporate Plan 2015/16-2018/19 are to Make a Difference for Communities and Make a Difference to Business. The Council’s

Regeneration Strategy's has the following three objectives:

- Providing the homes, schools and other infrastructure needed to meet the demands of our growing population and business base, with high quality town and district centres that attract business investment and foster community engagement
- Communities – Creating new jobs, breaking down barriers to employment, tackling overcrowding and fuel poverty in our homes and working alongside other services to address health and welfare issues
- Business – Reinforcing our commercial centres, promoting Harrow as an investment location, addressing skills shortages and supporting new business start-ups, developing local supply chains through procurement

1.2 In order to achieve these goals, the Council is working in partnership with other West London authorities, through the West London Alliance (WLA), whose area is acknowledged as a functional economic area. West London's functioning economic geography recognises the connections, alignment and interdependencies between constituent boroughs and the important relationships to the rest of London, surrounding council areas and the wider UK economy.

1.3 Working with the WLA enables Harrow Council to address issues relating to growth, jobs and skills which span across geographical boundaries; take advantage of economies of scale (e.g. in relation to bids for European Social Fund and external funding); and increasingly to present a credible and substantial basis for devolved central government functions relating to growth, employment and skills.

1.4 The WLA boroughs have prioritised the growth and prosperity agenda, and developed a shared Vision for Growth, agreed in 2014. The rationale for a West London approach to delivery of the vision for growth is that the scale of the issues with boosting economic growth and delivering prosperity for all in West London is outside the scope of the capabilities of any one West London authority to deliver.

1.5 The Vision for Growth is being delivered through a focus on six priorities. These are around growing business, developing skills, maximising young people's potential, building new homes, creating and maintaining thriving town centres and investing in infrastructure. These priorities align not only with Harrow's Regeneration Strategy, but also align well with the broader set of objectives in the Corporate Plan which are designed to make Harrow a better place to live.

## **Section 2 – Report**

### **1. Introductory paragraph**

- 1.1 To enable Harrow Council to establish a Joint Committee to be known as “West London Economic Prosperity Board” (WLEPB) in partnership initially with Barnet, Brent, Ealing, Harrow and Hounslow, (with other WLA members (namely Hammersmith & Fulham and Hillingdon also potentially joining later), and to note the Leader or reserve member nominated by the Cabinet will take up membership of the WLEPB on the behalf of Harrow.
- 1.2 The suggestion for establishing the WLEPB came about through meetings of the WLA Leaders Group. It is possible that all WLA boroughs will choose to participate in due course. The proposal is that the establishment of the WLEPB to ensure appropriate, effective and formal governance is in place for the purposes of: delivering the West London Vision for Growth and advancing participating authorities’ aspirations for greater economic prosperity in West London “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.

### **Options considered**

- 1.3 It is proposed that the WLEPB takes the form of a formal Joint Committee. The rationale for this approach is explained in paragraphs 2.1-3 , and reflects the outcomes of discussions and evaluation of options by the Leaders of the local authorities which comprise the West London Alliance, in their meetings between December 2014 and March 2015. The selection of a Joint Committee model reflects appropriately the participating authorities’ collective desire for formal governance arrangements to be in place to deliver the Vision for Growth, which stops short of the formation of a stand-alone statutory authority.
- 1.4 The draft arrangements in Appendix 1 would mean that the WLEPB would operate on the basis of a simple majority, and that the Chair would have a casting vote. The draft arrangements in Appendix 1 do not give any participating borough a right of veto. What this means in practice is that the potential will exist for one or more boroughs to be bound by decision that they did not vote for and are not happy about. However, it is considered that the likelihood of such a scenario arising is low.
- 1.5 It is anticipated that the authorities who will agree to discharge their functions jointly (“the Participating Boroughs”) via the WLEPB will initially be Barnet, Brent, Ealing, Harrow and Hounslow. The two other WLA members (namely Hammersmith & Fulham and Hillingdon) have been invited to join and may do in the future.

## **2 Background**

- 2.1 The Local Democracy, Economic Development and Construction Act (“the 2009 Act”) enables, outside of London, the establishment of combined authorities and economic prosperity boards, facilitates the collaboration and joint working between local authorities to improve economic development, regeneration and transport in functional economic areas, thus promoting economic growth. Economic prosperity boards have functions in relation to economic development and regeneration only. The 2009 Act contains a number of conditions which need to be met before the Secretary of State can make an order, subject to Parliament’s approval, establishing a proposed combined authority or economic prosperity board. The 2009 Act does not permit the establishment of Economic Prosperity Boards within London, which is why it is proposed that the WLEPB will take the form of a Joint Committee. The WLEPB does not require approval by the Secretary of State.

### **Current situation**

- 2.2 There is currently no such arrangements that would enable West London to operate as a functional economic prosperity board and therefore access the benefits that such a body can enable, which are set out below.

### **Why a change is needed**

- 2.3 This approach is also designed to support joint applications for funding such as the European Social Fund (ESF). The Greater London Assembly (GLA) has agreed with ESF co-funders to recognise the WLA boroughs, collectively, as a functional economic area for the purposes of commissioning ESF programmes 2014 – 2020. Sub-regional approaches to securing and governing such funds are increasingly more likely than individual borough funding bids to be successful.
- 2.4 In addition to specific functions relating to the delivery of the Vision for Growth, the Board will lead West London’s engagement with London Councils, the GLA, the London Enterprise Partnership (LEP) and government departments in relation to the economic prosperity agenda; and pursue opportunities for devolution in relation to economic growth on the behalf of West London boroughs.
- 2.5 The functions to be discharged jointly via the WLEPB will be:
- 2.5.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities,
  - 2.5.2 Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement,

- 2.5.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda,
- 2.5.4 Exercising any such powers and allocating any such funding,
- 2.5.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities,
- 2.5.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda,
- 2.5.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity,
- 2.5.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities,
- 2.5.9 Agreeing and approving any additional governance structures as related to the WLEPB, or any sub-committees formed by the WLEPB,
- 2.5.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the 2009 Act, to be established by groups of boroughs in London.
- 2.5.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

### **3 Implications of the Recommendation**

- 3.1 The WLEPB will be a joint committee set up to be a decision-making body which will discharge the functions outlined above. Decisions made by the WLEPB will be binding on the participating boroughs. Authorities will not, however, be prevented from discharging the above mentioned functions on their own account as well.
- 3.2 The proposed functions and rules of procedure for the WLEPB are attached as Appendix 1. These outline the membership of the WLEPB,

the functions it will perform, and the procedures it will follow in relation to decision-making.

- 3.3 The proposal is that each participating borough will appoint one voting member of the WLEPB. The proposal is that the committee procedures for the WLEPB will include an arrangement that its chair will be one of these voting members. The voting member appointed by each of the participating boroughs will act as chair for 12 months at a time on a rotating basis.
- 3.4 Where a participating borough operates “executive arrangements”, then the appointment of a voting member of the WLEPB will be by the Leaders of the executive or the executive depending on the council’s constitution. It is anticipated that, where practicable, the leader will be nominated to the WLEPB. Where a participating borough does not operate “executive arrangements”, then it must follow its own procedures to appoint the voting member of the WLEPB, but it is envisaged that this will usually be one its senior councillors.
- 3.5 The WLEPB may also contain non-voting special representatives from business, education and skills sectors, the civil service and central government to make comments and to attend meetings.
- 3.6 This approach means that voting members of the WLEPB will be able to make binding decisions relating to the economic prosperity agenda in WLEPB meetings. As a joint committee, the WLEPB will be subject to the same rules as other committees in relation to admission to meetings, access to agendas, reports, background papers, minutes and other documents. Furthermore, for those authorities operating executive arrangements, decisions made by the WLEPB may be subject to the same overview and scrutiny requirements as executive decisions made by the borough solely

#### **4. Performance Issues**

- 4.1 Harrow’s economic prosperity is influenced significantly by the broader economic activity of West London, although not exclusively as given our transport links economic prosperity is also influenced by economic activity in central London. However, it is a better use of Harrow’s resources to work in active, formal co-operation with West London authorities to ensure West London authorities’ resources and strategies for boosting growth and prosperity are aligned, than for Harrow to pursue the economic prosperity agenda alone.
- 4.2 Benefits over and above strategic alignment include the opportunities for economies of scale, for example through collaborative commissioning and procurement of goods and services to help deliver the WLA Vision for Growth.
- 4.3 Furthermore, for reasons set out earlier in this paper, there is more likelihood of the Council attracting third party investment (e.g. in the form of ESF funding) if it can demonstrate that it is working in partnership with other local authorities, in particular neighbouring authorities / sub-regions.

- 4.4 Finally, the approach proposed in this report represents a strategic approach to delivering better value for money, when placed in the context of other strategic agendas. For example, the implications of the government's welfare reform agenda places an increasing focus on employability of a way of helping the most vulnerable in society; and there is a strong body of evidence to support the view that active economic engagement plays a key role preventing poor outcomes which result in dependency on costly public services, enhancing resilience and independence from state support, and improving health, well-being and quality of life.

## **5. Environmental Implications**

- 5.1 There are no implications for sustainability arising directly from this report, as the report is not recommending the commissioning of a particular programme of activity. However if the WLEPB is established, it will focus in part on delivery of the West London Vision for Growth, which sets out a "vision to achieve ... sustainable economic growth"; delivery of "better paid, sustainable jobs", and "sustainable housing solutions" in West London.

## **6. Risk Management Implications**

- 6.1 The proposal to establish the WLEPB as a formal legal joint committee is significant step in terms of formalising joint work in relation to the economic prosperity agenda in West London.
- 6.2 The proposal to establish a WLEPB has been arrived at through discussions during the December 2014, February 2015 and March 2015 meetings of the West London Alliance Leaders Board.
- 6.3 These discussions have been focused in part on evaluation of options for formalising governance arrangements around West London Alliance member authorities' aspirations for economic growth and prosperity.
- 6.4 Appendix 1 set out the proposals for the functions the WLEPB will perform , the process and procedure for taking decisions relating to those functions, and how the decision making process will operate (e.g. in terms of how votes are taken on decisions if necessary).
- 6.5 The WLEPB will incorporate a risk management approach to their oversight of delivery of the West London Vision for Growth. The performance management framework for the Vision for Growth will include a log of key risks; performance reports to the WLEPB will enable member authorities to focus on any emerging issues.
- 6.6 The secretariat and strategic support for the WLEPB will undertake to enable members of the WLEPB to carry out an appropriate risk assessment of decisions, at an appropriate stage of the decision-making process.
- 6.7 On the basis of the voting arrangements that the Joint Committee will operate under there is a risk to any authority of decisions being made



that bind the council but that the council did not vote for, and that the Joint Committee may compete with the Council for funding.

## 7. Legal Implications

- 7.1 Subject to the more detailed considerations mentioned below, two or more local authorities can arrange for any of their functions to be discharged jointly. If they wish to do so, the authorities can set up a joint committee in order to discharge these functions. Such a joint committee can set up a sub-committee (unless the participating authorities specify otherwise when making the arrangements). Where such a committee (or sub-committee) makes a decision, the decision is binding on the participating authorities. However, where an authority has made arrangements for one of its functions to be discharged by a joint committee, the authority still retains the ability to discharge that function itself.
- 7.2 The Local Government Act 2000 (“the 2000 Act”) (section 9B) allows a local authority to operate (amongst other things) either a “committee system” (s 9B(1)(b)) or “executive arrangements” (s 9B(1)(a)). Operating a “*committee system*” means that the authority does not operate “executive arrangements” and instead arranges the discharge of its functions in accordance with Part 6 of the Local Government Act 1972 (“the 1972 Act”). Operating “*executive arrangements*” means that the authority must identify which of its functions are the responsibility of the executive (sometimes called “executive functions” or “cabinet side functions”) and which are not (sometimes called “non-executive functions” or “council side functions”).
- 7.3 Where at least one of participating boroughs is operating executive arrangements, then it is necessary to identify whether any of the functions which are to be discharged jointly are “executive functions” for any of the participating boroughs.
- 7.4 Brent, Ealing, Harrow and Hounslow each operate “executive arrangements”. Each has a leader and cabinet. Barnet operates a “committee system”.
- 7.5 The 2000 Act provides that the functions of a local authority which has chosen to operate executive arrangements must be executive functions unless either (i) legislation specifies that they cannot be executive functions or (ii) legislation specifies that they need not be executive functions, and the authority’s constitution has specified that the functions will not be executive functions. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (“the 2000 Regulations”) specify functions that are not to be the responsibility of an authority’s executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.
- 7.6 It would be possible, in principle, for a participating borough which operated executive arrangements to discharge some of its executive functions, and also some of its non-executive functions, via the same joint committee. If that were to be the case, then decisions would need

to be made both by the Leader (or Cabinet) and by Full Council (or a council-side committee where allowed by the constitution), in relation to the arrangements for the joint committee.

- 7.7 It is also possible, in principle, for a participating borough which operates executive arrangements to discharge some of its executive functions only, (and none of its non-executive functions), via the joint committee. If that were to be the case, then decisions would only need to be made both by the Leader (or Cabinet) in relation to the arrangements for the joint committee (with Council being asked to note the consequential amendments to the council's scheme of delegations in Part 3 of this constitution).
- 7.8 The current proposal is that Harrow will choose to discharge some of its executive functions only, (and none of its non-executive functions), via the WLEPB joint committee. Thus the WLEPB will not discharge any of the functions specified in Schedule 1 of the 2000 Act such as: certain decisions in relation to planning and development control; the granting of certain licenses; the power to promote or oppose local or personal Bills in Parliament; the power to appoint employees to the staff of any of the participating boroughs; and nor will it be responsible for making the arrangements for the proper administration of the financial affairs of any of the participating boroughs. The remaining comments in these legal implications are based on the assumption that Harrow will choose to discharge some of its executive functions only (because there would be different implications if any of Harrow's non-executive were to be discharged by the same joint committee).
- 7.9 Each authority (which is operating executive arrangements) will need to refer to its own constitution. At Harrow, the relevant sections are in Article 11, which specifies

### **11.02 Joint Arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities 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 joint committees with those other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) If a joint committee is established which exercises both Executive and non-Executive functions, appointments will be made by the Council after the Executive has also agreed them.

(d) The Executive may only appoint Executive members to a joint committee exercising wholly or partly Executive functions except:

- (i) where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In this case the members appointed need not reflect the political composition of the local authority as a whole;
- (ii) where the joint committee is required by statute; or
- (iii) where the joint committee has five or more constituent councils.

7.10 Since the WLEPB will be discharging functions on behalf of at least 5 local authorities, Harrow will only be able to appoint individuals to it who are an elected member of Harrow Council (including Cabinet members). This is due to the operation of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (“the 2012 Regulations”), and Regulation 12(3) in particular

7.11 Where a participating borough is not operating executive arrangements, or else where a participating borough chooses to discharge any of its non-executive functions (as well as some executive functions) via the WLEPB, that borough must follow its own constitution. The draft functions and rules of procedure attached at Appendix 1 indicate that such a borough will only appoint one of its elected members to serve on the WLEPB.

7.12 Sections 100A to 100D of the 1972 Act, in relation to admission to meetings, access to agendas, reports, background papers, minutes and other documents will apply to the WLEPB. Where an authority’s executive functions are being exercised jointly, the executive function remains the responsibility of that authority’s executive for the purpose of the overview and scrutiny requirements. See section 9E, 9EB and 9F of the 2000 Act.

## **8. Financial Implications**

8.1 There are no financial implications arising directly from this report. Establishing and participating in the WLEPB does not require an immediate funding contribution from participating authorities, neither does it require transfer of budgets from participating local authorities to the Committee.

8.2 However, as one of its functions, the WLEPB will have the power to bid for third party funding in relation to the local government areas of the participating boroughs in order to advance progress towards delivering the WLA Vision for Growth and enhancing economic prosperity in West London, and make decisions about the allocation of these resources.

- 8.3 The WLEPB will also have decision-making powers to determine how any outcomes from decisions relating to devolution, which relate specifically to the economic prosperity agenda, impact on the local authority members of the West London EPB. Some of these outcomes may include financial implications – for example transfer of funding from central to local government to perform specific functions relating to the economic prosperity agenda.
- 8.4 The WLEPB, after taking advice from officers, will develop detailed procedures for dealing with financial matters.
- 8.5 Organisational and clerking support for the WLEPB, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the WLEPB. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the WLEPB. Funding would either need to be allocated or contained within current budgets.
- 8.6 There is a risk that decisions taken by the WLEPB could adversely impact on the Medium Term Financial Strategy and / or savings proposals either agreed or being considered by the Council. This would have to be mitigated by undertaking due consultation prior to the decision being taken on the relevant proposal to avoid any adverse impact.

## **9. Consultation**

- 9.1 Members of the West London Alliance Leaders Board have been consulted (9<sup>th</sup> December 2014; 10<sup>th</sup> February 2015; 24<sup>th</sup> March 2015, 2<sup>nd</sup> June 2015), including the Leader of Ealing Council.
- 9.2 Members of the West London Alliance Chief Executive's Group have been consulted with [16<sup>th</sup> December 2014, 19<sup>th</sup> January 2014, 9<sup>th</sup> March 2015, 22<sup>nd</sup> May 2015].

## **10. Equalities implications / Public Sector Equality Duty**

- 10.1 There are no implications for equalities, human rights and community cohesion arising directly from this report, as the report is not seeking decision on a specific programme of activity. However, it is set out in this report that the WLEPB will focus on delivery of the WLA Vision for Growth, which has a strong focus on improving the skills, employability and prosperity of groups across West London including those who would fall into categories of vulnerability which would also place them within groups with “protected characteristics” in the Equality Act 2010.
- 10.2 As and when the WLEPB takes decisions, an appropriate assessment of impact on equalities and human rights will be carried out.

## **11. Council Priorities**

- 11.1 Membership of the WLEPB relates directly to the priorities in the Corporate Plan to Make a Difference for Communities and Make a

Difference for Business. The WLEPB will be responsible for delivering a vision for economic growth shared and agreed by Leaders of the authorities which comprise the West London Alliance. This vision aims to deliver significantly greater prosperity for the populations of the boroughs of West London.

11.2 Furthermore, there is substantial evidence to suggest that engagement in work and economic prosperity is a key determinant of health and well-being.

11.3 Finally, some elements of the vision for growth, delivered by the WLEPB, will focus on improving outcomes for some of the most vulnerable groups in the borough, including vulnerable young people and those suffering from mental health problems. In these ways, membership of the WLEPB will also help enable Harrow to address its priority of Making a Difference to the Vulnerable.

## 11 Appendices

Appendix 1: Draft Functions and Rules of Procedure for Joint Committee

Appendix 2: West London Vision for Growth

### Section 3 - Statutory Officer Clearance

Name: Dawn Calvert	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 7 September 2015		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 7 September 2015		

<b>Ward Councillors notified:</b>	<b>NO, as it impacts on all Wards</b>
<b>EqIA carried out:</b>	<b>YES</b>
<b>EqIA cleared by:</b>	Alex Dewsnap, Chair of the Directorate Equality Task Groups for Resources

## Section 6 - Contact Details and Background Papers

**Contact:** Alex Dewsnap, Divisional Director, Strategic Commissioning,  
Email: [alex.dewsnap@harrow.gov.uk](mailto:alex.dewsnap@harrow.gov.uk)  
Tel: 020 8416 8250, ext 8250

### Background Papers:

- Consultation on proposals to amend legislation related to combined authorities and economic prosperity boards' (December 2014) – DCLG <https://www.gov.uk/government/consultations/proposal-to-use-a-legislative-reform-order-in-forming-a-combined-authority-or-economic-prosperity-board>
- 'English Devolution: Local solutions for a successful nation' – Local Government Association  
<http://www.local.gov.uk/documents/10180/6917361/L15-178+DevoNext+devolution+publication/7e036308-6ebc-4f20-8d26-d6e2cd7f6eb2>
- 'Financing English Devolution' – the Independent Commission on Local Government Finance  
<http://www.localfinancecommission.org/documents/iclgf-final-report>

**Call-In Waived by the  
Chairman of Overview  
and Scrutiny  
Committee**

**NOT APPLICABLE**

*[Call-in applies]*

# **APPENDIX ONE**

## **JOINT COMMITTEE OF THE BOROUGHES OF BARNET, BRENT, EALING, HARROW AND HOUNSLOW (KNOWN AS “WEST LONDON ECONOMIC PROSPERITY BOARD”)**

### **DRAFT Functions and Procedure Rules**

#### **1. Purpose of the Joint Committee**

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as ‘**WEST LONDON ECONOMIC PROSPERITY BOARD.**’
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

#### **2. Definitions**

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).

- 2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

### **3. Functions**

- 3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:
- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
  - 3.1.2 Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement.
  - 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
  - 3.1.4 Exercising any such powers and allocating any such funding.
  - 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
  - 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
  - 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
  - 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.
  - 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
  - 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local



Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.

3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

#### **4. Membership**

4.1 The membership will comprise of 5 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.

4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.

4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.

4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.

- 4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

## **5. Chair and Vice-Chair**

- 5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.
- 5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.
- 5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chairman. This appointment will also rotate in a similar manner to the Chair.
- 5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.
- 5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.
- 5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

## **6. Sub-Committees**

- 6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

## **7. Delegation to officers**

- 7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.
- 7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.
- 7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

## **8. Administration**

- 8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

## **9. Financial matters**

- 9.1 The Joint Committee will not have a pre-allocated budget.
- 9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

## **10. Agenda management**

- 10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.
- 10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.
- 10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.
- 10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key- decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

## **11. Meetings**

- 11.1 The Joint Committee will meet as required to fulfil its functions.
- 11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.
- 11.3 The quorum for a meeting of the Joint Committee shall require at least 4 of the 5 appointed members (or their substitutes) to be present in order to transact the business as advertised on the agenda.

11.4 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

## **12. Notice of meetings**

12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

## **13. Public participation**

13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.

13.3 The maximum number of speakers allowed per agenda item is 6.

13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.

13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

#### **14. Member participation**

14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

#### **15. Business to be transacted**

15.1 Standing items for each meeting of the Joint Committee will include the following:

- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration

15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

15.4 "Special Circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

#### **16. Extraordinary meetings**

16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

## **17. Cancellation of meetings**

17.1 Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chairman and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

## **18. Rules of debate**

18.1 The rules of debate in operation in the Chair's authority shall apply.

## **19. Request for determination of business**

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

## **20. Urgency procedure**

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

## **21. Voting**

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

21.4 Any two members can request that a recorded vote be taken.

21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his / her vote for or against the matter or whether he/ she abstained from voting.

## **22. Minutes**

22.1 At the next suitable meeting of the Joint Committee, the Chairman will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

22.2 Once agreed, the Chairman will sign them.

22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

## **23. Exclusion of Public and Press**

23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

23.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks is necessary.

23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

## **24. Overview and Scrutiny**

24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone

24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.

24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.

24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Participating Borough concerned have been concluded.

## **25. Access to minutes and papers after the meeting**

25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

## **26. Amendment of these Rules**

26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

## **27. Background Papers**

27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection:

- (i) a copy of the list of background papers for the report; and
- (ii) at least one copy of each of the documents included in that list.

27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.