

Appendix 4

BRIEFING NOTE ON JOINT COMMITTEES

Joint Committees can be established under sections 56 and 57 of the Local Government (Scotland) Act 1973. A Joint Committee can serve as a framework, providing overall governance and accountability and ensuring that two or more local authorities can work together with common purpose without the need for duplication of effort and formality.

In a Joint Committee arrangement, each of the authorities commits to some sharing of resources (*no fixed requirements regarding kinds of resources contributed by each, nor the proportions in which they contribute etc*). Financial contributions are based on sharing of costs (*there should be no margin/profit element*). Operational assets currently owned by each authority would be held for the common benefit of the participating authorities (*no need for transfer of ownership*). Staff teams of each authority deployed in accordance with decisions of the Joint Committee (*no need for TUPE transfers*). Individual projects may be built up under the overall umbrella of the Joint Committee.

The Joint Committee would be a decision making body. The Joint Committee would need to be appointed and given its delegation of powers from each of the local authorities. Once delegated however, there would be no need to refer back to the parent authorities so long as the Joint Committee operated within that delegation. The Joint Committee would operate as if it were a committee of a single authority (except that it cannot make decisions to borrow money). Membership issues would be worked through and separate Standing Orders would be devised for the Joint Committee which would address quorum, voting etc.

The Joint Committee could itself appoint Sub-Committees to discharge part of its functions or to simply advise them.

There is statutory scope for incorporating a Joint Committee to form a Joint Board. Incorporation would offer limited liability and a separate legal persona from the member authorities but there would require to be a clear rationale for pursuing this route.

Two or more authorities could also set up **Advisory Committees** jointly (so the purpose of the committee would be to advise rather than to discharge functions – they would not themselves have powers of decision making).