



N A B A R R O

PATROLAJC

SUMMARY OF PROPOSED CHANGES TO THE EXISTING JOINT COMMITTEE ARRANGEMENTS

PATROL was established as a joint committee (known as PATROLAJC) by a deed dated 12 October 2001 and a subsequent deed dated 1 May 2008 (the 2008 Deed). Participating authorities joined PATROLAJC by way of memoranda of participation entered into pursuant to these two deeds. With effect from 1 April 2013, Cheshire East Council took over the role of lead or host authority of PATROLAJC under the terms of the 2008 Deed.

As part of the ongoing governance review of PATROLAJC, a new deed has been prepared which will replace and supersede the 2008 Deed. PATROLAJC is being asked to approve this new deed, subject to obtaining the written consent of 75% of the participating authorities. The requirement for 75% of the participating authorities to provide their written consent is required by the 2008 Deed.

The principal changes to the 2008 Deed are as follows:

- 1) To simplify and update the deed. In particular, legislative references have been updated to reflect current legislation, eg references to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 2) To recognise that the new deed replaces the 2008 Deed and two indemnity agreements entered into with Cheshire East Council as interim arrangements pending agreement of the new deed. These indemnity agreements related to the lease of part of Springfield House and more generally Cheshire East Council's new role as lead authority. The deed is effective from 1 April 2013, being the date on which Cheshire East Council took over as lead authority.
- 3) To recognise Cheshire East Council as the new lead authority with effect from 1 April 2013. The procedures for the lead authority to resign as lead authority or for the appointment of the lead authority to be terminated by PATROLAJC have been simplified to allow for 12 months notice to be given. This will allow sufficient time for a replacement lead authority to be identified or, if a replacement cannot be found, then the joint committee arrangements are terminated (as PATROLAJC cannot operate without a lead authority).
- 4) To update the terms of appointment of the lead authority. In particular:
 - a. The terms of appointment provide for greater indemnity protection for the lead authority in respect of its role as lead authority. This greater protection was requested by Cheshire East Council as a condition to taking on the role of lead authority. As Cheshire East Council is not paid to undertake this role, it is reasonable that all participating authorities share liability and responsibility equally for any liabilities arising out of its role as lead authority.
 - b. The terms of appointment of the lead authority envisage a non-binding service level agreement to be entered into between PATROLAJC and the lead authority, which will set out shared aims and principles, the services to be provided by the lead authority, the functions which the lead authority may delegate to the Head of Service, the estimated costs of the services, and reporting and review arrangements. The service level agreement will be reviewed on an annual basis.
 - c. Leases and contracts of employment entered into by the lead authority in its role as lead authority are expressly recognised as assets of PATROLAJC.
 - d. The terms of appointment of the lead authority can still be varied by written agreement between PATROLAJC and the lead authority, as was the case under the 2008 Deed.



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- 5) To remove references to participating authorities who may adopt executive arrangements, as the PATROLAJC arrangements will not be effected by the adoption of executive arrangements.
- 6) To acknowledge the Memorandum of Understanding entered into between PATROLAJC and Adjudicators in November 2012 and to annex that Memorandum to the new deed.
- 7) To refer to the Standing Orders and Financial Standing Orders and Rules and Financial Regulations adopted by PATROLAJC in June 2012 and to annex these to the new deed.
- 8) To alter the voting requirements for variation and termination of the joint committee arrangements from requiring agreement of 75% of participating authorities to requiring agreement of a simple majority (ie 51%). The legal position requires a simple majority and, following a recent court decision, arrangements which require anything other than a simple majority are likely to be viewed as unlawful.
- 9) To allow for representatives of participating authorities to continue to be representatives beyond the date of the new annual meeting of PATROLAJC until their appointment is terminated by the participating authority or they cease to be a member of the participating authority or entitled to be a representative.
- 10) To recognise as a function of PATROLAJC the appointment, termination and acceptance of resignation of a lead authority. This was implicit in the 2008 Deed but not express.