

Briefing Note

Purpose of this note: To set out the legal basis, strategic rationale, proposed structure, and implementation plan for creating a statutory Joint Committee of all 33 Island local councils under Sections 101–102 of the Local Government Act 1972 (LGA 1972), with IWALC acting as secretariat/host. The Joint Committee will provide a single, legitimate, and efficient Island-wide voice on regeneration and related strategic matters.

This is intended as an imagined but deliverable institutional project that might bridge the gap between local councils and the new unitary and mayoral arrangements under devolution. It can equally be established between smaller groups of parishes seeking to work together to a common objective (housing for example).

1) Summary

- **What is proposed?** The 33 parish and town councils on the Isle of Wight establish a **Joint Committee** under **LGA 1972, ss.101(5) and 102(1)**, focused on **Island regeneration** (economic, social, environmental and community renewal), with **IWALC** as **secretariat and administrative host**.
 - **Why?** To create a **statutory, inclusive, and coherent mechanism** for whole-Island collaboration, engagement, and influence with the **Isle of Wight Council, regional/combined authority and new mayoral office**, government departments, and delivery agencies.
 - **What changes?** The Joint Committee becomes the **single recognised forum** for parish/town councils to develop joint positions, coordinate responses, and pursue shared initiatives—**complementing** (not replacing) IWALC’s voluntary association role and NALC affiliation.
 - **How is it formed?** Each council passes a **model resolution** (Appendix A) joining the Joint Committee and delegating defined **advisory/coordination functions** (and any optional executively delegated functions) to it. The Committee then operates under agreed **Terms of Reference** (Appendix B).
 - **Benefits:** Stronger recognition; full geographic coverage; better engagement with principal/regional authorities; efficiencies in consultation and procurement; clearer accountability; improved capacity for funding and delivery.
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2) Background and Case for Change

- The Isle of Wight’s parish and town councils face **shared challenges** in regeneration (town centre vitality, infrastructure, housing affordability, skills, green transition, coastal and rural economies).

- **IWALC** provides valued representation, training, and policy coordination for its **member** councils, but not all 33 councils are currently members; this creates **fragmentation** and makes a single parish/town sector view harder to evidence.
- **Statutory Joint Committee** status (LGA 1972) provides **public law standing**, transparency and accountability, and a mechanism for **formal engagement** with the unitary authority and the emerging regional/mayoral governance.
- The Joint Committee model is widely used across England to pool capacity, coordinate policy, and enable lawful joint working between local authorities at different tiers.

Problem statement: *There is no Island-wide, statutory, parish/town council forum through which all 33 councils can act collectively on regeneration.* This constrains influence, capacity, and coherence in dealings with the unitary council, the combined authority, and national programmes.

Solution: Establish a **Joint Committee**—open to **all 33 councils**—with a clear remit on Island regeneration, serviced by IWALC, and embedded in local and regional partnership frameworks.

3) Legal Basis (LGA 1972, ss.101–102)

- **Section 101** permits a local authority (including parish/town councils) to **arrange for the discharge of any of their functions** by a committee, sub-committee, an officer, or **another local authority**; or **jointly** with other authorities.
- **Section 102** permits authorities to **appoint committees**, including **joint committees** with other authorities, and to determine their **constitution, terms of reference, and delegation**.
- A **Joint Committee** is a **statutory committee** (not a corporate body). Its authority derives from the **resolutions** of the participating councils. It is subject to public law duties (e.g., transparency, access to information, FOI, data protection, equality).
- Councils may delegate **advisory/coordination functions** and, if desired, **specific executive functions** (e.g., joint procurement, management of a shared budget), provided each council resolves accordingly.

Key point: Non-membership of IWALC does **not** prevent a council from joining the Joint Committee; participation rests on each council's **statutory resolution**, not on IWALC membership status.

4) Proposed Purpose and Scope

Core Purpose: *> To act collectively on behalf of the Isle of Wight's parish and town councils in matters concerning economic, social, environmental, and community regeneration; to advise, coordinate and represent the sector; to develop joint positions, enable shared initiatives, and engage strategically with the Isle of Wight Council, the regional/combined authority and mayoral office, and national partners.*

Scope (non-exhaustive): - Develop Island-wide **policy positions** on regeneration, place-making, infrastructure, transport, skills, housing, climate transition, heritage and culture, coastal/rural economy, digital connectivity, and public realm. - Coordinate **consultation responses** and **engagement protocols** with the unitary council, combined authority, transport/body, LEP-successor arrangements, and government departments/agencies. - Promote **shared services and procurement** (e.g., maintenance, consultancy frameworks) where councils resolve to participate. - Collaborate on **funding bids** and **programme delivery** (with IWALC or a lead council as accountable body, as appropriate). - Facilitate **capacity building**, training, and peer support.

Out of scope unless expressly delegated: Determination of individual council planning applications; decisions reserved to **full council** by law; any function not delegated by a participating council.

5) Governance Model

- **Constitution:** One voting representative from each participating council (plus named substitute). Chair/Vice-Chair elected annually.
 - **Decision-making:** Normally by **consensus**; where a vote is required, **one vote per council**; quorum and voting thresholds set in the ToR (e.g., quorum = at least 40% of participating councils; ordinary matters = simple majority; constitutional changes = two-thirds).
 - **Transparency:** Public agenda, reports, and minutes; publication per access to information rules. FOI and data protection compliance via host secretariat.
 - **Scrutiny/Reporting:** Annual report to all councils; standing item for feedback at each council; periodic review of ToR/mandate.
 - **Sub-structures:** The Committee may create **Task & Finish Groups** (time-limited) for specific themes (e.g., town centres, coastal, transport), with clear remits and reporting lines.
 - **Host/Secretariat:** IWALC to provide governance, convening, clerking, records management, web presence, and communications, with appropriate SLA and resourcing.
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6) Membership and Participation

- **Eligibility:** All 33 Isle of Wight parish and town councils.
 - **Joining:** Adoption of the **Model Resolution** (Appendix A) by each council; notification to IWALC.
 - **Withdrawal:** By council resolution with [**e.g., 3 months**] notice; obligations already entered into jointly must be honoured.
 - **Observers/Partners:** By invitation (non-voting) from the unitary council, combined authority/mayoral office, relevant agencies.
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Frequently Asked Questions (FAQs)

Q1. Does this replace IWALC?

No. IWALC remains the **voluntary association** and **NALC affiliate**, delivering training, member support, and national representation. The Joint Committee is a **statutory forum** that IWALC services.

Q2. Must our council be an IWALC member to join?

No. Membership of the Joint Committee is based on each council's **statutory resolution**, not on IWALC membership. (We hope participation leads to IWALC membership over time.)

Q3. Will the Joint Committee make decisions for my council?

Only within the **delegated scope** agreed by your council. Most business will be **advisory/coordination**; any executive delegations will be explicit and optional.

Q4. What about costs?

Year-1 cost options are outlined in Section 7. The aim is a **lightweight and proportionate** model, potentially part-funded by partners as a capacity-building investment.

Q5. Is it compliant with transparency and FOI?

Yes. As a statutory committee, it will operate **openly**, publish papers/minutes, and comply with **FOI** and **data protection**.

Q6. Can we leave later?

Yes, via resolution with **notice** (see ToR). Existing commitments already entered into jointly must be honoured.

Q7. Will partners recognise it?

The statutory basis under **LGA 1972** provides public law standing. IWALC will seek formal **liaison protocols** with the unitary council and combined authority.

Appendix G – Powers and Financial Mechanisms of the Joint Committee

1. Legal Nature and Powers

The Joint Committee is a **statutory committee** under LGA 1972 ss.101–102, not a separate body corporate. Its powers exist only through **delegations** from its constituent councils. It cannot hold land, enter contracts, or employ staff in its own name. All such functions must be discharged through a designated **host** (e.g., IWALC or a lead council) acting as the **accountable body**.

2. General Power of Competence (GPoC)

The Committee does **not** itself have a General Power of Competence (Localism Act 2011). However, any constituent parish/town council with GPoC status may delegate functions based on

that power to the Joint Committee. The Committee therefore acts **derivatively**, exercising powers only as conferred upon it by participating councils.

3. External Funding

The Committee may develop and endorse external funding proposals. Applications and funding agreements must be submitted and held by an **accountable body** (IWALC or a nominated lead council). Funds received are then applied in accordance with the Committee's resolutions and the accountable body's financial regulations.

4. Borrowing (Public Works Loan Board)

The Committee cannot borrow in its own right. Only individual parish or town councils (or the unitary authority) can borrow under PWLB rules. A participating council may borrow to support a joint project approved by the Committee, provided it retains full responsibility for repayment and compliance.

5. Contracts and Assets

Contracts or property ownership required for joint initiatives must be undertaken by the accountable body on behalf of the Committee. Clear agreements and audit trails must be maintained. The Committee may manage such assets operationally through approved delegations.

6. Financial Conduct and Audit

The host's standing orders, financial regulations, and audit regime apply. All expenditure must be authorised and minuted by the Committee and accounted for transparently. Annual reporting will form part of IWALC's financial statements or those of the designated accountable body.

7. Implications

This structure preserves local democratic control, ensures legal compliance, and provides the flexibility to secure external funding, run programmes, and operate efficiently while remaining within statutory limits.

Appendix H – Case Study: Cornwall (Parish & Town Engagement in a Devolution Context)

Overview

Cornwall provides a mature example of structured engagement between a unitary authority, the county association of local councils, and town/parish councils within a devolution programme. While Cornwall **does not** have a single statutory joint committee of all parishes under LGA 1972, it uses a combination of: (i) a published devolution framework; (ii) area-based forums; and (iii) a strong county association (CALC) to coordinate the sector.

Key Components

- **Published devolution framework** – a transparent process for the transfer of services/assets to local partners with standard business-case stages and accountable-body arrangements.
- **Area partnerships/forums** – place-based structures (e.g., Community Area Partnerships/Network Panels) that convene Cornwall Council with clusters of town/parish

councils on priorities and funding.

- **CALC as backbone** – provides governance support, training, and sector coordination analogous to the role envisaged for IWALC.

- **Accountable body discipline** – grants and contracts are held by an eligible body (usually the unitary or a lead town council), with clear MoUs and audit trails.

- **Codified liaison protocols** – regular strategic meetings, forward plan sharing, and formal consultation routes.

What Cornwall is not

- Not a county-wide statutory joint committee of all parishes. The parish/town voice is coordinated through CALC and area partnerships rather than a single LGA 1972 joint committee vehicle.

Transferable Lessons for the Isle of Wight

1. Publish a **Liaison/Devolution Protocol** that sets out how the unitary/combined authority will work with the parish/town sector.

2. Create **place-based task & finish groups** under the Joint Committee (mirroring Cornwall's area forums) to avoid a single island-wide "talking shop."

3. Use **IWALC as secretariat/accountable-body gateway**, with clear SLAs, to underpin governance, FOI, finance and audit.

4. Embed the Joint Committee as a **named consultee** in principal/regional authority consultation protocols.

5. Apply **accountable body principles** for funding and delivery (lead council or IWALC holds contracts/funds; JC provides democratic steer and oversight).

6. Maintain a **case-study library** of devolved projects to build confidence and accelerate replication.
