

## **DRAFT Functions and Procedure Rules for a Joint Committee**

### **1. Functions**

The Joint Committee will discharge on behalf of the Participating Local Authorities the functions listed below related to promoting economic prosperity in Berkshire:

- 1.1** Develop a shared, Berkshire-wide vision for inclusive and sustainable economic prosperity, together with a set of practical thematic priorities, that addresses the strategic challenges and opportunities that the area faces.
- 1.2** Agree to and making funding applications and/or investment bids to external bodies, in relation to economic prosperity for the benefit of the Berkshire.
- 1.3** Provide direction to the nominated Local Authority acting as the Accountable Body on the allocation of any funding awards/government grants received to appropriate projects for the benefit of the geographical area of the participating local authorities, including, where applicable, approving the approach to the procurement to be undertaken by Accountable Body Local Authority
- 1.4** Represent the participating local authorities in discussions and negotiations with regional bodies, national bodies, central government inward investors and others on matters relating to investment and funding for the benefit of Berkshire.
- 1.5** Co-ordinate work across the six participating authorities and other Berkshire Committees, networks, and other statutory providers where this can help to promote inclusive and sustainable prosperity and the delivery of priorities across the six programme themes.
- 1.6** 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.
- 1.7** Provide the appropriate governance, accountability, and delivery mechanisms for any future Government funding and programme support, that could arise from the integration of the LEP, from future growth funding, from UKSPF Berkshire Wide programmes and from any subsequent devolution funding.
- 1.8** Seek to influence and align government investment in Berkshire in order to boost economic growth within the local government areas of the participating authorities.
- 1.9** Agree and approve any additional governance structures as related to the Joint Committee, or any sub-Committees formed by the Joint Committee.
- 1.10** Invite representatives of key stakeholders such as business associations, government agencies, the further education sector, higher education sector, schools, voluntary sector, and health sector to engage with the business of the Joint Committee including by attending meetings and commenting on proposals and documents.

## **2. Membership and Quorum**

- 2.1 The membership will comprise of six members with each participating Local authority appointing one person to sit on the Joint Committee as a voting member.
- 2.2 Each participating local authority will make a suitable appointment in accordance with its own constitutional requirements. It is anticipated that, where practicable, the leader of each participating local authority will be appointed to the Joint Committee.
- 2.3 Where a participating Local authority does not operate executive arrangements, the appointment of a voting member will be in accordance with the local authority's own procedures. It is envisaged that this will usually be one of its senior councillors.
- 2.4 In all cases, the appointed person must be an elected member (or their Deputy), of the council of the appointing participating local authority. 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 local authority.
- 2.5 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.
- 2.6 Each participating local authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.
- 2.7 Where a participating local authority 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.
- 2.8 The quorum for the Joint Committee is **six** members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the Committee secretary will advise those present that no business can be transacted, and the meeting will be cancelled.
- 2.9 CEOs or their deputy will attend meetings in an advisory and supporting capacity.

## **3. Chair and Vice-Chair**

- 3.1 The Chair of the Joint Committee will be appointed for 12 months and will rotate in turn between the six participating local authorities.
- 3.2 Unless otherwise unanimously agreed by the Joint Committee, each participating local authority'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 local authority as a replacement will serve as Chair for the remainder of the 12 months as chair.

3.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.

3.4 At its first meeting, the Joint Committee will draw up the rotas for Chair and Vice-Chair respectively as well as the meeting schedule for the year.

3.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting where they are quorate.

3.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

#### **4. Sub-Committees**

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

4.2 Any such sub-committee may not make a decision unless:

1. That decision has been delegated to it by the Joint Committee, and
2. Such decisions are made unanimously as provided elsewhere in these Rules.

#### **5. Delegation to officers**

5.1 The Joint Committee may delegate specific functions to officers of any of the participating local authorities.

5.2 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 participating local authorities.

5.3 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 local authorities before exercising their delegated authority.

#### **6. Administration**

6.1 Clerking support for the Joint Committee, and accommodation for meetings, will be managed in the first year by Bracknell Forest Council working with the Chair and Vice-Chair.

6.2 At its first meeting, the Joint Committee will agree the rotas for Chair and Vice-Chair respectively as well as the meeting schedule for the year.

6.3 In the first year, Authorities will where possible support the Joint Committee in kind by taking on responsibilities such as communications and clerking.

#### **7. Financial matters**

- 7.1 In the first year the costs of managing the Joint Committee will be contained within existing budgets and using an element of the shared prosperity fund. Beyond the first year, Council's will work within available budgets and funding sources.
- 7.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of the Accountable Body Local Authority.
- 7.3 Where authorities are delegated funds to undertake work by the Prosperity Board, they follow their own contract procedure rules. Authorities will need to provide the accountable body with information to enable them to monitor that, spend is within budget and consistent with the outcomes required by the Prosperity Board.

## **8. Agenda management**

- 8.1 Subject to 8.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the participating local authorities or their authorised representatives.
- 8.2 It will be the responsibility of each report author to ensure that the impacts on all participating local authorities 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 local authority or by some other appropriate method.
- 8.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the participating local authorities 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.
- 8.4 Each participating local authority operating executive arrangements will be responsible for considering whether it is necessary to treat prospective decisions as 'key- decisions' and follow any steps required by law such as inclusion in any Forward Plan. Each participating local authority operating a Committee system will apply its local non statutory procedures.

## **9. Meetings**

- 9.1 The Joint Committee will meet in-person, face to face quarterly and as required to fulfil its functions.
- 9.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all participating local authorities.
- 9.3 Access to meetings and papers of the Joint Committee by the press and public is subject to Part 5A of the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014.

## **10. Notice of meetings**

- 10.1 On behalf of the Joint Committee, the Committee secretary will give notice to the public of the time and place of any meeting in accordance with Part 5A of the 1972 Act.
- 10.2 At least five clear working days in advance of a meeting the secretariate to the Joint Committee will publish the agenda via the website of secretariate's authority and provide the documentation and website link to the participating local authorities to enable the information to be published on each Participating Local authority'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.
- 10.3 The secretary to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

## **11. Public participation**

- 11.1 Unless considering information classified as 'exempt' or 'confidential' under the 1972 Act, all meetings of the Joint Committee shall be held in public.
- 11.2 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.
- 11.3 The Chair shall have discretion to determine the number of speakers per agenda item and to extend the time allowed for addressing the Joint Committee.
- 11.4 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.
- 11.5 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.
- 11.6 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.

## **12. Councillor participation**

- 12.1 Any elected member of any of the participating local authorities who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

### **13. Business to be transacted**

- 13.1 Standing items for each meeting of the Joint Committee will include the following:
- Minutes of the Last Meeting
  - Apologies for absence
  - Declarations of Interest
  - Provision for public participation
  - Substantive items for consideration
- 13.2 The Chair may vary the order of business and take urgent items their discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.
- 13.3 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.
- 13.4 “Special circumstances” justifying an item being considered as a matter or 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.

### **14. Extraordinary meetings**

- 14.1 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.
- 14.2 The business of an extraordinary meeting shall be only that specified on the agenda.

### **15. Cancellation of meetings**

- 15.1 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.

### **16. Rules of debate**

- 16.1 The rules of debate in operation in the Chair’s authority shall apply.

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

- 17.1 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 local authorities for further consideration
  - The meeting be adjourned.

17.2 The Joint Committee will then vote on the request.

## **18. Urgency procedure**

18.1 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 local authority (in line with pre-existing delegations in each local authority's Constitution) to take urgent action as is required within each of the constituent local authorities.

## **19. Voting**

19.1 It is proposed that each local authority will decide whether a decision made at the Prosperity Board is a key decision and treat it according to the criteria within its own constitution. .

19.2 Where a vote is required it will be on the basis of one vote per local authority member . The Chair will take the vote by show of hands.

19.3 Decisions shall be decided by a unanimous vote where all six Members or member deputies are present and agree.

19.4 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.

## **20. Minutes**

20.1 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.

20.2 Once agreed, the Chairman will sign them.

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

## **21. Exclusion of the public and press**

- 21.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the 1972 Act or in the event of disturbance.
- 22.2 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.
- 22.3 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.
- 22.4 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.

## **23. Overview and Scrutiny**

- 23.1 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will need to be in accordance with each of the six local authority's own democratic scrutiny procedures for agreement before implementation.
- 23.2 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any participating local authority operating a Committee system may have) as would apply locally to a decision made by that participating local authority acting alone
- 23.3 No decision should be implemented until such time as the call-in period has expired across all of the participating local authorities.
- 23.4 Where a decision is called in, arrangements will be made at the earliest opportunity within the participating local authority where the Call-In had taken place for it to be heard.
- 23.5 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 local authority concerned have been concluded.

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

- 24.1 On behalf of the Joint Committee, the secretariate 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.

## **25. Dispute Resolution**

- 25.1 Where any dispute arises within the Joint Committee in connection with this arrangements, the Partners must use their best endeavours to resolve that dispute within the Joint Committee in accordance with the Terms of Reference.
- 25.2 Where any dispute is not resolved under Clause 25.1 on an informal basis, any participating member of the Joint Committee may convene an extraordinary meeting of the Joint Committee to attempt to resolve the dispute.
- 25.3 Where any dispute is not resolved under Clause 25.1 or 25.2, the Joint Committee can appoint an independent mediator to attempt to resolve the dispute. The cost of mediation will be borne in equal shares between parties involved in the dispute.
- 25.4 Where any dispute remains unresolved The Joint Committee will commission an independent review. The Joint Committee will abide by the independent review findings.
- 25.5 The cost will be borne in equal shares between parties involved in the dispute.

## **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 local authorities. Note that Rule 1 (Functions) may only be amended following a formal delegation from each of the participating local authorities.
- 26.2 These rules and arrangements shall be reviewed every 12 months at the start of the new Chair and Vice-Chair term.

## **27. Special Representatives**

The Functions and Procedure Rules for the Joint Committee set out that there will be a select number of 'special representatives' invited to attend meetings to 'influence' the work of the Committee as and when appropriate. These will be drawn from the following sectors and institutions: for example, Chamber of Commerce, LEP, emergency services, voluntary sector and businesses.