

## APPENDIX 2 JOINT COMMITTEE TERMS OF REFERENCE

### 1.0 Purpose

1.1 The West Northamptonshire and North Northamptonshire Councils will establish a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as “The Children’s Trust Joint Committee”.

1.2 The Joint Committee will discharge functions on behalf of the two councils as follows and will be convened as and when required, to:

- a) exercise the functions on behalf of both Councils insofar as they relate to the joint ownership of, and commissioning of services from, the jointly owned local authority company ‘The Northamptonshire Children’s Trust’.
- b) exercise the functions of the Council’s in respect of the discharge of the Functions and the delivery of the Support Services to NCT under the Support Services Agreement in accordance with the terms thereof;
- c) consider all matters arising in relation to the discharge of the Functions, the delivery of the Services and their financial position;
- d) ensure the effective, efficient discharge of the Functions and delivery of the Services;
- e) agree the responsibilities of each Council required to support the discharge of the Functions and the delivery of the Services;
- f) monitor and review the performance of discharge of the Functions and the delivery of the Services;
- g) consider matters reported to the Joint Committee by the Joint Officer Boards and the Councils;
- h) determine those disputes or differences arising between the Councils in respect of the discharge of the Functions and / or delivery of the Services referred to the Joint Committee by the Joint Officer Boards;
- i) with the assistance, support and advice of the Joint Officer Boards and the Councils, develop the strategies and plans for the longer-term discharge of the Functions and the delivery of the Services beyond the arrangements provided for in the Support Services Agreement.

1.3 The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant to a decision of the Joint Committee must be made by either of the authorities which will be indemnified appropriately.

1.4 These Terms of Reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take

precedence over the Constitution of each Council so far as they relate to the matters for which the Joint Committee is established. The Joint Committee may vary the Terms of Reference rules as it considers appropriate.

## **2.0 Definitions**

- 2.1 Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).”

## **3.0 Functions**

- 3.1 The Joint Committee will discharge functions on behalf of both Councils.

## **4.0 Membership**

- 4.1 There will be 6 elected members of the Joint Committee, 3 appointed from each Council. Appointments will be made in line with each Authority’s governance arrangements. The appointments should include the Leader of each Council and a Member whose portfolio areas include responsibility for Children’s Services.
- 4.2 Appointments will be made for a maximum period not extending beyond each Member’s remaining term of office as a Councillor.
- 4.3 As nominees of their respective Councils, 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.
- 4.4 Each authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders.

## **5.0 Chair**

- 5.1 Each Council will appoint one Member as a Co-Chair each of whom, in rotation, preside over meetings of the Joint Committee.
- 5.2 Meeting venues shall rotate between the Council’s main offices with the Co-Chair from the authority which is hosting the meeting presiding over the meeting. Where the host Co-Chair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.

5.3 The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each of the constituent authorities.

## **6.0 Delegation to Officers**

6.1 The Joint Committee may delegate specific functions to officers of either of the Councils. 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 Council. It may also be subject to the requirement for the officer with delegated authority to consult with the CoChairs of the Joint Committee before exercising their delegated authority.

## **7.0 Administration**

7.1 Organisational and clerking support for the Joint Committee will be provided for by the host authority.

## **8.0 Budget**

8.1 The Joint Committee will not have an allocated budget.

## **9.0 Agenda Management**

9.1 All prospective items of business for the Joint Committee shall be agreed by the Joint Officer Board in accordance with the wider NCT agreements and governance and shall be confined to the matters set out in these Terms of Reference.

9.2 To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key decisions must be included in the Forward Plan for the Joint Committee.

## **10.0 Meetings**

10.1 The Joint Committee will meet as and when required for the purposes of fulfilling its function with regards dispute resolution. The quorum for a meeting of the Joint Committee shall be at least two members from each Council.

10.2 Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part VA of the Local Government Act 1972 (as amended) and Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.

## **11.0 Notice of Meetings**

- 11.1 The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.
- 11.2 At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all Members of the Committee. 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.

## **12.0 Member Participation**

- 12.1 Any Member of each Council who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

## **13.0 Business to be Transacted**

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

- a) Apologies for absence
- b) Declarations of Interest
- c) Minutes of the Last Meeting
- d) Substantive items for consideration

- 13.2 The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. An item of business may not be considered at a meeting unless:

- a) 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
- b) Where the meeting is convened at shorter notice from the time the meeting is convened; or
- c) By reason of special circumstances which shall be specified in the minutes the Co-Chair of the meeting (following consultation with the other Co-Chair) is of the

opinion that the item should be considered at the meeting as a matter of urgency "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 later meeting allowing the proper time for inspection of documents

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.

#### **14.0 Cancellation of Meetings**

14.1 If in the event a dispute is resolved prior to the meeting of the Joint Committee called to resolve the issue, after consultation with all three Co-chairs the meeting will be cancelled

#### **15.0 Rules of Debate**

15.1 Meetings shall be conducted in accordance with the Rules of Debate set out within the Committee Procedure Rules of West Northamptonshire Council.

#### **16.0 Request for Determination of Business**

16.1 Any member of the Joint Committee may request at any time that the Joint Committee move to vote upon the current item of consideration.

#### **17.0 Urgency Procedure**

17.1 Where all Co-Chairs of the Joint Committee are of a view that an urgent decision is required in respect of any matter within the Joint Committee's Terms of Reference and it cannot wait until an Ordinary Meeting of the Joint Committee has been called and notice been given under Paragraph 12 of this Schedule (Notice of Meetings), then arrangements will be made to call an urgent meeting of the Joint Committee.

#### **18.0 Voting**

18.1 With regards the Joint Committee's function in the resolution of disputes under the conflict resolution mechanism, each elected member will be entitled to one vote. Where there is an equality of votes the Chairman will have a casting vote however if the matter cannot be resolved between the Councils then the Dispute Resolution may be engaged.

#### **19.0 Minutes**

19.1 At the next suitable meeting of the Joint Committee, the Co-Chair presiding 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. Once agreed, the Co-Chair presiding at the meeting will sign the minutes.

#### **20.0 Exclusion of Public and Press**

20.1 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.

- 20.2 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.
- 20.3 If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as he/she thinks is necessary. To comply with the Executive Arrangements (Access to Information) Regulations 2012 all 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.

### **21.0 Overview and Scrutiny**

- 21.1 Decisions of the Joint Committee will be Executive and subject to scrutiny and call-in. For any Joint Committee meeting including decisions, the minutes will be published within two working days. On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.
- 21.2 Decisions of the Joint Committee which are defined as executive decisions will be subject to the “call in” arrangements operating in each Council as set out in its constitution. Where a decision is called in, arrangements will be made at the earliest opportunity for it to be heard.