

## **JOINT COMMITTEE – PROCEDURE RULES**

### **1. Purpose**

- 1.1 The purpose of the Joint Committee ('JC') will be to bring together local authority partners in a robust, formally constituted arrangement which will help shape and drive economic development across the Lancaster and South Cumbria Economic Region. This will be undertaken by collaboration and mutual co-operation. The fact that some functions will be discharged jointly by way of these procedure rules does not prohibit any of the constituent authorities from promoting economic wellbeing in their own areas, independent of the Joint Committee.

### **2.0 Governance**

- 2.1 The JC will be a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The JC will comprise of Barrow Borough Council, Lancaster City Council and South Lakeland District Council ("constituent authorities") and up to three co-opted members, one each from each constituent area. Any reference to 'executive', 'executive arrangements', 'executive function' or 'committee system' has the meaning given by Part 1A of the Local Government Act 2000.
- 2.3 The JC is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the JC must be made by all constituent authorities.
- 2.4 Political Proportionality rules will not apply to the JC as so constituted.
- 2.5 The JC may establish sub-committees or advisory groups, to undertake elements of its work, if required.
- 2.6 The JC may agree its name as appropriate and in light of any future change to the titling of the Lancaster and South Cumbria Economic Region.
- 2.7 The JC has powers delegated to it by the constituent authorities these are set out in the Terms of Reference in 3.0 below.
- 2.8 The JC will not hold funds or monies on behalf of the constituent authorities.
- 2.9 Each constituent authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key decisions' and/ or have them included in their Forward Plan. A constituent authority operating a committee system will apply its own local statutory procedures.

### **3.0 Terms of Reference**

- 3.1 The terms of reference of the JC will be to provide political and democratic accountability and in doing so:
- a) act as a key strategic forum for sustainable economic prosperity issues in the Lancaster and South Cumbria Region and to make representations and recommendations on sustainable economic development opportunities, programmes and investments to other bodies, to include Government, Local Government and the Cumbria and Lancashire Local Enterprise Partnerships (LEPs);

- b) act as a key strategic forum for meeting the climate emergency across the Lancaster and South Cumbria Region and to make representations and recommendations on sustainable economic development opportunities, programmes and investments to other bodies, to include Government, Local Government and the Cumbria and Lancashire Local Enterprise Partnerships (LEPs);
- c) act as the key strategic forum for reducing inequality across the Lancaster and South Cumbria Region and to make representations and recommendations on sustainable economic development opportunities, programmes and investments to other bodies, to include Government, Local Government and the Cumbria and Lancashire Local Enterprise Partnerships (LEPs);
- d) actively engage with a range of experts, community organisations, businesses and institutions in the Lancaster and South Cumbria Region in relation to economic, social and environmental wellbeing development decision making and to engage with other stakeholders where appropriate
- e) consider and advise on the appropriateness and viability of alternative, successor economic, social and environmental governance arrangements.
- f) to have direct and strategic oversight of key growth focused projects and initiatives that the Joint Committee has influence over the funding of and across the Lancaster and South Cumbria Economic Region

#### **4.0 Membership**

- 4.1 Membership will consist of two members from each constituent authority. Such members to include the Leader of the Council and/or other executive member, in an authority operating executive arrangements (or Leader of the Council or committee chair, or vice chair from a council operating committee system arrangements) and for the purposes of these procedure rules, these members will be known as the 'principal member(s)'.
  - 4.2 Each principal member to have a named substitute member who must be an executive member where the authority operates executive arrangements. Where governance in a constituent authority is by a committee system form of governance, that substitute member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the JC, the principal member shall be deemed as representing their authority.
- 4.3 In the event of any principal member of the JC ceasing to be a member of the constituent authority which appointed them, the relevant constituent authority shall as soon as reasonably practicable appoint another principal member in their place.
- 4.4 Each constituent authority may remove its principal members or substitute members and appoint different members or substitutes as per that authority's rules of substitution and by providing twenty-four hours' notice to the Secretary.
- 4.5 The JC has power to co-opt non authority members or another member to the JC, with the number of co-opted members being half the number of principal members from the constituent authorities. Each co-opted member will represent their relevant constituent area and the appointment and term of office of these co-opted members will be determined by formal decision of the JC. There are no substitute arrangements for co-opted members.
- 4.6 Each constituent authority may individually terminate its membership of the JC by providing six months' written notice of its intent to leave the JC to the Secretary. At the end of these six months, but not before, the authority will be deemed to no longer be a member of the JC.

4.7 Where an authority has previously terminated its membership of the JC it may re-join the JC with immediate effect on the same terms as existed prior to its departure, where the JC agrees to that authority re-joining via a majority vote.

4.8 Any other qualifying authority seeking to be a constituent member, may join the JC with immediate effect on the terms set out in these procedure rules, where the JC agrees to that authority joining via a majority vote.

## **5.0 Quorum**

5.1 The quorum shall be three constituent authority members (and where co-optees have been appointed) one co-opted member with a requirement that each of the three authority areas be represented (either an authority member or co-opted member from each constituent area must be present). Should the constituent authorities change in number the quorum will be increased to reflect the change, the precise arrangements to be determined by agreement. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

## **6.0 Chair and Vice Chair**

6.1 The Chair of the JC will rotate annually between each of the principal members. The Chair or in their absence the Vice-Chair (if one is appointed) or in their absence the member of the JC elected for this purpose, shall preside at any meeting of the JC.

6.2 Appointments will be made for a maximum period not extending beyond each principal member's remaining term of office as a councillor.

6.3 Where, at any meeting or part of a meeting of the JC both the Chair and Vice Chair (if appointed) are either absent or unable to act as Chair or Vice Chair, the JC shall elect one of the principal members of the JC present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice-Chair (if appointed) vests in the principal member concerned and in their absence the role of Chair or Vice-Chair (if appointed) will not automatically fall to the relevant constituent Authority's substitute member.

## **7.0 Voting**

7.1 The JC's decision making will operate on the basis of mutual co-operation and consent and will take into account the views of the co-opted members. It is expected that decisions will be taken on a consensual basis wherever possible. Where a formal vote is required it shall be one vote each made by the principal members for each constituent authority, or in their absence, their nominated substitute. Co-opted members are not permitted to have a vote.

7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.

7.3 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 each person cast their vote for or against the matter or whether they abstained from voting.

## **8.0 Hosting, Administration and Lead Authority**

8.1 The JC will be hosted by each constituent authority in turn, with the rota determined by a formal decision of the JC and the host authority's Monitoring Officer shall be Secretary to the JC ('the Secretary') (the position may be taken by a representative on their behalf). The Host Authority will also identify representatives to provide relevant financial, governance and legal advice to the JC. For the avoidance of doubt, the Monitoring Officer of the host authority shall be 'Proper Officer' for the purposes of publishing the agendas, background papers and recording decisions. The historic official records of the JC will

pass to each host authority. The administrative costs of supporting the JC will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members, or co-opted members representing that area.

- 8.2 A 'Lead Authority' will be appointed by a formal decision of the JC to deliver the functions delegated to the JC. This Lead Authority, may be the same as the Host Authority, or may be another constituent authority.
- 8.3 The functions of the Secretary shall be:
- a. to maintain a record of membership of the JC and any sub-committees or advisory groups appointed;
  - b. to summon meetings of the JC or any sub-committees or advisory groups;
  - c. to prepare and send out the agenda for meetings of the JC or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);
  - d. to keep a record of the proceedings of the JC or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
  - e. to take such administrative action as may be necessary to give effect to decisions of the JC or any sub-committees or advisory groups, and;
  - f. to perform such other functions as may be determined by the JC from time to time.

## **9.0 Meetings**

- 9.1 The JC will meet no less than quarterly, unless the JC formally decides otherwise.
- 9.2 Meetings will be held at such times, dates and places as may be notified to the members of the JC by the Secretary, being such time, place and location as the JC shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.
- 9.3 The Chair may choose to accept or reject urgent items that are circulated in a shorter timescale or tabled at any meeting. Any such urgent items will be by reason of 'special circumstances' and will be specified in the minutes, as to the reason the Chair is of the opinion that the item should be considered as a matter of urgency.
- 9.4 '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 meeting allowing proper time for inspection by the public as well as why the item or report could not have been available five clear days before the meeting.
- 9.5 Additional ad hoc meetings may be called by the Secretary, after consultation, where practicable, with the Chair and Vice Chair of the Committee (if one is appointed), in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the JC, addressed to the Secretary:
- (a) from and signed by two members of the JC, or
  - (b) from the Chief Executive of any of the constituent authorities.
- 9.6 The Secretary shall settle the agenda for any meeting of the JC after consulting, where practicable, the Chair or in their absence the Vice Chair (if one is appointed); and shall incorporate in the agenda any items of business and any reports submitted by:
- a) the Chief Executive of any of the constituent authorities;
  - b) the officers responsible for legal, governance, finance and economic development at any of the constituent authorities;
  - c) any Member of the JC.

9.7 The JC shall, unless the person presiding at the meeting or the JC determines otherwise in respect of that meeting, conduct its business in accordance with these procedure rules.

#### **10.0 Access to Information**

10.1 Meetings of the JC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the JC and relevant advising officers from the constituent authorities and any person referred to in paragraph 11.2 below, will be permitted to be present for such items.

10.2 These rules do not affect any more specific rights to information contained elsewhere under the law.

10.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.

10.4 Any Freedom of Information Act requests received by the JC should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

#### **11.0 Attendance at meetings**

11.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the JC.

11.2 Where agenda items require independent experts or speakers, the officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in JC meetings will be subject to the discretion of the Chair.

#### **12.0 Order of Business**

12.1 Subject to paragraph 12.2, the order of business at each meeting of the JC will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not and which items are subject to 'call in', in accordance with procedure rule 18.1.
- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.

12.2 The person presiding at the meeting may vary the order of business at the meeting.

#### **13.0 Codes of Conduct and Disclosable Pecuniary Interests**

13.1 Principal members of the JC (and their substitute members) 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. Co-opted members are governed by the code of conduct for members of the 'Lead Authority'.

#### **14.0 Minutes**

14.1 There will be no discussion or motion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

**15.0 Role of the Chair**

15.1 A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

15.2 The Chair shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

**16.0 Motions / Amendments**

16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972.

**17.0 Application to Sub-Committees**

17.1 These procedure rules shall apply to meetings of any sub-committees of the JC.

**18.0 Scrutiny of decisions**

18.1 Decisions of the JC which relate to the executive functions of a constituent authority will be subject to scrutiny and 'call-in' arrangements (or any other arrangements equivalent to 'call-in' that any constituent authority operating a committee system, may have). This would only apply where the decision is one which could have been made locally by that constituent Authority acting alone. No decision in this circumstance shall be implemented until the call-in period has either expired or if 'called-in' the matter concluded, in accordance with the call-in procedures of the relevant constituent Authority.

**19.0 Winding up of the JC**

19.1 The JC may be wound up immediately by a unanimous vote of all constituent authorities.

**20.0 Amendment of these Procedure Rules.**

20.1 These Procedure Rules can only be amended by unanimous resolution of the JC, following the consideration of advice from the Monitoring Officers of each of the constituent authorities.