

CONSTITUTION OF THE JOINT COMMITTEE

1 NAME

- 1.1 The Joint Committee shall be known as the Leicestershire Partnership - Revenue and Benefits (LPRB.).

2 INTERPRETATION

- 2.1 Unless expressly stated otherwise the expressions within this Schedule 2 will have the same meaning as in the main body of this Agreement

3 OBJECTIVES

- 3.1 The purpose of the Councils in establishing the Joint Committee is to facilitate an effective joint approach between the Councils in delivering the Project and the Joint Committee Services.

4 MEMBERSHIP OF LPRB

- 4.1 The Joint Committee shall comprise of nine Members, three being appointed by the Executive of the Council of Harborough, three being appointed by the Executive of the Council of Hinckley & Bosworth and three being appointed by the Executive of the Council of North West Leicestershire.
- 4.2 The Executive of each Council shall appoint its Members to the Joint Committee by giving notice in writing to the Secretary.
- 4.3 Each Executive may nominate one or more substitute Members to attend any meeting in place of an appointed Member from that Executive, subject to notice being given to the Secretary of the Joint Committee before the start of the meeting.
- 4.4 Each Member of the Joint Committee shall be appointed to the Joint Committee for the period of the Agreement, subject to the following:
- 4.4.1 each of the Executives may remove any of its appointed members ~~or substitute members~~ of the Joint Committee and appoint a different Member ~~or substitute~~ to the Joint Committee by giving written notice to the Secretary within 5 days of the change occurring;
- 4.4.2 a Member shall cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her.
- 4.5 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary of the Joint Committee.

- 4.6 The proceedings of the Joint Committee shall not be invalidated by any vacancy among Joint Committee Members, nor by any defect in the appointment or qualification of any Joint Committee Member.
- 4.7 Each member of the Joint Committee shall act in the overall interests of the Joint Committee.
- 4.8 Each member of the Joint Committee shall comply with the Members' Code of Conduct and relevant training programmes of their Council when acting as a Member of the Joint Committee.

5 ANNUAL GENERAL MEETINGS OF THE JOINT COMMITTEE

- 5.1 The Joint Committee shall hold an Annual General Meeting to carry out the following business:
 - 5.1.1 to elect the Chair of the Joint Committee when the post is vacant;
 - 5.1.2 to elect the Vice Chair of the Joint Committee when the post is vacant;
 - 5.1.3 to determine the date, time and venue of meetings of the Joint Committee for the following year; and
 - 5.1.4 to determine the delegation of duties to officers.
- 5.2 The Joint Committee shall hold its first Annual General Meeting in 2011 within 30 working days of the start date of the Agreement. In 2012 and in every future year when the Joint Committee exists, the Joint Committee shall hold its Annual General Meeting in June wherever possible but no later than end July.

6 ORDINARY MEETINGS OF THE JOINT COMMITTEE

- 6.1 The Joint Committee shall hold ordinary meetings quarterly unless otherwise determined by the Joint Committee and may hold extraordinary meetings in between quarterly meetings.

7 CONVENING MEETINGS

- 7.1 The Secretary to the Joint Committee must call an extraordinary meeting of the Joint Committee by giving at least ten working days' written notice to all Members of the Joint Committee for the purposes of resolving urgent matters arising between the quarterly meetings of the Joint Committee, if a request to do has been made by any Joint Committee Member. The period of notice can be reduced if all members of the Joint Committee agree to a shorter period. Notice of such a meeting must be provided to the Treasurer and Monitoring Officer.
- 7.2 The Secretary to the Joint Committee shall send to all Members of the Joint Committee copies of the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting. This shall not apply to extraordinary meetings of the Joint Committee where a shorter notice period has been agreed by all Members under paragraph 7.1 of this constitution, in which case the Secretary shall send to all Members of the

Joint Committee printed copies of the agenda as soon as reasonably practicable and shall make copies available at the meetings.

8 QUORUM

- 8.1 No business may be transacted at a Joint Committee Meeting unless a quorum is present. A meeting of the Joint Committee shall require a quorum of 3 Members who are entitled to attend and vote, with at least 1 member from each of the Councils.
- 8.2 If at the expiration of 15 minutes after the time specified for a meeting a quorum is not present then no meeting shall take place until the day and time fixed for the next ordinary meeting unless an extraordinary meeting is, in the meantime, convened for the purpose in pursuance of paragraph 7.1.
- 8.3 If, during any meeting of the Joint Committee the Chair, after counting the number present declares that there is not a quorum present the meeting shall stand adjourned until the next ordinary meeting unless an extraordinary meeting is convened for that purpose in pursuance of paragraph 7.1 of this constitution

9 CONDUCT OF MEETINGS

- 9.1 The order of business shall be indicated in the agenda for the meeting and shall be in accordance with the procedure rules adopted by the Joint Committee.
- 9.2 A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chair shall call on one to speak. While a Member is speaking other Members shall remain silent.
- 9.3 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
- 9.4 Only one amendment to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
- 9.5 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 9.6 When a motion is under debate by the Joint Committee no other motion shall be moved except the following:
 - 9.6.1 to amend the motion;
 - 9.6.2 to adjourn the meeting;
 - 9.6.3 to adjourn the debate;
 - 9.6.4 to proceed to the next business;

- 9.6.5 that the question be now put;
 - 9.6.6 by the Chair that a Member do leave the meeting;
 - 9.6.7 a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;
 - 9.6.8 to postpone consideration of the item.
- 9.7 A Member may move without comment at the conclusion of a speech of another Member, "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chair shall proceed as follows:
- 9.7.1 on a motion to proceed to next business; unless in his opinion the matter before the meeting has been insufficiently discussed put to the vote the motion to proceed to the next business;
 - 9.7.2 on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed he shall first put to the vote the motion that the question be now put;
 - 9.7.3 on a motion to adjourn the debate or the meeting; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.
- 9.8 Any motion moved under paragraph 9.6 must be seconded but it need not be reduced to writing. The mover may speak upon it but the seconder shall not be permitted to speak beyond formally seconding it. Upon any such motion being made, the mover of the substantive motion under debate at the time such motion is made may (without prejudice to his or her ultimate right of reply if the motion be not carried) be heard in reply for a period not exceeding five minutes, immediately after which the question shall be put without further debate.
- 9.9 If any motion mover under paragraph 9.6 is lost it shall not be competent to move a motion in the same or similar terms within a period of 30 minutes thereafter.
- 9.10 If a motion to adjourn the meeting is carried, the business on the agenda undisposed of shall be printed on the agenda of the next ordinary meeting or of such meeting as shall be specified.
- 9.11 If a motion to adjourn the debate is carried, the discussion shall be resumed at the next ordinary meeting, when the Member who moved the adjournment of the debate shall be entitled to speak first.
- 9.12 If a motion "that the question now be put" is carried, the motion or amendment under debate shall, subject to the right of reply of the mover of an original motion, be forthwith put.

- 9.13 When a motion to proceed to the next business is carried the question under discussion shall be considered as dropped.
- 9.14 A motion or amendment may be withdrawn by the mover with the consent of his or her seconder and of the Joint Committee, which consent shall be signified without debate, and no Member may speak upon it after the mover has asked permission for its withdrawal unless such permission shall have been refused.
- 9.15 Paragraphs 9.8 to 9.14 and 9.16 to 9.17 of this constitution may be suspended so far as regards any business at the meeting.
- 9.16 The following rules shall apply to the conduct of debate at meetings.
- 9.16.1 Members arriving after a meeting has commenced or departing before a meeting has concluded shall show due respect to the Chair.
- 9.16.2 No speech shall exceed ten minutes in the case of a mover of a motion or five minutes in any other case except by consent of the Chair.
- 9.16.3 A Member who speaks shall direct his remarks strictly to the motion under discussion or to a personal explanation or a question of order. A point of order shall relate only to an alleged breach of a requirement of this constitution and the Member shall immediately specify the requirement and the way it has been broken. No Member may impute improper motives or use offensive expressions in reference to any Member.
- 9.16.4 The ruling of the Chair on a point of order or the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 9.16.5 A member shall not address the meeting more than once on the same motion or amendment except upon a point of order or to offer a personal explanation. The mover of an original motion may, however, reply but he or she shall confine himself or herself strictly to answering points raised by previous speakers and shall not introduce a new matter into debate. After the reply the question shall be put forthwith.
- 9.16.6 The Chair shall call the attention of the Member to continued irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a Member and shall direct such a Member, if speaking, to discontinue his or her speech or, in the event of disregard of the authority of the Chair, to retire for the remainder of the meeting.
- 9.17 Where there are more than two persons nominated for any position to be filled by the Joint Committee and, on a vote being taken, no person receives more than half the votes cast, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of the votes cast is given in favour of one person.

- 9.18 If a Member of the Joint Committee has any personal interest in any contract, proposed contract or other matter, and is present at a meeting at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after its commencement, disclose the fact and if the interest is also a prejudicial interest shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it but shall withdraw from the meeting whilst it is being discussed and voted on.
- 9.19 No Member may at a meeting raise any matter of which prior notice has not been given to the Chair and the matter shall not, in any event be introduced unless the Members on being informed of it agree. If the Members do agree the matter may be raised only in the form of a question which, on an oral answer being given, shall be regarded as disposed of at that meeting and no decision binding the Joint Committee on any course of action shall be taken on any matter so raised.
- 9.20 The ruling of the Chair shall not be open for discussion.
- 9.21 Any member of the Councils who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the Chair and comments will be recorded only on the direction of the Chair.
- 9.22 Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 9.23.
- 9.23 The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100 A (3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
- 9.24 Any meeting of the Joint Committee which has sat continuously for three hours shall stand adjourned unless the majority of the Members present, by vote, determine to continue to sit.
- 9.25 The Chair may, at any time, if he or she thinks it desirable in the interest of order, adjourn a meeting for a time to be named by him or her.
- 9.26 The Secretary to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee. The Secretary shall circulate the minutes to Members of the Joint Committee no later than 14 Working Days after the date of the relevant meeting and shall present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the Chair.

10 VOTING AT MEETINGS

- 10.1 Each Member shall have one vote. Each Member may arrange for his/her vote to be exercised by any Member or substitute Member whom his/her Council

appoints to the Joint Committee or nominates as a substitute. For the avoidance of doubt no officer shall be allowed to exercise a vote.

- 10.2 Subject to the provisions of any enactment, all matters other than a question of whether to admit a Local Authority as a new Party to the Agreement or a request for a change to the Joint Committee's constitution or a proposal to vary the terms of the Shared Services Arrangement coming or arising before the Joint Committee shall be decided by a majority of the Members of the Joint Committee who are entitled to vote immediately present and voting thereon. A decision to admit a Local Authority as a new Party to the Shared Services Arrangement, to vary the terms of the Shared Services Arrangement or to change the constitution of the Joint Committee shall require unanimous agreement of all Members.
- 10.3 Subject to the provisions of any enactment, in the case of an equality of votes the Chair shall have a second or casting vote but before exercising this, the Chair shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
- 10.4 Any Member of the Joint Committee may request the Joint Committee to record the votes of individual Members of the Joint Committee on a matter for decision.

11 CHAIR AND VICE CHAIR OF THE JOINT COMMITTEE

- 11.1 The Joint Committee shall appoint a Chair of the Joint Committee at every Annual General Meeting, who shall not be from the same council as the previous Chair.
- 11.2 The Joint Committee shall appoint a Vice Chair of the Joint Committee at every Annual General Meeting, who shall not be from the same council or the previous Vice Chair.
- 11.3 The Chair and Vice Chair shall be appointed from the Members of the Joint Committee and shall at no time be from the same council.
- 11.4 The Chair and Vice Chair shall vacate their office as Chair or Vice Chair as applicable if he or she ceases to be an elected member of the Council which appointed him or her to the Joint Committee; or that Council terminates his or her appointment as a Member of the Joint Committee, or if his or her appointment as a Member of the Joint Committee expires and he or she is not re-appointed as a Member of the Joint Committee with immediate effect.
- 11.5 If there is a vacancy in the office of Chair or Vice Chair between the date of the Annual General Meetings of the Joint Committee, the Joint Committee shall appoint a Chair or Vice Chair as applicable at the next meeting of the Joint Committee.
- 11.6 If there is a quorum of members present but neither the Chair nor the Vice-Chair is present, the Members present shall designate one Member to preside as Chair for that meeting.
- 11.7 The Chair and Vice Chair may resign from their positions at any time, without necessarily resigning as Joint Committee Members.

- 11.8 The Chair and Vice-Chair may be removed during their term of office only at a Joint Committee Meeting with a majority of the total number of Joint Committee Members at the time in favour. The Chair or the Vice-Chair (as the case may be) must be given an opportunity to say why he/she should not be removed.
- 11.9 If the Chair or Vice-Chair is removed or resigns from their terms of office under paragraphs 11.7 or 11.8 the Joint Committee shall appoint a new Chair or Vice-Chair for the remainder of the Municipal Year providing that the appointment shall be made from the same Council's Joint Committee Members as the previous Chair or Vice-Chair.
- 11.10 The Chair is to chair all Joint Committee Meetings at which he/she is present unless he/she does not wish, or is not able, to do so.
- 11.11 If the Chair is not present within 5 (five) minutes after the starting time of a Joint Committee Meeting or if the Chair is unwilling or unable to chair a Joint Committee Meeting, then the Vice-Chair must chair that Joint Committee Meeting unless he/she is unwilling or unable to do so.
- 11.12 If both the Chair and the Vice-Chair are not present within 5 (five) minutes after the start time of a Joint Committee Meeting or both are unwilling or unable to chair the Joint Committee Meeting then the Joint Committee must elect 1 (one) of the Joint Committee Members who is present to chair the Joint Committee Meeting.
- 11.13 The responsibilities of the Chair are to:
- 11.13.1 act as an ambassador for the Joint Committee and to represent the views of the Joint Committee to the general public and other organisations;
 - 11.13.2 ensure that Joint Committee Meetings are conducted efficiently;
 - 11.13.3 give all Joint Committee Members an opportunity to express their views;
 - 11.13.4 establish a constructive working relationship with, and to provide support for, any officers of the Councils to whom the Joint Committee has delegated its functions;
 - 11.13.5 encourage the Joint Committee to delegate sufficient authority to officers of the Councils to enable the Joint Committee Services to be carried on effectively between Joint Committee meetings; and
 - 11.13.6 ensure that the Joint Committee monitors the use of delegated powers.
- 11.14 The role of the Vice-Chair is to deputise for the Chair during any period of his absence and, for that period, his/her functions shall be the same as those of the Chair.
- 11.15 Except to the extent that this Agreement provides otherwise neither the Chair nor the Vice-Chair has any authority beyond that of any other Joint Committee Member.

12 POWERS DELEGATED TO THE JOINT COMMITTEE

- 12.1 The Executives of each of the Councils has, subject to paragraph 12.2 delegated to the Joint Committee all executive functions and powers of that authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the functions of the Joint Committee, including the function of:
- 12.1.1 developing, approving and keeping under review long term strategies setting out the future direction of the LPRB;
 - 12.1.2 performing and developing the Joint Committee Services;
 - 12.1.3 setting progress and performance goals for the Joint Committee Services;
 - 12.1.4 reviewing the progress and performance of the Joint Committee Services;
 - 12.1.5 approving, modifying or amending the terms of reference of the Joint Committee;
 - 12.1.6 receiving, considering and adopting or rejecting recommendations of from the Management Board;
 - 12.1.7 ratifying and amending the operational policies of the Joint Committee;
 - 12.1.8 approving, modifying or amending the draft annual business plan and annual budget produced by the Management Board;
 - 12.1.9 adopting this constitution and then considering, approving and keeping under review at the Annual General Meeting the constitution, including its standing orders, financial procedure rules and the officer delegation scheme and to carry out such actions as are required by these rules;
 - 12.1.10 receiving audit reports;
 - 12.1.11 promoting the achievement of best value in the provision of Joint Committee Services;
 - 12.1.12 providing member councils with an annual report on LPRB's activities;
 - 12.1.13 undertaking other functions as are reasonably necessary to further any of the purposes of the Joint Committee or the Joint Committee Services;
 - 12.1.14 approving the retention of any savings / underspends into a reserve. Those arising from income generation to be put into an earmarked development reserve.

- 12.2 The following functions are reserved to the appointing authorities and shall not be within the powers of the Joint Committee:
- 12.2.1 all non-executive functions of any of the Councils;
 - 12.2.2 any decision which is contrary to or not wholly in accordance with the Budget approved by each appointing Council for the Joint Committee, or is contrary to an approved policy or strategy of any of the appointing Councils;
 - 12.2.3 any decision in respect of which the Chief Executive of either appointing Council has notified the Secretary to the Joint Committee in writing of the Council's formal objection to the proposed decision.

13 ROLE OF THE MANAGEMENT BOARD

- 13.1 A Management Board comprising a Senior Manager (Head of Service and above) from each Council, with the Head of Partnership and support from Finance meeting quarterly, to:
- 13.1.1 ensure Joint Committee Services are delivered in accordance with the progress and performance goals set by the Joint Committee;
 - 13.1.2 ensure that the Joint Committee Services are delivered equitably between the Councils;
 - 13.1.3 recommend operational policy to the Joint Committee;
 - 13.1.4 recommend the proper level of resources required to perform the Joint Committee Services to the Joint Committee
 - 13.1.5 ensure that Joint Committee Services are delivered in accordance with the Joint Committee's policies;
 - 13.1.6 on or before 30 November, starting in 2011, prepare/update a draft business plan for the Joint Committee for the following financial years;
 - 13.1.7 on or before 30 November, starting in 2011, prepare a draft annual budget for the Joint Committee for the following financial year;
 - 13.1.8 ensure that the Joint Committee Services are performed within the budget and notify the Joint Committee should the approved budget be insufficient to meet the costs of providing the Joint Committee Services, with recommendations for meeting any shortfall;
 - 13.1.9 to recommend to the Councils that each recruit to fill vacant posts within the agreed staffing structure and budget;
 - 13.1.10 approve the use of reserves;
 - 13.1.11 monitor the day to day performance of the Joint Committee Services on behalf of Councils;
 - 13.1.12 carry out such research and duties as the Joint Committee may require from time to time.

~~14~~ **ROLE OF THE OPERATIONS GROUP**

~~14.1~~ An Operations Group, comprising such professional and practitioner officers as determined by the Management Board, meeting as required, to:

~~14.1.1~~ monitor the day to day performance of the Joint Committee Services on behalf of Councils;

~~14.1.2~~ report quarterly to each Council on the performance of the Joint Committee

~~14.1.3~~ carry out such research and duties as the Management Board may require from time to time

14.14 CHANGES TO THE CONSTITUTION

~~15.4~~14.1 No change may be made to the constitution of the Joint Committee unless it has been agreed unanimously at a meeting of the Joint Committee.

~~15.2~~14.2 Each of the Councils may request a change to the constitution of the Joint Committee by sending to the Secretary to the Joint Committee:

~~15.2.1~~14.2.1 Details in writing of the proposed change to the constitution;

~~15.2.2~~14.2.2 A request in writing for the Secretary to include the proposed change to the agenda for the next meeting of the Joint Committee.

~~15.3~~ When the Secretary to the Joint Committee receives a request for a change to the constitution of the Joint Committee, he or she shall add this to the agenda for the next meeting of the Joint Committee, ~~unless the next meeting is the Annual General Meeting. If the next meeting is the Annual General Meeting the Secretary to the Joint Committee shall add the request to the agenda for the next meeting after the Annual General Meeting.~~

14.3

~~15.4~~14.4 If the Joint Committee agrees to a change to the constitution of the Joint Committee, the change shall take effect immediately after it has been agreed. The Secretary to the Joint Committee shall prepare a new version of the constitution as soon as reasonably practicable after the change has been agreed and shall circulate this to each Council. The costs associated with preparing and circulating the new version of the constitution shall be shared equally between the Councils.

14.15 STANDING ORDERS

~~16.4~~15.1 The Joint Committee shall develop standing orders for the proper conduct and management of the Joint Committee.

~~16.2~~15.2 The Joint Committee must adopt such means as they think sufficient to bring standing orders to the notice of officers of the councils assisting the Joint Committee in undertaking the Joint Committee services.

~~16.3~~15.3 Standing Orders are binding on all Joint Committee Members.