

## **Committee: Annual Council**

**Date: 13 May 2015**

Wards: All

## **Subject: Addendum to the Constitution of Committees and Other Bodies**

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### **Recommendations:**

That the Council:

- H. i) agrees the procedure rules and terms of reference of the South London Partnership Joint Committee (Joint Committee of The Boroughs Of Richmond, Kingston, Sutton, Merton And Croydon) as set out in (Appendix G),
- ii) delegates authority to the Monitoring Officer to insert reference to the South London Partnership Joint Committee and its purpose as defined in Appendix G into the appropriate section of the Council's Constitution
- iii) approves that the Leader be appointed to South London Partnership Joint Committee (Joint Committee Of The Boroughs Of Richmond, Kingston, Sutton, Merton And Croydon)
- I. agrees to appoint Councillor Brenda Fraser to the Council of Governors for the Kingston Hospital NHS Trust Board as the Merton and Sutton Borough Councils (Joint nomination).

## **1. Purpose of report and executive summary**

- 1.1 The purpose of this addendum report is to seek Council agreement to appoint to further outside bodies and to approve the procedure rules and terms of reference of the South London Partnership Joint Committee as set out at (Appendix G) and to grant authority to the Monitoring Officer to amend the Constitution to reflect the establishment of the Joint Committee accordingly.
- 1.2 The information contained within this addendum was not available at the time of publication of the original Constitution of Committees and Other Bodies report, hence the need for the addendum.

## **2. South London Partnership Joint Committee**

- 2.1 In November 2014 both Cabinet and the Council agreed to the establishment of a Joint Committee with neighbouring boroughs in the South London Partnership (Richmond, Kingston, Merton, Sutton and Croydon) and agreed the principles of the terms of reference with a recommendation that the final procedure rules be brought to a Full Council meeting. Section 101 of the Local Government Act 1972 gives the Council authority to make joint arrangements with other local authorities, including forming joint committees with decision making powers and so the establishment of this Joint Committee has been proposed under the regular Annual Council item of 'Constitution of Committees and Other Bodies'.

## **3. Kingston Hospital NHS Trust Board**

- 3.1 When the Foundation Trust was set up in May 2013 it was decided to include as one of the Appointed Governors a councillor representative from the London Borough of Merton. As there were only a limited number of patients from both Merton and Sutton boroughs using the hospital, it was felt by the Trust that does not justify an Appointed Governor from each Borough. Accordingly it was agreed that there was a joint Sutton and Merton appointment, rotating yearly; with Merton having the nomination in 2015/2016.

## **4. Legal and statutory implications**

- 4.1 The Local Government Act 2000 makes provisions with respect to the function and procedures of local authorities. The Merton Constitution has been produced having regard to the provisions of the Act, Statutory Instruments and guidance from Central Government. The proposals within this report comply with the statutory requirements.

## **5. Appendices – the following documents are to be published with this report and form part of the report**

- 5.1 Appendix G - South London Partnership Joint Committee procedure rule and terms of reference

**JOINT COMMITTEE OF THE BOROUGHES OF RICHMOND, KINGSTON, SUTTON,  
MERTON AND CROYDON**

**Procedure Rules**

## **1. Purpose of the Joint Committee**

1.1 The London Boroughs of Richmond upon Thames, Kingston upon Thames, Sutton, Merton and Croydon have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as ‘South London Partnership Joint Committee.’

1.2 The Joint Committee’s role and purpose on behalf of the boroughs relates to the setting and reviewing of objectives for strategic growth, regeneration and investment across South London in particular:

- To form collaborative South London views affecting economic growth, regeneration and competitiveness.
- To undertake activities which promote and improve economic growth and wellbeing in the South London area.
- To determine strategic objectives and barriers to growth for the local area and develop solutions
- To take on additional responsibilities and funding delegated from Government where the Committee judges this to be in the area’s best interests.

\*The purpose of the Joint Committee will be collaboration and mutual co-operation and the Terms of Reference do not prohibit any of the Member Councils from promoting economic wellbeing in their own areas either in addition to, or independently from the Joint Committee.

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

1.4 These Procedure Rules govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over each Borough’s relevant Constitutional provisions.

## **2. 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. Functions**

3.1 The Joint Committee will discharge on behalf of all member boroughs the functions listed below insofar as they relate to the setting and reviewing of objectives for strategic growth, regeneration and investment across South London:

- To provide a coherent single position on the City Deal and Growth Deal issues.

- To coordinate the contribution of all Member Councils to the Strategic Economic Plan.
- To agree allocation of spending as required.
- To agree major priorities
- To consider and determine any issues made by the Advisory Officer Board to the Joint Committee
- To formulate and agree appropriate agreements with Government, ensuring their delivery
- To influence and align government investment in South London in order to boost economic growth locally
- To jointly review as appropriate consultations on plans, strategies and programmes affecting South London, encouraging alignment with the London Enterprise Partnership Plan.
- To agree, review and amend options at any time for City Deal and Growth Deal Governance which are fit for purpose.
- To agree and approve any additional governance structures as related to the Joint Committee (eg setting up sub- committees etc)

#### **4. Membership**

- 4.1 The membership will comprise of 5 members with each Council appointing its Leader to sit on the Joint Committee.
- 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. Where a Council is operating Executive Governance arrangements, the substitute must be a Member of the Council's Executive.
- 4.5 Continuity of attendance is encouraged.
- 4.6 Where a Council wishes to withdraw from membership of the Joint Committee this must be indicated in writing to the Clerk to the Joint Committee. A six month notice period must be provided.

## **5. Chairman and Vice-Chairman**

- 5.1 The Chairman of the Joint Committee will be appointed on an annual basis by the Joint Committee for a period not exceeding one year from the date on which the appointment commences.
- 5.2 The Joint Committee will appoint a Vice-Chairman from within its membership on an annual basis to preside in the absence of the Chairman.
- 5.3 Where neither the Chairman or Vice-Chairman are in attendance, the Joint Committee will appoint a Chairman to preside over the meeting.

## **6. Sub-Committees**

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

## **7. Delegation to Officers**

- 7.1 The Joint Committee may delegate specific functions to officers of any of the Member Boroughs.
- 7.2 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 boroughs.
- 7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chairman of the Joint Committee and the Leaders of the relevant Council before exercising their delegated authority.

## **8. Administration**

- 8.1 Organisational and clerking support for the Joint Committee will be provided on a rotational basis by Boroughs for a period of one year.

## **9. Financial Matters**

- 9.1 The Joint Committee will develop detailed procedures for dealing with financial matters. Until such time as they are required, the Joint Committee retains the right to adopt the Standing Orders of one of the constituent Councils to enable any business as is required to be transacted.

## **10. Agenda Management**

- 10.1 All prospective items of business for the Joint Committee shall be agreed by the Officer Advisory Board (comprising the Chief Executives of the Member Councils or their representatives.)
- 10.2 Where a decision of the Joint Committee does not apply to all member Councils, the delegation of functions to the Joint Committee is limited to the Borough (s) to which the decision applies.

10.3 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' on behalf of authorities operating Executive Governance arrangements must be included in the Forward Plan. Where authorities operate Committee System Governance, local non statutory procedures will apply.

## **11. Meetings**

11.1 The Joint Committee will meet as required to fulfil its functions.

11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all member authorities.

11.3 The quorum for a meeting of the Joint Committee shall require at least 4 of the 5 appointed members (or their substitutes) to be present in order to transact the business as advertised on the agenda.

11.4 Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

## **12. Notice of Meetings**

12.1 The clerk to 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.

12.2 At least five clear working days\* in advance of a meeting the clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the member authorities to enable the information to be published on each member Council's website.

12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

\*Five Clear Days" do not include weekends or national holidays and exclude both the day of the meeting and the day on which the meeting is called.

## **13 Public Participation**

13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 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.

13.3 The maximum number of speakers allowed per agenda item is 6

13.4 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.

13.5 The Chairman shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

## **14 Member Participation**

14.1 Any member of any of the Member Councils who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chairman.

## **15. Business to be Transacted**

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

- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration

15.2 The Chairman may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chairman should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

15.3 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 Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

15.4 "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 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.

## **16 Extraordinary Meetings**

16.1 Arrangements may be made following consultation with Chairman of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chairman should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.



16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

## **17 Cancellation of Meetings**

17.1 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.

## **18 Rules of Debate**

18.1 The rules of debate in operation in the Chairman's authority shall apply.

## **19. Request for Determination of Business**

19.1 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 the Officer Advisory Group for further consideration by each member Council.
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

## **20. Urgency Procedure**

20.1 Where the Chairman (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 Terms of Reference 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 Council (in line with pre-existing delegations in each Council's Constitution) to take urgent action as is required within each of the constituent boroughs.

## **21. Voting**

21.1 The Joint Committee's decision making will operate on the basis of mutual co-operation and consent.

21.2 Where a vote is required it will be on the basis of one vote per member and any matter shall be decided by a simple majority of those members voting and present.

21.3 Where there is an equality of votes, the Chairman of the meeting shall have a second and casting vote.

21.4 Any two members can request that a recorded vote be taken.

21.5 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.

21.6 Where there is an equality of votes and the matter cannot be resolved, the conflict resolution mechanism will be implemented.

21.7 The conflict resolution mechanism states that:

- The matter will be referred back to the Chief Executives of all Authorities for further consideration.
- After further consideration has taken place, the matter will be placed on the agenda for the next available meeting of the Joint Committee for determination.

## **22 .Minutes**

22.1 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.

22.2 Once agreed, the Chairman will sign them.

## **23 Exclusion of Public and Press**

23.1 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.

23.2 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.

23.3 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.

23.4 To comply with the Executive Arrangements (Access to Information) Regulations 2012 on behalf of those authorities operating Executive Governance Arrangements, 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.

## **24. Overview and Scrutiny**

24.1 Decisions of the Joint Committee will be subject to scrutiny and 'call -in' arrangements as would apply locally in each of the Member Councils.

24.2 No decision should be implemented until such time as the call-in period has expired across all of the Member Councils.

24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Borough where the Call-In had taken place for it to be heard.

24.4 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 Council concerned have been concluded.

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