

Appendix 2

Terms of Reference

Joint Committee of the London Boroughs of Lewisham and Brent.

Establishment of a Joint Committee

In exercise of their powers under the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers the Councils (which for this purpose includes Brent's Cabinet and Lewisham's Mayor and Cabinet) shall establish a joint committee to be known as the Joint Committee of the London Boroughs of Lewisham and Brent (and within these Terms of Reference also referred to as "the Joint Committee") with effect from 1st April 2016.

Purpose and function

The London Boroughs of Lewisham and Brent have established the Joint Committee to discharge executive functions on behalf of the two boroughs, in so far as they relate to joint activities or areas of common concern in relation to the provision of ICT infrastructure and support services. Over time the committee may consider other areas. The Joint Committee shall be responsible for and shall have delegated to it the following functions of the Councils as set out in a written agreement between the Councils and referred to in these Terms of Reference as the Shared Service Agreement:

- the strategic direction for the Shared ICT Service
- those matters for which it is identified as responsible for under the Shared Service Agreement
- to consider matters referred to it by the Management Board (as referred to in the Shared Service Agreement)
- to act as the decision making body in respect of any joint decision required to be taken by the Councils under the Shared Service Agreement other than those that have been excluded and defined as Reserved Decisions.

Which shall together be known as "the Agreed Functions"

The governance arrangements provide flexibility so that the Agreed Functions can be added to or amended over time.

Each Council hereby empower the Joint Committee to discharge on their behalf the Agreed Functions and empower the Joint Committee to arrange for the discharge of the Agreed Functions or any of them by any officer or officers of the Councils.

The Joint Committee shall operate and discharge its responsibilities in accordance with the terms of these Terms of Reference and the Shared Service Agreement.

The work of the Joint Committee shall be supported by the Management Board.

The Joint Committee does not have power to exercise non-executive functions on behalf of the boroughs.

The Joint Committee shall meet every 4 months.

Meetings of the Joint Committee shall be rotated between the offices of each of the Councils.

The Joint Committee may delegate to an officer of the Councils but may not delegate to sub-committees.

Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under the following paragraph.

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 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972 would be disclosed to them.

Business to be transacted

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

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

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

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.

“Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at the 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.

Extraordinary meetings

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.

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

Cancellation of meetings

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 meeting 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.

Rules of debate

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

Request for determination of business

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 Boroughs for further consideration.
- The meeting be adjourned.

The Joint Committee will then vote on the request.

Urgency Procedure

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 call 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 Borough (in line with pre-existing delegations in each Borough’s Constitution) to take urgent action as is required within each of the constituent boroughs.

Membership

Each council shall appoint two members to sit on the Joint Committee. Each council should also appoint a named substitute (to be an executive member for those operating executive governance arrangements) to attend in the event any one member is absent. The member appointed as a substitute shall have full voting rights when they are acting as substitute.

Each member of the Joint Committee shall serve upon the joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but 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.

Chair

The Chair of the Joint Committee shall be rotated between the members of the Councils for each meeting of the Joint Committee.

Quorum

A meeting of the Joint Committee shall require a quorum of 3 of the 4 appointed members of the Joint Committee and that there shall be no quorum unless at least one member from each Council is present.

Voting

The Joint Committee's decision making will operate on the basis of mutual cooperation and consent. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

Any matter shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

Reserved Decisions must be referred back to the members of each Council.

Overview and scrutiny

Overview and scrutiny (within the meaning of the Local Government Act 2000) will be the responsibility of each Council and the appropriate scrutiny arrangements of each Council will apply subject to any necessary changes being made to meet the circumstances of the Joint Committee arrangement.

Administration

Administrative support for the meetings of the Joint Committee will be provided by [] will be formally designated as clerk to the joint committee with responsibility for the provision of administrative support.

Lead Borough / Accountable Body Arrangements

The London Borough of Brent is the lead accountable body for the Shared ICT Service.

Dispute Resolution

Any dispute that arises as a result of these Terms of Reference shall be dealt with in accordance with Clause [] of the Shared Service Agreement.