

## **Appendix A**

# **Team Devon Joint Committee - Terms of Reference for the Joint Committee**

### **1. Governance**

The Team Devon Joint Committee (hereafter referred to as the “Joint Committee”) will act as a joint committee under section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The Joint Committee will undertake the functions detailed in section 4 below.

The Joint Committee will not hold funds or monies on behalf of the member authorities.

### **2. Key purpose**

The Joint Committee will be the means by which Devon’s National Park Authorities, parish, town, district, and county councils work jointly on shared priorities for the benefit of people and places across the county.

### **3. Membership**

The membership of the Joint Committee will comprise a representative of each of the following (hereafter the **Constituent Authorities**):

- Dartmoor National Park Authority;
- Devon Association of Local Councils (associate member);
- Devon County Council;
- East Devon District Council;
- Exeter City Council;
- Exmoor National Park Authority;
- Mid Devon District Council;
- North Devon District Council;
- South Hams District Council;
- Teignbridge District Council;
- Torridge District Council;
- West Devon Borough Council;
- NHS Integrated Care Board (ICB) (co-opted member); and
- Devon and Cornwall Police (co-opted member)

Each of the bodies listed above shall appoint one member and one named substitute member to the Joint Committee on an annual basis. Each member shall have one vote including substitute members and no member (including the Chair) is to have a casting vote. A body’s substitute member can only attend and vote if the body’s member is not present. The Devon Association of Local Councils will be an associate member of the Joint Committee and its appointed member (or substitute member) will have authority to speak and vote on any matter on behalf of the Association.

For each of the nine councils (i.e. the eight district, city, borough, and county councils), the member appointed shall be that Council’s Leader. Political balance rules will not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the Dartmoor and Exmoor National Park Authorities the appointed members (or substitute members) shall have authority to speak and vote on matters on behalf of both National Park Authorities. The Joint Committee may co-opt non-voting representatives from the private, voluntary, community, social enterprise, or other public sector bodies at any time.

A member or substitute member of the bodies shall cease to be such a member immediately upon them ceasing to be a member of the body. The body will appoint a replacement member as soon as practicable.

A member may resign from Joint Committee by written notice served on the Monitoring Officer of the body that appointed them, and the resignation takes effect on receipt of the notice by the body that appointed them. The body must serve written notice of the resignation on the Joint Committee's Secretary as soon as reasonably possible.

#### **4. Functions**

The functions of the Joint Committee will be to:

- Support continuous improvement and value for money in the ways that Devon's National Park Authorities, parish, town, district, and county councils exercise their duties and responsibilities. This could include aligning performance measures and sharing or integration of services.
- Contribute to the following environmental, economic, and social wellbeing objectives for Devon's people and communities:
  - Economic development (incorporating green growth);
  - Housing and homelessness;
  - Transport infrastructure;
  - Climate change;
  - Natural and cultural heritage;
  - Health and wellbeing inequalities; and
  - Migration and asylum
- Advise, inform, and support the work of any the Devon and Torbay Combined County Authority.

#### **5. Administering Authority**

Devon County Council will be the Administering Authority for the Joint Committee and shall provide secretarial, legal, financial and communications support to the Committee. The role of the secretary to the Joint Committee shall be:

- a) to maintain a record of membership of the Joint Committee and any sub-committees or advisory groups appointed;
- b) to summon meetings of the Joint Committee or any sub-committees or advisory groups;
- c) to prepare and send out the agenda for meetings of the Joint Committee or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
- d) to keep a record of the proceedings of the Joint Committee 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 Joint Committee or any sub-committees or advisory groups;
- f) to perform such other functions as may be determined by the Joint Committee from time to time.

The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

## **6. Appointment of Chair and Vice-Chair**

The Joint Committee shall elect a Chair and Vice-Chair from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

A vacancy occurring in the positions of Chair or Vice-Chair between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

The Chair and Vice-Chair shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to the following provision, continue in office until a successor is appointed. In the absence of the Chair and the Vice-Chair at a meeting, the voting members of the Committee present shall elect a Chair for that meeting. The Chair or Vice-Chair may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

## **7. Quorum**

The quorum shall be six members. 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.

## **8. Voting**

Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

Where all voting members are unable to agree the following will apply:

- 1) In exceptional circumstances where a formal vote is required and nobody is financially affected, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands.
- 2) In circumstances where one or more bodies are either financially impacted or proposals relate to the specific geographical area of the body(ies), the body's(ies') member(s) must first consent to the proposal and indicate an intention to vote in favour of the proposal, the proposal will then be put to the vote in accordance with clause 8.1 above.

On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each member voted and there shall also be recorded the name of any member present who abstained from voting.

A member may demand that their vote is recorded in the minutes of the relevant meeting.

The proceedings of the authority are not invalidated by any vacancy among its members or any defect in the appointment or qualifications of any member.

## **9. Sub-Committees and Advisory Groups**

The Joint Committee may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.

The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers, Joint Committee members or such third parties as the Joint Committee considers appropriate.

## **10. Meetings**

The Joint Committee will meet no less than quarterly. Meetings will be held at such times, dates and places as may be notified to the members of the Joint Committee by the secretary, being such time, place and location as the Joint Committee shall from time-to-time resolve.

Meeting papers will be circulated five clear working days in advance of any meeting. The Chair has discretion to accept or reject urgent items that are tabled at any meeting.

Additional ad hoc meetings may be called by the secretary, in consultation, where practicable, with the Chair and Vice Chair of the Joint Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the Joint Committee, addressed to the Secretary:

- a) from and signed by two members of the Joint Committee, or
- b) from the Chief Executive of any of the member bodies.

The Secretary shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by the Chief Executive, Chief Finance Officer, or Monitoring Officer of any of the members.

The Joint Committee shall, unless the person presiding at the meeting or the Joint Committee determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out below.

### **Access to Information**

Meetings of the Joint Committee will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.

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

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

Any Freedom of Information or Subject Access Requests (or other request received pursuant to Freedom of Information or Data Protection legislation) received by the Joint Committee should be directed to the relevant body(s) for that body to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more member authorities, they will liaise with each other before replying to the request.

## **11. Attendance at meetings**

The Chair may invite any person, whether a member or officer of one of the member bodies or a third party, to attend the meeting and speak on any matter before the Joint Committee.

Third parties may be invited to attend the Joint Committee on a standing basis following a unanimous vote of those present and voting.

Where agenda items require independent experts or speakers, the officer or member body 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 Joint Committee meetings will be subject to the discretion of the Chair.

## **12. Procedure Rules**

**Attendance** - At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

**Order of Business** - Subject to the provisions below, the order of business at each meeting of the Joint Committee will be:

- 1) Apologies for absence.
- 2) Declarations of interests.
- 3) Approve as a correct record and sign the minutes of the last meeting.
- 4) 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.

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

### **Disclosable Pecuniary Interests**

If a new DPI comes to light, they have 28 days in which to tell the Monitoring Officer and add it to the register. If it is a new interest that hasn't yet been registered and is engaged at a meeting when business is being considered at which they are present, the DPI must be declared at the meeting

If a member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, they must not participate in any:-

- discussion of the business of the meeting or, if they become aware of a DPI during the meeting, not participate any further in the discussion;
- vote taken on the matter at the meeting

This limit applies to any form of participation, including speaking as a member of the public or as an interested councillor.

They should also leave the room if their continued presence is not compatible with the code of conduct or the Nolan Principles.

**Minutes** - There will be no discussion or motion made in respect of the minutes other than 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 Chair shall sign the minutes.

**Rules of Debate** - 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.

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:

- 1) To amend the motion.

- 2) To adjourn the meeting.
- 3) To adjourn the debate or consideration of the item.
- 4) To proceed to the next business.
- 5) That the question now be put.
- 6) That a member be not further heard or do leave the meeting.
- 7) To exclude the press and public under Section 100A of the Local Government Act 1972

**Conduct of Members** - Members of the Joint Committee will be subject to their own bodies Code of Conduct.

**13. Application to Sub-Committees**

The procedure rules and also the access to Information provisions set out above shall apply to meetings of any sub-committees of the Joint Committee.

**14. Scrutiny of decisions**

Any member body may call in any decision of the Joint Committee in accordance with that member body's constitution. If any decision of the Joint Committee is subject to call-in by any member body(ies), the Joint Committee shall take no action to implement that decision unless the call-in process upholds the decision.

**14. Winding up of the Joint Committee**

The Joint Committee may be wound up immediately by a unanimous vote of all the members.

**15. Amendment of this Constitution**

This Constitution can only be amended by resolution of each of the members.