

## Team Devon Joint Committee

### Constitution for the Joint Committee

#### 1 Governance

- 1.1 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 paragraph 4 below.

#### 2 Definitions

“Administering Authority”	Means Devon County Council or such other Constituent Authority as may be agreed and any statutory successor
“Associate Member”	Means each of the Devon Association of Local Councils; the NHS Integrated Care Board and Devon and Cornwall Police together with such other private, voluntary, community, social enterprise, or other public sector bodies as the Joint Committee may agree to co-opt from time to time. Collectively, “the Associate Members”.
“Constituent Authority”	Means each of Dartmoor National Park Authority; 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; and West Devon Borough Council. Collectively, “the Constituent Authorities”.
“Data Protection Legislation”	Means the Data Protection Act 2018 and the General Data Protection Regulation and all applicable laws relating to the processing of personal data and privacy
“Freedom of Information Legislation”	Means the Freedom of Information Act 2000 together with any statutory instruments made under that Act and the Environmental Information Regulations 2004.
“Information Request”	Means a request made under the Freedom of Information legislation or the Data Protection Legislation
“Principles of Good Decision-making”	Means decisions must be lawful; reasonable and rational; made following a fair procedure and be compatible with an individual’s rights.
“the Secretary”	Means the Chief Executive of the Administering Authority or the officer delegated to undertake the Joint Committee’s administrative functions on their behalf.

#### 3 Purpose

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

#### 4 Functions

- 4.1 The functions of the Joint Committee will subject to any governance arrangements of a Constituent Authority requiring any decision to be approved by full Council or an executive of the Constituent Authority, be to:
- 4.1.1 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 through, for example, aligning performance measures and sharing or integrating services.
  - 4.1.2 Contribute strategically to the following environmental, economic and social wellbeing objectives for Devon’s people and communities:
    - a) Economic development (incorporating green growth)

- b) Housing and homelessness
- c) Transport infrastructure
- d) Climate change
- e) Natural and cultural heritage
- f) Health and wellbeing inequalities
- g) Migration and asylum

4.1.3 Advise, inform and support the work of the Devon and Torbay Combined County Authority.

- 4.2 Subject to paragraph 4.4 below, to facilitate the efficient performance of its functions, the Joint Committee may appoint sub-committees from its membership as required and may delegate tasks and powers to the sub-committee as it sees fit.
- 4.3 Subject to paragraph 4.4 below, 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.
- 4.4 For the purposes of paragraphs 4.2 and 4.3 above, the membership of any area based sub-committee or advisory group must include the representatives of any Constituent Authority that is a district or borough council of that area.
- 4.5 For the avoidance of doubt, the Joint Committee will not hold funds or monies on behalf of the Constituent Authorities or the Associate Members.

## **5 Membership**

- 5.1 The Joint Committee will comprise a representative of each of the Constituent Authorities and the Associate Members. Each representative shall be appointed in accordance with the governance arrangements for the organisation making the appointment.
- 5.2 If a Constituent Authority's or an Associate Member's governance arrangements allow, they may appoint a substitute representative to attend and vote if its representative appointed under paragraph 5.1 above is unable to attend.
- 5.3 For the avoidance of doubt, the appointment, replacement, resignation or cessation of membership of a representative or any substitute shall be dealt with in accordance with the governance arrangements of the organisation making the appointment. Where a representative is replaced, resigns or ceases to be a member, the organisation by who they were appointed will notify the Administering Authority as soon as possible of the appointment, replacement, resignation or cessation.
- 5.4 The Joint Committee may co-opt representatives from the private, voluntary, community, social enterprise, or other public sector bodies at any time.
- 5.5 Political balance rules will not apply to the Joint Committee.
- 5.6 While acting on Joint Committee business, representatives of Constituent Authorities and Associate Members will be bound by the code of conduct applicable to them as members of their appointing organisation.

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

- 6.1 The Joint Committee shall elect by way of a majority vote a Chair and Vice-Chair from among the Constituent Authorities as the first items of business at its inaugural meeting and at each Joint Committee Annual Meeting.
- 6.2 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.
- 6.3 If a vacancy occurs in the office of Chair or Vice-Chair between Annual Meetings, the vacancy shall be filled by election at the next ordinary meeting of the Joint Committee. The person elected to fill the vacancy will serve until the next Annual Meeting.

- 6.4 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 paragraph 6.5 below, continue in office until a successor is appointed.
- 6.5 The Chair or Vice-Chair may be removed by a vote of all the Constituent Authority members present at a meeting of the Joint Committee.
- 6.6 In the absence of the Chair at a meeting, the Vice-Chair shall, if present, chair the meeting, but if not present the voting members of the Committee present shall elect a Chair for that meeting.

## **7 Administering Authority**

- 7.1 The Administering Authority shall provide secretarial, legal, financial and communications support to the Joint Committee including:
  - 7.1.1 maintaining a record of membership of the Joint Committee and any sub-committees or advisory groups appointed
  - 7.1.2 summoning meetings of the Joint Committee or any sub-committees or advisory groups;
  - 7.1.3 preparing and sending 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);
  - 7.1.4 keeping 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;
  - 7.1.5 taking such administrative action as may be necessary to give effect to decisions of the Joint Committee or any sub-committees or advisory groups;
  - 7.1.6 perform such other functions as may be determined by the Joint Committee from time to time.
  - 7.1.7 publishing the Joint Committee's Forward Plan of business and papers for its meetings on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and Associate Members.

## **8 Meetings**

- 8.1 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.
- 8.2 Special meetings of the Joint Committee may be called by the Secretary, in consultation, with the Constituent Authorities, 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:
  - 8.2.1 from and signed by two members of the Joint Committee, or
  - 8.2.2 from the Chief Executive of any of the member bodies.
- 8.3 Meetings of the Joint Committee may, after consultation with the Chair, 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 Constituent Authorities if it is necessary for the efficient transaction of business.
- 8.4 The quorum shall be six representatives of the Constituent Authorities.
- 8.5 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.
- 8.6 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 in the Schedule.
- 8.7 Access to meetings and papers of the Joint Committee and its sub-committees by the Press and Public is subject to Part VA of the Local Government Act 1972 and Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.

## **9 Attendance at meetings**

- 9.1 The Chair may invite any person, whether a member or officer of one of the Constituent Authorities or the Associate Members or a third party, to attend the meeting and speak on any matter before the Joint Committee.
- 9.2 Third parties may be invited to attend the Joint Committee on a standing basis following a unanimous vote of those present and voting.
- 9.3 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.

## **10 Voting and decision-making**

- 10.1 Each Constituent Authority and Associate Member shall have one vote. The Chair shall not have a second or casting vote.
- 10.2 Representatives of organisations that have been co-opted to the Joint Committee may speak but shall not be entitled to vote.
- 10.3 Wherever possible Joint Committee shall try to reach decisions by consensus. When this is not possible, the following will apply;
  - 10.3.1 Subject to paragraph 10.3.2, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands.
  - 10.3.2 Where one or more Constituent Authorities are either financially impacted or proposals relate to the specific geographical area of the Constituent Authorities, Constituent Authorities affected must consent to the proposal being put and indicate an intention to vote in favour of the proposal, failing which the proposal will not proceed to a vote and will be deemed to have been lost, otherwise the proposal will then be put to the vote in accordance with paragraph 10.3.1 above.
- 10.4 On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary to show how each member voted and there shall also be recorded the name of any member present who abstained from voting.
- 10.5 A member may demand that their vote is recorded in the minutes of the relevant meeting.
- 10.6 Decisions will be made having regard to the Principles of Good Decision-making

## **11 Scrutiny of decisions**

- 11.1 A Constituent Authority may call-in any decision of the Joint Committee in accordance with its governance arrangements. If any decision of the Joint Committee is subject to call-in by one or more Constituent Authorities, the Joint Committee shall take no action to implement that decision unless the call-in process upholds the decision.

## **12 Freedom of Information**

- 12.1 Any Information Request 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.

## **13 Amendment of this Constitution**

- 13.1 These terms of reference can only be amended by a unanimous resolution of the Constituent Authorities.

## **14 Exiting and Winding up of the Joint Committee**

- 14.1 A Constituent Authority or an Associate Member may resign from the Joint Committee at any time by giving three-month's written notice to the Secretary.

- 14.2 The Joint Committee may be wound up immediately following a unanimous resolution of the Constituent Authorities.

### **Schedule – Procedure Rules**

1. **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.
2. **Order of Business** – Subject to the provisions below, the order of business at each meeting of the Joint Committee will be:
  - a) Apologies for absence.
  - b) Declarations of interests.
  - c) Approve as a correct record and sign the minutes of the last meeting.
  - d) 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 Chair may vary the order of business at the meeting.

3. **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.
4. **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.
5. 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:
  - a) To amend the motion
  - b) To adjourn the meeting
  - c) To adjourn the debate or consideration of the item
  - d) To proceed to the next business
  - e) That the question now be put
  - f) That a member be not further heard or do leave the meeting
  - g) To exclude the press and public under Section 100A of the Local Government Act 1972

### **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.