

Report to: **Leader and Lead Cabinet Member for Strategic Management and Economic Development**

Date: **3 June 2014**

By: **Chief Operating Officer**

Title of report: **Uckfield Town Centre Proposals: Governance**

Purpose of report: **To provide an update on the progress made and current status of the Town Centre redevelopment proposals for Uckfield and seek approval to the arrangements for a joint committee**

RECOMMENDATIONS – The Leader and Lead Cabinet Member is recommended to:

- 1) Approve the establishment of a Joint Committee comprising East Sussex County Council, Wealden District Council, and Uckfield Town Council, and the delegation of and arrangements for the discharge of executive functions by a joint committee in accordance with the terms of reference of such a committee set out in Appendix A to this report, To delegate authority to the Chief Operating Officer to approve any necessary changes to the terms of reference;**
 - 2) To appoint two members of the Cabinet or one member of the Cabinet and one other member of the County Council whose division is wholly or partly within Uckfield as the County Council’s representatives on the Joint Committee;**
 - 3) To approve Wealden District Council as the administering authority to the Joint Committee.**
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1. Financial Appraisal

1.1 The County Council, together with Wealden District Council, Uckfield Town Council and East Sussex Fire and Rescue has been a member of the Uckfield Town Centre Steering Group that has to date driven and overseen the development of a Masterplan for the development of Uckfield Town Centre. More recently a developer has been working to take forward the principles of the Masterplan and has reported to and been guided by the Steering Group.

1.2 On behalf of the Steering Group, Wealden District Council recently sought advice from Eversheds on Procurement and Governance arrangements in order to ensure that the Local Authorities involved in the project both protect their land and financial interests and remove risk by complying with relevant legislation in taking forward the redevelopment scheme.

1.3 The potential financial implications for the County Council are the benefits received through a developer completing the Town Centre redevelopment and thereby providing key infrastructure including, highway, traffic and public transport improvements, provision of replacement school site and buildings, public realm and civic amenities, improved retail and commercial offer including a supermarket and local small retail, cafes, restaurants and specialist shopping. The value of those benefits to the County Council will be quantified as the procurement and development briefs are progressed.

2. Supporting Information

Governance

2.1 Officers from East Sussex County Council, Uckfield Town Council and Wealden District Council have been working together on the potential redevelopment of Uckfield Town Centre. Each Council has committed senior officer and Member resources to the initial meetings. Each of the participating authorities is now required to approve the next stage in the process of moving to a Joint Committee, which will oversee the procurement, commissioning and subsequent management of the Uckfield Town Centre Redevelopment Project. The three authorities are seeking approval of the Committee by June 2014.

2.2 The high level vision for Uckfield is:

“A contemporary market town with an ‘up-market’ image, known for its successful and varied shopping facilities and commercial opportunities, offering an attractive and welcoming environment, maintaining its own distinctive identity and acting as a hub for surrounding towns and villages”

2.3 The high level objectives for the redevelopment of Uckfield Town Centre to support the vision are:

- Provision of additional retail floor space for a variety of retail and social outlets
- The development of a mixed use and attractive High Street
- Increased and improved civic realm, including a civic square
- Improved use of green space, including Luxford Field, to provide enhanced recreational and social facilities
- Inclusion of residential development to enable mixed use
- Increased employment opportunities through retail and other development
- Redevelopment and provision of educational facilities
- Improved car parking provision

2.4 The public sector partners hold significant town centre landholdings which would need to be made available on appropriate terms for inclusion in any successful proposal.

2.5 In order to facilitate this and the subsequent implementation of any proposal, the current Steering Group have taken advice from Eversheds on the appropriate governance arrangements. Eversheds have recommended a Joint Committee.

2.6 In respect of the Governance arrangements Eversheds advice states that “...*in light of the various land interests and the need to include a number of properties in a variety of ownerships within the scope of the project, it would be sensible to have more formalised decision making processes to ensure that decisions could be made with certainty and quickly. The Steering Group is currently fulfilling that function very well but is set up on a consensual basis rather than through any formal approval.*” Eversheds advice goes on to detail the establishment of a formalised Joint Committee comprised of the current public sector partners to enable future decision making, its composition and the limitations on its actions.

1. A proposed Constitution for the formation of a joint committee, is provided at APPENDIX A. This Constitution has been developed and adapted on the basis of the successful East Sussex Joint Waste Committee. The constitution is recommended for approval in order to pass executive powers from each authority to the UTCR Joint Committee.
2. Each partner authority is being asked to adopt the Constitution and to appoint two Council representatives, with at least one representative being on that Council’s Executive. It is also recommended that representatives are appointed with substitutes.

3. Within the Constitution there is also the ability to invite other partners onto the Committee if, at some point in the future, this is desirable.
4. A further recommendation endorses the choice of Wealden District Council to act as Administering Authority to the new Joint Committee:
 - The Administering Authority role will be to administer and support the Joint Committee;
 - The Administering Authority will appoint a Project Manager and a Senior Officer to manage the procurement process;
 - The Administering Authority will provide the support services to the procurement process (legal, finance, printing, HR etc.);
 - The Administering Authority will then appoint the staff to manage the contract once the contractor is appointed and continue to support the Joint Committee in the role of 'overseeing' the contract.
 - The Administering Authority:
 - i) Is not the deciding body on the business case
 - ii) Is not the deciding body on the contract specification
 - iii) Does not determine which contractor is appointedThese issues are all determined by the Joint Committee.

Procurement:

2.7 In respect of the procurement requirements Eversheds advice states that they have drawn the broad conclusion “...*that to protect the public sector partners from risks of challenge it would be prudent to undertake a procurement process for the delivery of your plans.*”

2.8 It is therefore proposed a procurement process following the 'restricted procedure' be followed for the Uckfield Town Centre Redevelopment, and is managed by the Joint Committee.

3. Conclusion and reasons for recommendation

3.1 Continued engagement in the Uckfield Town Centre Redevelopment Project is beneficial for ESCC and delivers a range of benefits to residents and businesses in Uckfield, including the improved retail and commerce offer, and associated employment opportunities, traffic and transport infrastructure improvements, public realm enhancements, and a replacement school of modern high quality design and construction.

3.2 ESCC should therefore support the establishment of a Joint Committee to oversee this project, and become a key member of the Joint Committee and delegate the relevant responsibilities as outlined in this report.

KEVIN FOSTER
Chief Operating Officer

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Local Member: Councillor Claire Dowling

APPENDIX A

East Sussex County Council, Uckfield Town Council and Wealden District Council

Uckfield Town Centre Regeneration (UTCR) Joint Committee Constitution

This Constitution has been approved by East Sussex County Council, Uckfield Town Council and Wealden District Council as the Constitution of the Uckfield Town Centre Regeneration Joint Committee.

Establishment of the Uckfield Town Centre Regeneration Joint Committee

The UTCR Joint Committee shall be the “East Sussex County Council, Uckfield Town Council, Wealden District Council and Uckfield Town Centre Regeneration Joint Committee”.

The UTCR Joint Committee is established under Sections 101(5) and 102 of the Local Government Act 1972, Section S.9EB of the Local Government Act 2000 and Regulation 9 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of East Sussex County Council, Wealden District Council and by Uckfield Town Council.

Objectives of the Uckfield Town Centre Regeneration Joint Committee

To enable the sensitive redevelopment and expansion of Uckfield town centre, including additional net retail floor space of around 10,000 square metres and increased public and recreational space, as part of a comprehensive scheme of improvements which will increase the attractiveness of Uckfield by creating a vibrant and inclusive town centre.

To provide a single point of approval and contact for the regeneration project to ensure timely decisions and effective management of the procurement and implementation.

Powers Delegated to and matters reserved from the Uckfield Town Centre Regeneration Joint Committee

The UTCR Joint Committee and Officers reporting thereto shall have such powers as are delegated and set out in Appendices 1 and 2 and such further powers as may from time to time be delegated to the UTCR Joint Committee by the Leader or Executives or equivalents of the constituent Authorities or of any of the constituent Authorities.

In so far as any powers may from time to time be delegated to the UTCR Joint Committee, the following functions (the Reserved Matters) are matters reserved to each of the Authorities making such delegation and shall not be within the powers of the UTCR Joint Committee:

All non-executive functions of any of the Authorities:

Any decision which is contrary to or not wholly in accordance with the budget approved by each Authority for the UTCR Joint Committee, or is contrary to an approved policy or strategy which has been approved as part of the Policy and Budget Framework of that Authority.

Any decision in respect of which a scrutiny committee or equivalent of any of the appointing authorities has notified the Secretary to the UTCR Joint Committee in writing of the Authority's formal objection to the proposed decision in accordance with Paragraph 10.1 (below).

Any decision by an Authority to withdraw its Membership from the UTCR Joint Committee.

Approval of the final award of any Contract for the redevelopment and expansion of Uckfield town centre.

Membership and appointment of the Uckfield Town Centre Regeneration Joint Committee

The UTCR Joint Committee shall comprise six Members, being two members appointed from each of the Authorities. Members appointed must be drawn from that Council's Executive or equivalent with the option for one Member from each of the Authorities to be the elected councillor of the electoral ward or electoral division which the UTCR Joint Committee's functions are concerned with (wholly or partly).

The UTCR Joint Committee shall also have power to permit additional membership of the Committee, in either a co-opted role without voting rights, or as a Full Member of the Committee with equal status and rights as the other of the Committee.

Each Member of the UTCR Joint Committee shall be appointed for the term of office, or the balance of the term of office, of the Executive or equivalent of the appointing Authority.

The appointment of Members of the UTCR Joint Committee to fill any vacancy for such Members shall be made by the Executives or equivalent of each Authority:

- a) As soon as practicable following the adoption of this Constitution by the Executive or equivalent of that Authority;
- b) As soon as practicable after the appointment of the Executive or equivalent of that Authority in accordance with that Authority's Constitution; and
- c) As soon as practicable after a vacancy arises in respect of a seat on the UTCR Joint Committee to which the Executive or equivalent of that Authority has the power to make an appointment.

A Member of the UTCR Joint Committee shall cease to be a member of the Uckfield Town Centre Redevelopment Joint Committee, and a vacancy shall automatically arise, where:

- a) The Member resigns from the UTCR Joint Committee by giving notice in writing to the Secretary to the UTCR Joint Committee;
- b) The Member ceases to be, or is suspended under their authority's code of conduct from acting as a Member of the appointing Authority, or a Member of the Executive or equivalent of the appointing Authority; or

- c) The Member is removed from membership of the UTCR Joint Committee by notification in writing from the Leader of the appointing Authority to the Secretary of the UTCR Joint Committee.

All appointments to membership of the UTCR Joint Committee shall be made by notification in writing from the Leader or the Chief Executive of the appointing Authority to the Secretary of the UTCR Joint Committee.

Upon being made aware of any Member ceasing to be a Member of the UTCR Joint Committee, the Secretary of the Committee shall write to that Member confirming that he/she has ceased to be a Member of the UTCR Joint Committee, and notifying the appointing Authority and the other Members of the UTCR Joint Committee accordingly.

Each Authority will appoint a substitute Executive or equivalent Member of the UTCR Joint Committee on the same terms as the Authority's appointed Member of the UTCR Joint Committee. The substitute Executive or equivalent Member will attend any meeting of the UTCR Joint Committee with all the powers of the Authority's appointed Member in the event that an appointed Member is unable to attend a particular meeting.

Chairman and Vice-Chairman of the Uckfield Town Centre Regeneration Joint Committee

At the first meeting of the UTCR Joint Committee after the annual meetings of each Authority in any year, the UTCR Joint Committee shall elect a Chairman of the UTCR Joint Committee and a Vice-Chairman of the UTCR Joint Committee for the following year from among the Members of the UTCR Joint Committee, save that any co-opted Members shall not be entitled to election as Chairman or Vice-Chairman of the UTCR Joint Committee.

By convention, if the Chairman of the UTCR Joint Committee in any year is a Member of one of the Authorities, the Chairman of the UTCR Joint Committee for the next year would normally be a Member of another of the Authorities.

The Chairman and the Vice-Chairman of the UTCR Joint Committee shall each hold office until:

- a) A new Chairman or Vice-Chairman of the UTCR Joint Committee is elected in accordance with Paragraph 5.1 above;
- b) He/she ceases to be a member of the UTCR Joint Committee; or
- c) He/she resigns from the office of Chairman or Vice-Chairman by notification in writing to the Secretary of the UTCR Joint Committee.

Where a casual vacancy arises in the office of Chairman or Vice-Chairman of the UTCR Joint Committee, the UTCR Joint Committee shall at its next meeting elect a Chairman or Vice-Chairman, as the case may be, for the balance of the term of office of the previous Chairman or Vice-Chairman.

Where, at any meeting or part of a meeting of the UTCR Joint Committee, both the Chairman and the Vice-Chairman of the UTCR Joint Committee are either absent or unable to act as

Chairman or Vice-Chairman, the UTCR Joint Committee shall elect one of the members of the UTCR Joint Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

Secretary to the Uckfield Town Centre Regeneration Joint Committee

The UTCR Joint Committee shall be supported by the Chief Executive or nominated officer of the Administering Authority in his/her capacity as Secretary to the UTCR Joint Committee.

The functions of the Secretary of the UTCR Joint Committee shall be:

- To maintain a record of membership of the UTCR Joint Committee.
- To notify the Chief Executive or equivalent of each appointing Authority of any anticipated decisions to be taken by the UTCR Joint Committee over the year (whether or not key decisions) and updated on a monthly basis, to enable such decisions to be included in the Forward Plans of each appointing Authority as required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 (LAR 2012) and in accordance with their respective constitutions.
- To carry out such notification to and consultation with Members of the appointing Authorities as may be necessary to enable the UTCR Joint Committee to take urgent decisions which have not been included in the Forward Plans of appointing Authorities.
- To notify the Chief Executives or equivalent of the Authorities of the dates, times and venues of meetings and to publish the dates times and venues.
- To summon meetings of the UTCR Joint Committee in accordance with paragraph 7 below.
- To prepare and send out the agenda for meetings of the UTCR Joint Committee in consultation with the Chairman and the Vice-Chairman of the Committee and the Authority Lead Officers.
- To keep a record of the proceedings of the UTCR Joint Committee.
- To take such administrative action as may be necessary to give effect to decisions of the UTCR Joint Committee.
- To undertake such other functions as may be determined by the UTCR Joint Committee.

Convening of Meetings of the Uckfield Town Centre Regeneration Joint Committee

Meetings of the UTCR Joint Committee shall be held at such times, dates and places as may be notified to the Members by the Secretary to the UTCR Joint Committee, being such time, place and location as:

- a) The UTCR Joint Committee shall from time to time resolve;
- b) The Chairman of the UTCR Joint Committee, or if he/she is unable to act, the Vice-Chairman of the UTCR Joint Committee, shall notify to the Secretary of the UTCR Joint Committee; or
- c) The Secretary of the UTCR Joint Committee, in consultation where practicable with the Chairman and Vice Chairman of the UTCR Joint Committee, shall determine in response to receipt of a request in writing addressed to the Secretary of the UTCR Joint Committee:
 - From and signed by two Members of the UTCR Joint Committee, or
 - From the Chief Executive or equivalent of an Authority
 - From the Leader of an Authority(a) which sets out an item of business within the functions of the UTCR Joint

Committee that needs to be considered prior to the next scheduled meeting of the UTCR Joint Committee.

The Secretary of the UTCR Joint Committee shall formulate the agenda for any meeting of the UTCR Joint Committee after consulting, where practicable:

- a) The Project Manager, Partner Authority Lead Officers;
- b) The Chairman and the Vice-Chairman of the UTCR Joint Committee; and

and shall incorporate in the agenda any items of business and any reports submitted by:

- any two Members of the UTCR Joint Committee in accordance with Paragraph 7.1(c) above;
- the Leader or equivalent of any of the Authorities;
- The Chief Executive or equivalent of any of the Authorities (or their nominated lead officers);
- the Chief Finance Officer / Section 151 Officer to any of the Authorities or equivalent;
- the Monitoring Officer to any of the Authorities or equivalent;
- such other officers as the UTCR Joint Committee may determine for this purpose.

Procedure at meetings of the Uckfield Town Centre Regeneration Joint Committee

The UTCR Joint Committee shall, unless the Member of the UTCR Joint Committee presiding at a meeting or the UTCR Joint Committee determines otherwise, conduct its business in accordance with the Executive Decision-Making Procedure Rules of the Administering Authority, as set out in the Appendix 3 to this Constitution and as set out below.

A meeting of the UTCR Joint Committee shall be inquorate and shall not be able to discharge any business unless there are at least three Members present, with such members representing all of the three Authorities.

The Chairman of the UTCR Joint Committee, or in his/her absence the Vice-Chairman of the Joint Committee, or in his/her absence the Member of the Joint Committee elected for this purpose, shall preside at meetings of the UTCR Joint Committee.

Whilst the UTCR Joint Committee shall seek, wherever possible, to work on a principle of consensus, decisions of the UTCR Joint Committee shall be determined by a majority of the Members of the UTCR Joint Committee present and voting. In the event of an equality of votes, the person presiding shall have a second or casting vote.

Where the UTCR Joint Committee are unable to support any motion on a matter, or any individual Full Member of the UTCR Joint Committee is unable to support any motion on a matter, the decision will be held in abeyance until the next meeting of the Committee where a decision shall be taken in relation to that matter. In such circumstances, the Secretary of the UTCR Joint Committee will notify the matter to the Leaders or equivalent of the constituent authorities.

Any decision of the UTCR Joint Committee is subject to the scrutiny arrangements as set out in Paragraph 10 below.

Attendance at Meetings of the Uckfield Town Centre Regeneration Joint Committee

Notwithstanding that, in accordance with the provisions of the Local Government Act 1972, Regulation 2 and 4 LAR 2012 and the Public Bodies (Admissions to Meetings) Act 1960, a meeting or part of a meeting of the UTCR Joint Committee may not be open to the press and public, the Members and officers specified in Clause 9.2 below of each Authority shall be entitled, in person or by another officer nominated by that officer, to attend all, and all parts, of such meetings, unless the particular Member or officer has a conflict of interest as a result of a personal and prejudicial interest in the matter under consideration.

The following are the elected Members and officers who shall have a right of attendance in accordance with clause 9.1 above:

- all elected Members of the constituent Authorities
- the Chief Executive or equivalent of any of the constituent Authorities or nominated officers
- the Lead Officers of the constituent Authorities
- the Chief Finance Officer / Section 151 officer or equivalent to any of the constituent Authorities
- the Monitoring Officer or equivalent to any of the constituent Authorities
- any person appointed by the UTCR Joint Committee to manage particular projects
- any other officer of the Authorities at the request of any member of the UTCR Joint Committee.

Call in by Scrutiny Committees

The delegation of powers from each Authority to the UTCR Joint Committee is subject to the limitation that all decisions taken by the UTCR Joint Committee in accordance with delegations from each Authority shall only take effect five clear Working Days after publication of the decisions following a relevant meeting of the UTCR Joint Committee and shall be ineffective if a relevant scrutiny committee or equivalent of one or more of the Authorities has given notice in writing to the Chief Executives or equivalent of the other Authorities and to the Secretary to the UTCR Joint Committee within such period of five clear Working Days.

If a decision of the UTCR Joint Committee is called in, it shall not be implemented save where the decision on the call in:

- a) is to support or take no further action, in which case the decision shall take effect at the conclusion of that call-in meeting, or
- b) where the meeting of the Authority's Scrutiny Committee or equivalent does not take place within ten clear working days of the valid submission of a notice triggering a call-in under 10.2 above, the decision shall take effect on the date of the expiry of the ten working day period.

Such matters shall within a further ten clear working days be referred and considered by a meeting of the relevant Scrutiny Committee(s) or equivalent with the Lead Officer attending the meeting (or deputy). The relevant Scrutiny Committee(s) or equivalent may make such

recommendations to the next meeting of the UTCR Joint Committee on the matter as they think fit.

Where an Authority or Authorities have made such objection in respect of a matter, the UTCR Joint Committee shall then reconsider the matter within a further ten clear working days and come to a decision. That second decision shall take effect immediately and no Authority can then call-in that second decision.

Standing Orders for Contracts, Financial Regulations and Officer Employment

Procedure Rules

The UTCR Joint Committee shall operate under the Standing Orders for Executive Decision Making, Contracts, Financial Regulations and Officer Employment Procedure Rules of the Administering Authority.

Amendment of this Constitution

This constitution can only be amended by agreement of all the Authorities.

Definitions

In this Constitution, the following words and phrases shall have the meanings set out below:

“the Administering Authority” means Wealden District Council

“The Authorities” means East Sussex County Council, Uckfield Town Council and Wealden District Council

“Policy and Budget Framework” means the plans and strategies approved by the Council of each of the Authorities for the purpose of Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as may be amended or replaced from time to time

“Project Manager”: Responsible person for the project management of the delivery of the regeneration project.

“Lead Officer”: Responsible officer from each authority for the activities undertaken by the Joint Committee.

Uckfield Town Centre Regeneration (UTCR) Joint Committee Delegation

1. Save as may be limited by the Reserved Matters set out in the Constitution, to exercise the executive or equivalent functions of the parties in order to commission, co-ordinate, provide, procure and/or manage the project to enable the sensitive regeneration and expansion of Uckfield town centre.
2. To provide strategic direction to the officers advising the UTCR Joint Committee
3. To develop work programmes and projects in relation to the functions which are delegated to the UTCR Joint Committee
4. To regularly report to each of the Authorities on its activities
5. To facilitate constructive partnership working
6. To respond to reports and recommendations made by the relevant Scrutiny Committee or equivalent of any of the Authorities
7. To monitor the operation of the UTCR Joint Committee and of any contracts procured thereunder
8. To propose a budget for the operation of the UTCR Joint Committee to the Authorities and to monitor and manage any such budget once approved by the Authorities
9. To review these arrangements from time to time and make recommendations to the Authorities for amendment, improvement and /or alteration of these arrangements.
10. To arrange for the discharge of any of its functions, powers or duties by an Officer or Officers of any of the Authorities.

Officer Delegation

The Director of Environment and Community Services for Wealden District Council and / or such other officer(s) of the Authorities as may be nominated by the UTCR Joint Committee may:

1. give effect to decisions by or on behalf of the UTCR Joint Committee;
2. procure the completion of all documents etc., to give effect to decisions by or on behalf of the UTCR Joint Committee for the purpose of implementing the powers and duties of the UTCR Joint Committee;
3. authorise any action which is calculated to facilitate, or is conducive or incidental to the discharge of any of the UTCR Joint Committee's functions.
4. place orders and enter into contracts for the supply of goods and services as authorised by the UTCR Joint Committee and authorise or incur expenditure for which provision has been made in the appropriate revenue or capital budget by the UTCR Joint Committee.
5. undertake any necessary consultation internally or externally on behalf of the UTCR Joint Committee
6. carry out administrative, professional or technical work to implement the decisions of the UTCR Joint Committee
7. authorise other staff to act in their name and on their behalf in the discharge of these delegations

Uckfield Town Centre Regeneration (UTCR) Joint Committee

Executive Decision Procedure Rules

1. Application

These procedure rules apply to all meetings of the UTCR Joint Committee and to any executive decisions taken by officers under powers delegated from the UTCR Joint Committee.

2. Allocation and Delegation of Functions

(a) Sub-delegation

Except in respect of Key Decisions, where the UTCR Joint Committee is responsible for the discharge of a function, it may arrange for the discharge of that function by an officer.

(b) Resumption of delegated functions

Where a function has been delegated by the UTCR Joint Committee, it may at any time resume responsibility for the discharge of that function by notice in writing to the person or body to whom the function has been delegated, with a copy to the Secretary.

Where an officer has been given delegated powers in respect of a function, he/she may at any time refer the matter up for decision to the person or body from whom the power has been delegated.

3. Meetings

(a) The UTCR Joint Committee shall meet as necessary for the effective discharge of its functions.

(b) The UTCR Joint Committee shall meet at such times, dates and locations as may be determined by the UTCR Joint Committee or by the Chairman of the UTCR Joint Committee and notified to the Secretary.

(c) Where one of the Scrutiny Committees or equivalent of the constituent authorities has requested the UTCR Joint Committee or a Sub-Committee to reconsider a decision, the decision-takers shall meet and reconsider the decision within 10 working days of the referral by the Scrutiny Committees or equivalent.

(d) Meetings will normally be held at such locations as the UTCR Joint Committee shall determine.

4. Summons and Agenda Procedure

(a) All meetings of UTCR Joint Committee shall be summoned by the Secretary.

(b) Except in cases of special urgency, at least 5 clear working days before the meeting, the Secretary shall prepare and send to each Committee Member, the Leaders or equivalent of the constituent authorities, Chairmen of the appropriate Scrutiny Committees or equivalent of the constituent authorities, appropriate officers and the media an agenda setting out:

1. The identity of the body;
2. The time, date and location of the meeting;
3. The business to be transacted at the meeting, including:
 - i. Any reports and recommendations from a constituent authority
 - ii. Any reports or recommendations from the UTCR Joint Committee
 - iii. Any notices of motion to, or referred to, the Committee
 - iii. Any petitions to, or referred to, the body
 - iv. Any reports to be made by statutory officers
 - v. Any matters which the Chairman has notified to the Secretary for inclusion in the agenda
 - vi. Any reports to be made by other officers appropriate to the proper discharge of the UTCR Joint Committee's business.
 - vii. Consideration of the UTCR Joint Committee's work programme
 - viii. Where practicable, an indication that the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of the meeting.

(c) No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chairman of the UTCR Joint Committee agrees that the item should be considered as a matter of urgency. The reason for the urgency shall be specified in the statement of decision (the Minutes).

(d) The agenda shall be accompanied by any reports and documents necessary for the decision-takers to discharge their business effectively. Each such report shall be in such standard form as the Secretary may prescribe and shall include a list of all background documents which the author of the report has relied upon in compiling the report. As a matter of principle, any written report relating to a matter included in the agenda should be made available and circulated at the same time as the agenda, but where this is not practicable because of the urgent nature of the matter, the agenda will state that the report is to follow and the report will be circulated as soon as possible after the circulation of the agenda for the meeting.

(e) All reports shall be developed following appropriate consultation

(including with Leaders or equivalent and other stakeholders as appropriate).

5. Rights of Attendance and Audience

(a) Agendas of the UTCR Joint Committee meetings and reports, except those marked "Not for Publication", will be available for inspection on request by the public at the offices of the constituent authorities, during normal office hours as well as being published on the Administering Authorities website.

(b) The presumption is that all meetings of the UTCR Joint Committee and of any Sub-Committees shall be open to the public.

(i) Where the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of a meeting, he/she shall so indicate on the agenda and may withhold from the press and public any report or background paper which would disclose confidential or exempt information.

(ii) The UTCR Joint Committee must exclude press and public from any part of a meeting at which confidential information is likely to be disclosed.

(iii) The UTCR Joint Committee may exclude press and public from any part of a meeting:

A) at which exempt information is likely to be disclosed; or

B) at which officers will provide a briefing to Members on a matter on which a decision is likely to be taken on the matter within the next 28 days.

(e) All documents which are open to public inspection, will normally be available at least 5 clear days before the relevant meeting. Where a report is not available when the agenda is published, the report shall be made available for public inspection when it is made available to Members of the UTCR Joint Committee.

(f) The rights of Members of any of the constituent authorities shall be as set out in the protocol at Annex A.

6. Urgent Decisions

(a) Urgent Decisions

Subject as below, the UTCR Joint Committee shall not take a decision which has not been included in the Forward Plan of each of the constituent authorities (so far as the same is necessary under their respective constitutions) for the period in which the decision is to be taken unless at least 5 clear working days' notice of that decision has been given to the Chairmen of the relevant Scrutiny Committees or equivalent of each constituent authorities setting out the reasons for urgency

(b) Special Urgent Decisions

The UTCR Joint Committee shall not take a Special Urgent Decision unless notice of the intended decision has been given by the Secretary to the Chairmen of the relevant Scrutiny Committees or equivalent of each constituent authority and he/she, or in his absence the Chairmen of Council or equivalent, or in his/her absence the Vice-Chairmen of Council or equivalent, have notified the Secretary that he/she agrees that the decision is specially urgent.

(c) Reporting Urgent and Special Urgent Decisions

The Secretary shall ensure that a report listing all Urgent Decisions and Special Urgent Decisions is presented to the next convenient meeting of the relevant Scrutiny Committees or equivalent of each of the constituent authorities.

7. **Departure Decisions**

(a) The UTCR Joint Committee shall not take a decision which is contrary to or not wholly in accordance with the Administering Authority's approved Budget or the authority's approved plan or strategy for borrowing and capital expenditure, and which is not within the approved virement limits, but shall refer the proposed decision to the Administering Authority's Council for determination.

(b) The UTCR Joint Committee shall not take a decision which is contrary to the Administering Authority's Policy Framework, but shall refer the proposed decision to Council for determination.

(c) Paragraphs (a) and (b) shall not apply where the decision -

(i) is urgent (in the sense that the interests of the authority, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were to be deferred until the next ordinary meeting of Council); and

(ii) the Secretary has notified the Chairmen of the Scrutiny Committees or equivalent of the relevant constituent authorities or, if he/she is unable to act, the Chairmen of Council or equivalent or, if he/she is unable to act, the Vice-Chairmen of Council or equivalent of the intended decision and the reasons for urgency and those Councillors have notified the Secretary in writing that he/she agrees that the matter needs to be determined as a matter of urgency.

(d) In each instance where any urgent decision is taken under Paragraph (c) above, the decision taker(s) shall as soon as reasonably practicable after the making of the decision, submit a report to each relevant constituent authorities setting out the particulars of:

- (i) the decision which has been taken
- (ii) the reasons why the decision was urgent, and
- (iii) the reasons for the decision itself.

(e) The Secretary shall ensure that a report setting out each urgent departure decision is presented to the next convenient meeting of the relevant Scrutiny Committees or equivalent.

8. Rules of Procedure

(a) Who presides?

The Chairman shall preside at meetings of the UTCR Joint Committee. In his/her absence, the Vice-Chairman shall preside. In the absence of both Chairman and Vice-Chairman, the UTCR Joint Committee shall elect one of the Members of the UTCR Joint Committee present at the meeting to preside for that meeting or part of the meeting, as appropriate.

(b) What business is to be transacted?

- (i) Apologies for absence.
- (ii) Declarations of interest.
- (iii) Matters set out in the agenda for the meeting.

(c) The person presiding at a meeting shall conduct the meeting in accordance with these Procedure Rules.

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

(e) The person presiding at the meeting may invite any person, whether a Member or officer of the UTCR Joint Committee or a third party, to attend the meeting and to speak on any matter at the meeting.

9. Quorum

The quorum for a meeting of the UTCR Joint Committee shall be 3 Members, 1 from each of the partners.

10. Record of Attendance

All UTCR Joint Committee Members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting.

11. Disorderly Conduct

(a) If, in the opinion of the person presiding, any Member of the UTCR Joint Committee misbehaves at a meeting by persistently disregarding the ruling of the person presiding, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the UTCR Joint Committee, the person presiding may move not to hear the Member further. If the motion is seconded it shall be put to the vote without discussion.

(b) If, in the opinion of the person presiding, the Member persistently misbehaves after such a motion has been carried, the person presiding may require the removal of the Member for such period as the person presiding shall determine. The person presiding may, if necessary, adjourn or suspend the meeting of the UTCR Joint Committee.

(c) If a Member is required to leave a meeting under this Procedure Rule, the Member is not entitled to vote during the period of exclusion.

(d) If a member of the public or Councillor who is not a UTCR Joint Committee Member interrupts the proceedings at any meeting, the person presiding may issue a warning. If the interruption continues the person presiding may order the person's removal from the room in which the meeting is being held.

(e) In case of general disturbance in any part of the meeting room open to the public the person presiding may order that part cleared. If the person presiding considers it necessary, he may adjourn or suspend the meeting of the UTCR Joint Committee.

12. Voting

(a) Matters under consideration shall be determined by a majority vote of those members present and voting.

(b) Voting is generally by a show of hands.

(c) Any UTCR Joint Committee Member may ask for a vote to be recorded, individual votes will then be taken by way of a roll call and recorded in the minutes so as to show how each Member present and voting gave his/her vote.

(d) Any UTCR Joint Committee Member may ask that his/her individual vote be recorded in the minutes. Immediately after a particular vote is taken any Member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.

(e) Whenever a vote is taken by show of hands and not by roll call, the person presiding shall ask for those in favour and those against to vote in turn. He/she will then ask those abstaining from voting to indicate accordingly. Any Member may ask for the number of those in favour, the number of those against and the number of those

abstaining to be recorded in the minutes.

(f) A Member may not change his/her vote once he/she has cast it and another Member has been called upon to vote.

(g) If a Member arrives during the debate on a particular item but before the casting of votes has commenced he/she will NOT be entitled to vote on that matter.

(h) A matter shall be considered to be approved if it receives the votes of a majority of those Members entitled to vote who are present and voting. In the event that the votes cast for and against a proposal are equal, the person presiding, will have a second and/or casting vote. There shall be no restriction on the manner in which the casting vote is exercised.

13. Recording the Decision

(a) At the UTCR Joint Committee

(i) The person presiding shall be responsible for ensuring that the Secretary is clear as to the decision taken and the reasons for that decision.

(ii) The Secretary shall then, as soon as reasonably practicable after the end of the meeting, but ordinarily within 5 working days of the meeting, prepare a statement of the decisions taken at the meeting (the Minutes), including:

- A) The UTCR Joint Committee and other Members of the constituent Authorities attending the meeting;
- B) Any disclosures of personal or prejudicial interests;
- C) The decisions taken;
- D) Whether any decisions were urgent and should be implemented directly;
- E) A summary of the reasons for the decisions;
- F) The options which were considered at, but rejected by, the meeting.

The Secretary may consult the person presiding at the meeting as to the matters to be recorded in the Minutes.

(c) Where the statement of decision(s) (the Minutes) would disclose confidential or exempt information, the Secretary shall produce a confidential minute as per current practice ensuring that a coherent account of the matters decided were recorded.

(d) Where a decision is a reconsideration of a decision which has been subject to the "Call-In" arrangements, the Secretary shall be responsible for reporting that reconsideration decision to all the relevant Scrutiny Committees or equivalent of the

constituent authorities.

(e) The Secretary shall be responsible for circulating the statement of decisions (the Minutes) to officers of the authority responsible for the implementation of the decision(s).

14. Implementing decisions

(a) Decisions shall not be implemented until 5 clear days from the publication of the statement of decision(s) of the meeting or the decision¹.

(c) Paragraph (a) shall not apply where the matter is urgent (in accordance with paragraph 6) or the UTCR Joint Committee determines that the interests of one or more of the constituent authorities, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were not to be implemented directly.

(c) Where a non-urgent decision is called in by any Scrutiny Committee before it is implemented, implementation of the decision will be deferred until UTCR Joint Committee has had the opportunity to consider any request from the Scrutiny Committee or equivalent for the re-consideration of the matter.

¹ Note that such a deferment of implementation is determined by the UTCR Joint Committee and can be withdrawn if the UTCR Joint Committee is of the opinion that such a deferment prevents the effective discharge of executive functions.

RIGHTS OF MEMBERS OF CONSTITUENT AUTHORITIES INSPECTION OF/ACCESS TO DOCUMENTS

All Members of the constituent authorities have the right to access all documents which contain material relating to items considered at meetings of the UTCR Joint Committee.

They also have the right to inspect any other document or have access to any information which they need to properly perform their duties as a Member of one of the constituent authorities. These rights are, however, subject to the following:

- A Member is not entitled to inspect any document, or have access to an information, relating to a matter where the Member is acting against the Council in a professional capacity.
- In cases where information requested by a Member should not, in the opinion of the Chief Executive or equivalent, be disclosed, (eg it does not appear to be required to enable the Member to properly perform their duties, or is of a highly sensitive or personal nature or otherwise exempt), the relevant Chief Executive or equivalent may, with good reasons (which should be explained to the Member), refuse access to a document or other information.
- If a Member is not satisfied with this decision, he/she may refer it to the Monitoring Officer or equivalent of his/her Authority. If a Member remains dissatisfied with the ruling of the Monitoring Officer he/she may ask for the matter to be considered by the UTCR Joint Committee. The ruling of the Committee is final.

The rules summarised above are complex and based on statutory provisions and case law. If there is any conflict between these rules and the legal provisions, the latter apply.

QUESTIONS

All Members of the constituent authorities may address questions to the Chairman of Committee. A period of up to 30 minutes at the end of each meeting shall be allowed for questions to be put. Written notice of the question shall be given 3 working days before the meeting:

The Chairman in responding to the question may;

- Answer the question himself
- Ask an officer to answer the question
- Offer a written answer
- Decline to answer and give his/her reasons

The questioner may ask only one supplementary question, regardless of the number of original questions they asked. The supplementary question must be on the same subject as the original question.

RIGHT TO ATTEND AND PARTICIPATE IN MEETINGS

All Members of the constituent authorities has the right to attend and speak at any UTCR Joint Committee meeting. Notice of the topic(s) concerned shall be given by 12 noon on the working day before the meeting if the Member wishes to speak at any Committee meeting.

The Chairman will give Members who have notified their wish to speak the opportunity to speak at the appropriate point of the meeting to contribute their views on any agenda item or other matter within the remit of the Committee.

The right to attend remains available when the meeting is considering private (or exempt) business. This is provided that the Member has a legitimate need to be in attendance, and that the attendance does not involve any conflict of interest, which may constitute a prejudicial interest as defined by the Code of Conduct.

The Chairman will exercise discretion on the overall time allowed for Members' participation. This will take into account the issues Members wish to raise and the other business of the meeting.

In managing the meeting the Chairman has discretion over the management of the participation arrangements.