

PROPOSED GOVERNANCE ARRANGEMENTS FOR VISION DERBYSHIRE

ARTICLES

1. Context

- 1.1 Vision Derbyshire is a collaborative working model between participating local authorities across Derbyshire which seeks to improve outcomes for people and place through closer working between those authorities without formal, top-down reorganisation from central government.
- 1.2 In developing this governance model, authorities do not have to participate in all aspects of the Vision Derbyshire working model and may choose to become involved in individual projects associated with the model. The intention of the working model is to be inclusive without removing the individual sovereignty of any local authority within Derbyshire. However, all authorities understand that the governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.
- 1.3 A joint committee, to be known as the **Vision Derbyshire Joint Committee**, will:-
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change.
 - Enable agile, timely and effective decision making

- 1.4 The Vision Derbyshire model allows local authorities to blend working at a hyper-local level with a large strategic level. Authorities will collaborate at three levels:
- regional/national
 - county-wide or
 - local place level,
- depending on the nature of the outcome that the authorities are looking to improve. In adopting this way of working, Derbyshire can blend strategic, county-wide and local approaches to tackle outcomes in a multi-faceted way, and maintain focus on people and places, not organisational boundaries.
- 1.5 To enable the delivery of the above, the Joint Committee will act as the enabling body, through the political leadership of councillors from the participating authorities. Other authorities may participate in the Joint Committee in respect of individual projects which fall within the broader aims and objectives of the Vision Derbyshire working model. In such circumstances, Members of those authorities may be appointed for the duration of their authority's involvement in a specific project.
- 1.6 The participating authorities in the Vision Derbyshire working model are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and / or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils. All participating Councils agree to operate all reviews in an open and transparent manner to support the aims and objectives of Vision Derbyshire. This will include the sharing of all information.

2. Functions and Responsibilities

2.1 The Joint Committee is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The Joint Committee is established with the following aims:

- Provide collective leadership for Derbyshire
- Progress shared ambitions for the area
- Work together to tackle the issues and challenges outlined in the case for change.
- Enable agile, timely and effective decision making

2.2 The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:-

- Shared service arrangements
- Incorporating existing partnership arrangements within the Vision Derbyshire model
- Areas for collaborative system changes across authorities
- Specific thematic projects and priorities

2.3 Within those broad definitions, the Joint Committee will:-

- (i) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
- (ii) Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes

Appendix B

- (iii) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
- (iv) Approve annual business plans for the delivery of shared services
- (v) Provide or assume democratic oversight for existing joint committee and partnership arrangements
- (vi) Provide a platform for the devolution of powers from Government to authorities in Derbyshire
- (vii) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
- (viii) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
- (ix) Delegate functions and responsibilities to individual councils within Derbyshire for the delivery of services or projects which are considered to be effectively discharged by those councils

2.4 The Joint Committee will also have authority to delegate functions to individual participating or non-participating authorities in order to facilitate the delivery of Vision Derbyshire aims and priorities. Where a function is delegated, it will be reflected as such within these Articles.

2.5 The functions of the Joint Committee conferred or imposed upon it by any Orders from the Secretary of State and / or the functions of the Joint Committee delegated to it by Orders approved by participating authorities will be set out within these terms of reference.

2.6 The Joint Committee will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.

3. Membership of the Joint Committee

3.1 The Authority shall comprise Members from all authorities within Derbyshire as follows:

(a) Each of the participating Councils and the non-participating Councils¹ shall appoint one of its elected members to be a Member of the Joint Committee; and

(b) Additionally, each participating Council and each non-participating Council shall appoint one of its elected members to be a substitute second member ('Substitute Member') of the Joint Committee, who will act in the absence of Members appointed under 3.1(a) above.

3.2 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.

3.3 All appointments as Members or Substitute Members of the Joint Committee shall be for a term of one year, but an individual may be re- appointed to serve as a Member or Substitute Member any number of times.

3.4 A participating Council or non-participating Council shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the Joint Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

¹ Members appointed by non-participating Councils would only be entitled to be present for and vote on matters in relation to specific projects that they would wish to be involved.

Appendix B

- 3.5 A Member or Substitute Member of the Joint Committee who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the Joint Committee, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 3.6 A person may resign as a Member or Substitute Member of the Joint Committee by written notice served on the Proper Officer of the participating Council or non-participating Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 3.7 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Joint Committee shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 3.8 All appointments, removals and replacements of Members and Substitute Members of the Joint Committee by participating Councils and non-participating Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the Joint Committee. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 3.9 All Members of the Joint Committee (including any Substitute Members acting in place of Members of the Joint Committee) will:-
- (a) (subject to the Joint Committee's voting arrangements) collectively be the ultimate policy makers of the Joint Committee;

- (b) bring views of their communities into the Joint Committee's decision making process; and
- (c) maintain the highest standards of conduct and ethics.

- 3.10 Members will at all times observe the Code of Conduct for Members which is in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 3.11 No remuneration shall be payable to Joint Committee Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at the participating Councils and non-participating Councils. (It is acknowledged that a participating Council or a non-participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the Joint Committee in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Joint Committee.)
- 3.12 The Joint Committee may co-opt representatives of organisations with a particular relevance to the work of the Joint Committee (for example, neighbouring local authorities which are neither participating Councils nor non-participating Councils) or such other person as it agrees to participate in meetings of the Joint Committee or any sub-committees. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out from whichever authority they serve on. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee.

4. Chairing the Joint Committee

- 4.1 The Joint Committee will be chaired by a Member of the Joint Committee appointed by a participating Council for the duration of a municipal year.

- 4.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 4.3 The Joint Committee will appoint a Vice-Chair to deputise for the Chair when they are not present or available. The Vice-Chair will be appointed for the duration of a municipal year.
- 4.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 4.5 The Chair or Vice-Chair of the Joint Committee will cease to hold such office when they cease to be a Member of the Joint Committee, in accordance with the provisions set out at paragraph 3.5 above.

5. Procedural Arrangements

- 5.1 The Joint Committee shall meet approximately ten times in a municipal year, but additional meetings may take place should the need arise.
- 5.2 Each Member of the Joint Committee appointed by a participating Council shall have one vote.
- 5.3 Members of the Joint Committee appointed by non-participating Councils will be non-voting. However, Members appointed by participating Councils may resolve to extend the voting rights on defined matters to all or any of the Members appointed by non-participating Councils. At each meeting of the Joint Committee the items of business on which Members of the Joint

Committee appointed by non-participating Councils may or may not vote shall be identified before those matters are considered.

- 5.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

6. Records of Proceedings

- 6.1 The Joint Committee shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.

- 6.2 Minutes of the proceedings of a meeting of the Joint Committee, or any sub-committee, shall be kept in such form as the Joint Committee may determine.

- 6.3 Any such minutes are to be signed at the same or next suitable meeting of the Joint Committee or sub-committee by the Member chairing that meeting.

- 6.4 A Member of the Joint Committee, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

7. Sub-Committees

- 7.1 The Joint Committee may establish such sub-committees as it thinks fit to discharge its functions.

- 7.2 Sub-committees established under paragraph 7.1 may include as voting members any Elected Member of a participating Council, even if such member is not a Member of the Joint Committee.

- 7.3 Members of non-participating Councils appointed to any sub-committee may be given voting rights by resolution of the Members appointed by the participating Councils.

7.4 For the avoidance of doubt no person who is not entitled to vote as of right, except for the Members appointed by the non-participating Councils can be given voting rights by the sub-committee.

8. Officers

8.1 The Head of Paid Service (appointed under Section 4 of the Local Government and Housing Act 1989), Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the Joint Committee will serve as the statutory officers in support of the Joint Committee.

8.2 The Joint Committee may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

PROCEDURE RULES

These procedure rules apply where appropriate to the Joint Committee and Sub-Committees established by the Joint Committee.

1. Name

- 1.1 The name of the Joint Committee shall be the 'Vision Derbyshire Joint Committee'.

2. Membership

- 2.1 The membership of the Joint Committee shall be determined in accordance with the provisions of Article 3.

3. Meetings

- 3.1 The Annual Meeting of the Joint Committee shall be held each year on such a day in the month of March, April, May or June as the Joint Committee may fix, to deal with any other business normally transacted at an annual meeting.
- 3.2 The Joint Committee shall meet approximately ten times per municipal year, but additional meetings may take place should the need arise. The dates and times of meetings of the Joint Committee (including the Annual Meeting and extraordinary meetings) shall be determined by the Joint Committee. Such meetings shall be held at a venue (physical or virtual) determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Joint Committee, sub-committees and working party meetings shall be summoned by the Head of Paid Service of the host authority.
- 3.3 An extraordinary meeting of the Joint Committee may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Joint Committee after a requisition for that purpose signed by three Members of the Joint Committee has been presented to him/her or if, without so refusing, the

Appendix B

Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Joint Committee, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Joint Committee

- 3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Joint Committee calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

- 4.1 Article 4 sets out the arrangements for the appointment of Chair and Vice-Chair of the Joint Committee.

- 4.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.

- 4.3 If both the Chair and Vice-Chair are absent from a meeting of the Joint Committee, such Member as the Members of the Joint Committee present so choose, shall preside.

- 4.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Quorum

- 5.1 The quorum for a meeting will be five Members.

- 5.2 If during a meeting the Chair, after counting the number of Members present, declares that there are not at least five of the Members present, who are entitled to vote (being at least 5 Members from the participating Councils) on the matter(s) under consideration, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a

date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Joint Committee.

6. Chair's Announcements

- 6.1 No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Joint Committee and such motion, on being seconded, shall be at once put to the vote.

7. Order of Business

- 7.1 Except as otherwise provided by paragraph 7.2 of this Rule, the order of business at every meeting of the Joint Committee other than the annual meeting and any extraordinary meeting shall be:-

- (a) To choose a person to preside if the Chair and Vice-Chair are absent;
- (b) To deal with any business required by statute to be done before any other business;
- (c) To identify those items of business on which Members of the Joint Committee appointed by non-participating Councils may or may not vote;
- (d) Urgent items: to determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting;
- (e) Exclusion of Public and Press: to identify items where resolutions may be moved to exclude the public and press;
- (f) To receive disclosures by Members of interests in matters under consideration;
- (g) To approve as a correct record and sign the minutes of the last meeting of the Joint Committee;
- (h) To deal with any business expressly required by statute to be done;
- (i) Chair's announcements;
- (j) To dispose of business, if any, remaining from the last meeting;

- (k) To approve as necessary minutes of sub-committees;
- (l) To receive and consider reports, if any, from sub-committees;
- (m) To receive and consider reports from participating or non-participating authorities;
- (n) To receive minutes of and recommendations from other bodies;
- (o) To consider motions, if any, in the order in which notice has been received;
- (p) To deal with other business, if any, specified in the summons.

7.2 The Chair may at any meeting vary the order of business so as to give precedence to any business which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (f) or (g) in paragraph 7.1 of this Rule.

7.3 At any extraordinary meeting of the Joint Committee the minutes of the last ordinary meeting of the Joint Committee will not be considered. The minutes of an extraordinary meeting of the Joint Committee will be submitted where possible to the next ordinary meeting of the Joint Committee.

8. Notice of Motion

8.1 Except as provided by Rule 9, every notice of motion shall be in writing, signed by the Member or Members of the Joint Committee giving the notice and delivered by email or in person at least seven clear days before the next meeting of the Joint Committee at the office of the Head of Paid Service of the host authority, by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Joint Committee during normal office hours.

8.2 Every motion shall be relevant to some matter in relation to the Joint Committee's powers or duties.

8.3 The Head of Paid Service of the host authority shall set out in the summons for every meeting of the Joint Committee motions of which notice has been duly

given in the order in which they have been received, unless the Member(s) giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

- 8.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Joint Committee, be treated as withdrawn and shall not be moved without fresh notice.

9. Motions which may be moved without notice

- 9.1 The following motions may be moved without notice: -

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a sub-committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Joint Committee or any sub-committee;
- (g) That the Joint Committee proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Joint Committee does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Joint Committee or any sub-committee any part of which has been withdrawn or amended in accordance with Rule 9(f);
- (l) Suspending Procedure Rules in accordance with Rule 18;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 12 be not further heard or do leave the meeting;

- (o) Giving consent or leave of the Joint Committee where the consent or leave of the Joint Committee is required by these Procedure Rules;
- (p) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Joint Committee or the appropriate sub-committee;
- (q) Approval or amendment of recommendations of Officers and any consequential resolutions.

10. Amendments to Motions

- 10.1 Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 9 shall be moved at any meeting of the Joint Committee unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer of the host authority. The Head of Paid Service of the host authority shall inform the Chair of the Joint Committee of any such amendments so received.

11. Rules of Debate

- 11.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

- 11.2 An amendment shall be relevant to the motion and shall be either:–

- (a) to refer a subject of debate to the next meeting of the Joint Committee or the sub-committee for consideration or re-consideration; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

- 11.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been

Appendix B

disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

- 11.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.
- 11.5 When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
 - (b) to adjourn the meeting;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) that a Member be not further heard.
- 11.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 11.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

12. Disorderly Conduct

- 12.1 If at a meeting any Member of the Joint Committee in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the Joint Committee, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.
- 12.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.
- 12.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

13. Rescission of Previous Resolution

- 13.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 8 bears the names of at least five Members of the Joint Committee. When any such motion or amendment has been disposed of by the Joint Committee, it shall not be open to any Member to propose a similar motion within a further period of six months.

13.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Joint Committee in pursuance of a recommendation of a sub-committee.

14. Mode of Voting

14.1 (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.

(b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.

(c) Members appointed by non-participating Councils shall not be entitled to vote except on defined matters where the Members appointed by the participating Councils have resolved to allow them to vote. Individuals co-opted pursuant to Article 3.12 shall not be entitled to vote

(d) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.

(e) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service of the host authority.

14.2 Where there are more than two persons nominated for any position to be filled by the Joint Committee and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

14.3 In the case of an equality of votes the Chair shall have a second or casting vote.

15. Urgent Business

15.1 The Head of Paid Service and the Monitoring Officer of the host authority shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Joint Committee, after consultation (where practicable) with the Chair of the Joint Committee, on behalf of and within the powers and duties of the Joint Committee. All such action shall be reported to the next meeting of the Joint Committee.

16. Variation and Revocation of Procedure Rules

16.1 Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Joint Committee.

17. Suspension of Procedure Rules

17.1 No Rule shall be suspended at any meeting of the Joint Committee except on the vote of a majority of the members then present.

18. Recordings at Meetings

18.1 The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;
- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

19. Record of Attendance

19.1 Every Member of the Joint Committee attending a meeting or a meeting of a sub-committees of which s/he is a member, shall have their attendance recorded and published through the website of the host authority.

20. Appointment of Sub-Committees

20.1 The Joint Committee may establish such sub-committees as it deems appropriate or it is required to appoint by or under any statute.

20.2 Subject to any statutory provision in that behalf the Joint Committee:–

(a) shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee;

(b) may at any time dissolve a sub-committee or alter its membership; every vacancy on a sub-committee shall be reported by the Head of Paid Service of the host authority at the first meeting of the Joint Committee after the vacancy has arisen and the Joint Committee may thereupon proceed to fill the vacancy.

20.3 The Joint Committee may appoint sub-committees for purposes to be specified by the committee and, subject to these Procedure Rules and to any resolution of the Joint Committee in that behalf, may delegate to any such sub-committee any power or duty delegated by the Joint Committee.

20.4 The Chair and Vice-Chair of the Joint Committee shall be ex-officio members of every sub-committee appointed by the committee.

20.5 The membership of a sub-committee may include persons who are not members of the Joint Committee by which the sub-committee was appointed, however where such persons are not Members of the Joint Committee, they shall be appointed as non-voting members.

20.6 A Joint Committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee and may at any time dissolve a sub-committee or alter its membership.

21. Quorum of Sub-Committees

21.1 Except where ordered by the Joint Committee or authorised by statute, or set out in the specific terms of reference of a sub-committee, business shall not be transacted at a meeting of any sub-committee unless at least one third of the whole number of members of the sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a sub-committee be less than three members.

22. Procedure Rules to Apply to Committees and Sub-Committees

22.1 These Procedure Rules shall, with any necessary modifications, apply to meetings of sub-committees.

23. Interpretation

23.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.

23.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.

23.3 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Joint Committee" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

24. Procedure Rules to be Given to Members

- 24.1 A printed copy of these Procedure Rules and any other documents in respect of governance of the Joint Committee shall be given by the Monitoring Officer of the host authority to every Member of the Joint Committee on his/her first being appointed to the Joint Committee.

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the Vision Derbyshire Joint Committee, its sub-committees, and of access to documents. The host authority for the Joint Committee will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the possession of that authority on behalf of the Joint Committee, conferred by law.

1. Access

- 1.1 A meeting of the Joint Committee (including meetings of its sub-committees) is open to the public, except as stated in Rules 1.2 and 1.3 below.
- 1.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
- 1.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

2. Access to Agendas and Reports

- 2.1 Copies of the agenda and reports for a meeting of the Joint Committee or of any of its sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely

to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available through the following website (insert link) and at the offices of the host authority.

- 2.2 A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

3. Key Decisions

- 3.1 A “Key Decision” means a decision of a decision maker, which is likely—
- (a) to result in the incurring of significant expenditure, or the making of significant savings, having regard to the Joint Committee’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the participating authorities

In relation to expenditure or savings referred to in 3.1(a), as a guide, this will ordinarily be taken to mean that a Key Decision will result in expenditure or savings in excess of £0.25M.

4. Procedures before taking Key Decisions

- 4.1 Notice – Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:
- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the Joint Committee;
 - (b) the matter in respect of which the decision is to be made;
 - (c) the decision maker’s name, and title if any;
 - (d) the date on which, or the period within which, the decision is to be made;

- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure under Rule 1.3, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available

4.2 Subject to Rule ?? (general exception) and Rule 6 (special urgency), a key decision may not be taken unless:

- (i) the notice referred to at 4.1 above has been published —
 - (a) if the Joint Committee has a website, on its website; or
 - (b) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and made available for inspection by the public at the offices of the host authority;
- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Joint Committee or its sub-committees, notice of the meeting has been given in accordance with 2.1 (notices of meetings) above.

4.3 Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 6 (confidential information), be disclosed to the public, the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information.

5. Notice of a Key Decision – Cases of Special Urgency

5.1 Where the date by which a key decision must be made makes compliance with Rule 4 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Joint Committee or, in the absence of the Chair, the Vice-Chair of the Joint Committee that the making of the decision is urgent and cannot reasonably be deferred.

5.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 5.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –

(a) make available to the public at the offices of the host authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the Joint Committee’s website, if it has one

6. Inspection of Background Papers

6.1 Members of the public may also inspect a list of background papers for any report (except those reports containing ‘confidential’ or ‘exempt’ information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.

6.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the

Monitoring Officer of the host authority who will arrange for the production of such documents as soon as reasonably practicable after the request.

7. Additional Access for Members of the Joint Committee

7.1 Any document in the possession or under the control of the Joint Committee which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Joint Committee.

7.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

8. Publication of additional information

8.1 The host authority for the Joint Committee must maintain a register stating the name of every member of the Joint Committee and sub-committees and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the host authority.

8.2 The host authority for the Joint Committee will maintain a list specifying the powers delegated to individual authorities or specific officers, and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website of the host authority and also open to public inspection, but excludes delegations of less than six months' duration.

9. Documents deposited with the Joint Committee

9.1 Documents may be required to be deposited with a proper officer of the host authority for the Joint Committee, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

10. Other Documents

- 10.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
- 10.2 Where a public inquiry is to be held into a compulsory purchase order made by the Joint Committee, a statement of the Joint Committee's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
- 10.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be made available to the public.

11. Fees

- 11.1 No fee will be charged for providing the facility of inspecting background papers.
- 11.2 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The host authority for the Joint Committee reserves the right to make a charge for providing copies of documents