EastMidlandsSharedServices
Delivering quality, affordable and resilient support services to the public sector

Leicestershire County Council | Nottingham City Council

EAST MIDLANDS SHARED SERVICES JOINT COMMITTEE
17 DECEMBER 2018

Subject:	East Midlands Shared Services Joint Committee Terms of Reference
Corporate Director(s)/ Director(s):	Laura Pattman – Strategic Director of Finance, Nottingham City Council (NCC) Chris Tambini – Director of Corporate Resources, Leicestershire County Council (LCC)
Report author and contact details:	Jill Turner – Business Development Manager East Midlands Shared Services 01163055308 Jill.turner@emss.org.uk

Key Decision	☐ Yes ☒ No	**Subject to call-in**	Yes ☒ No ☐

Summary of issues (including benefits to citizens/service users):

This report seeks approval for the Terms of Reference for the EMSS Joint Committee

Recommendation(s): The EMSS Joint Committee is requested to:

1 Review and approve the Terms of Reference for Joint Committee (Appendix A)

1. REASONS FOR RECOMMENDATIONS

1.1. To ensure that the Committee's terms of reference are appropriate and allow for the effective governance of East Midlands Shared Services.

2. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

2.1 None. In light of the imminent work to review governance as part of the Fit for the Future Programme no revisions of the existing terms of reference was deemed necessary.

3. BACKGROUND

3.1 Joint Committee is tasked with reviewing their Terms of Reference.

3.2 The original partnership agreement was signed in 2011 and requires periodic review to ensure that its functions and processes remain relevant to the partnership and reflect sound governance arrangements.

3.3 The Fit for the Future Programme includes a Governance work stream that will review the partnership agreement and ensure that it is fit for purpose going forward. It will include the terms of reference.

3.4 Any amendments suggested by the Committee will need to comply with Executive meeting regulations and the approval from each Authority's Cabinet Leader will be required prior to adoption.

4. FINANCIAL COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 None.

5. LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1. This report ensures that the Joint Committee fulfils it requirement to review its terms of reference

5.2. There are no procurement implications considered to arise directly from this report

5.3. There are no Crime and Disorder Act implications considered to arise directly from this report.

6. SOCIAL VALUE CONSIDERATIONS

6.1. None

7. EQUALITY IMPACT ASSESSMENT (EIA)

7.1 None

8. LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

8.1. None

9. PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

9.1. Nottingham City Council's Constitution (Committee Terms of Reference).
9.2. Leicestershire County Council's Constitution.
9.3. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

10. OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

10.1 None

SCHEDULE 1 — JOINT COMMITTEE GOVERNANCE
JOINT COMMITTEE - TERMS OF REFERENCE

Subject to the terms of the East Midlands Shared Services Partnership Agreement to:

(i) Oversee and provide strategic direction for the development, implementation and on-going operation of EMSS;

(ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement;

(iii) Monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities;

(iv) On an annual basis, agree a three year business plan for EMSS including:

- Service delivery, service development & financial objectives
- Performance improvement & efficiency targets
- Staffing
- Business continuity planning
- Risk management

(v) Set annual capital, revenue and staffing budgets for EMSS and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan;

(vi) Monitor the operational performance of EMSS on [a quarterly basis];

(ii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities;

(vii) Ensure effective action is taken to remedy any under-performance in the delivery of services;

(viii) Monitor the financial performance of EMSS — quarterly report and monthly updates;

(ix) Determine the arrangements for support services in agreement with the Host Authority and in consultation with the Head of Shared Service;

(x) Produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of EMSS in the 12 month period ending on the preceding 31st March;

(xi) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities into the activities of EMSS;

(xii) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate.

RULES FOR THE CONDUCT OF MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

The Joint Committee shall follow the normal arrangements which apply to the proceedings of local government committees, with the following additional provisions applying:

1. Annual Meeting

1.1 The Joint Committee shall in every year hold an Annual Meeting;

1.2 The first meeting held after the Annual Meeting of all the Member Authorities in any year shall be the Annual Meeting;

1.3 The Joint Committee may in every year hold in addition to the Annual Meeting such other meetings as they may determine

2. Membership

2.1 The membership of the Joint Committee to comprise four elected members, two being drawn from each Council's Executive;

2.2 Each Authority will have the right to appoint a substitute elected member drawn from their Executive to attend any meeting of the Joint Committee in place of an appointed elected member provided that the Secretary shall be given at least 24 hours' notice of any such appointment;

3. Appointment of Chairman, Vice Chairman, Secretary and Treasurer

3.1 The Joint Committee shall appoint one of its Members to be Chairman of the Joint Committee who shall subject to paragraph 3.2 and unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act;

3.2 The first Chairman of the Joint Committee shall be a person nominated by Nottingham City and shall hold office for the period up to 31st May 2013.

3.3 The Chairmanship of the Joint Committee following the initial appointment by Nottingham City shall rotate between Leicestershire and Nottingham City on a two year cycle;

3.4 The Joint Committee shall appoint one of its Members to be Vice Chairman of the Joint Committee who shall subject to paragraph 3.5 and unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act;

3.5 The first Vice Chairman of the Joint Committee shall be a person nominated by Leicestershire and shall hold office for the period up to 31st May 2013.

3.6 The Vice Chairmanship of the Joint Committee following the initial appointment by Leicestershire shall rotate between Nottingham City and Leicestershire on a two year cycle;

3.7 The role of Secretary and Treasurer to the Joint Committee will be provided by Nottingham City Council.

4. Casual Vacancies

4.1 On a casual vacancy occurring in the office of Chairman or Vice Chairman of the Joint Committee the vacancy shall be filled by the appointment by the Joint Committee of one of their members at the next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.

5. Calling of Meetings

5.1 The Secretary of the Joint Committee shall summon the members to such meetings as may:

5.1.1 have been agreed in accordance with paragraph 1.3;

5.1.2 be called by the Chairman of the Joint Committee or, if the office of Chairman is vacant, the Vice Chairman of the Joint Committee at any time;

5.1.3 be requisitioned by any two members of the Joint Committee giving notice in writing signed by them to the Secretary of the Joint Committee specifying the nature of the business to be transacted; or

5.1.4 be requisitioned by any Member Authority giving notice in writing to the Secretary of the Joint Committee specifying the nature of the business to be transacted and signed by the Chief Executive or proper officer of the Member Authority;

5.2 Unless the persons giving notice requisitioning a meeting in accordance with paragraph 5.1.3 or paragraph 5.1.4 agree otherwise any meeting consequent upon such a requisition shall so far as practicable be held within 10 working days of the date of the receipt of the requisition by the Secretary to the Joint Committee;

5.3 At least five clear working days before a meeting of the Joint Committee:

5.3.1 notice of the time and place of the intended meeting shall be published at the offices of both Leicestershire and Nottingham City: and

5.3.2 a summons to attend the meeting, specifying the agenda for that meeting and signed by the Secretary to the Joint Committee shall be sent to:

5.3.2.1 every member of the Joint Committee; and

5.3.2.2 the proper officer of every Member Authority by sending by first class mail to the principal office address of the Member Authority or by sending an electronic copy by e-mail to any email address notified to the Secretary of the Joint Committee for that purpose:

5.4 The Secretary will draw up the agenda in consultation 'with both the Chairman and Vice Chairman.

5.5 No business shall be transacted at a meeting requisitioned by the members of the Joint Committee or a Member-Authority other than that specified in the agenda.

6. Nominated Officers to Attend

6.1 The Head of Paid Service the Monitoring Officer and the s151 Officer of each Member Authority or their respective nominees shall be entitled to attend every meeting of the Joint Committee in the capacity of observer and with the agreement of the Chairman may address the Joint Committee.

7. Quorum

7.1 The number of Members constituting a quorum shall be one quarter of the membership of the Joint Committee, provided that in no case shall a quorum be less than three members and further provided that no item of business shall be transacted at a meeting of the Joint Committee unless at least one member from each Founding Member Authority** is present and entitled to vote thereon

8. Standing Orders

Subject to anything expressly provided herein the Standing Orders (Meeting Procedure Rules) of the Authority providing the Secretariat will apply to the Joint Committee

9. Voting

Given the composition of the Joint Committee, decisions shall normally be taken on the basis of consensus

10. Sub-Committees

The provisions of [this Schedule] shall apply mutatis mutandis to meetings of subcommittees as they do to meetings of the Joint Committee