

East Midlands Shared Services Joint Committee
18 March 2024

Subject:	East Midlands Shared Services Governance and Joint Committee Terms of Reference		
Corporate Director(s)/ Director(s):	Simone Hines – Assistant Director of Finance, Strategic Property and Commissioning, Leicestershire County Council (LCC) Shabana Kausar – Director of Finance, Nottingham City Council (NCC)		
Report author and contact details:	Lucy Littlefair – Head of East Midlands Shared Services 0116 305 6333 lucy.littlefair@emss.org.uk		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
This report seeks approval for the Terms of Reference and Rules for the EMSS Joint Committee			
Recommendation(s): The EMSS Joint Committee is requested to:			
1 Discuss the proposed changes to the Terms of Reference for Joint Committee (Appendix A), and agree a preferred option on meeting frequency			
2 Review and approve the Rules for the Conduct of Meetings and Proceedings of the Joint Committee. (Appendix B)			
3 Agree to take the preferred changes to each Authority’s Leader for approval			

1. REASONS FOR RECOMMENDATIONS

- 1.1. To fulfil the Partnership Agreement requirement to review the governance arrangements and relevant terms of reference annually.
- 1.2. To ensure that the Committee’s terms of reference are appropriate and allow for the effective and efficient governance of East Midlands Shared Services.

2. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 2.1 None.

3. BACKGROUND

- 3.1 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.
- 3.2 Joint Committee is tasked with reviewing their Terms of Reference and Rules for the Conduct of Meetings and Proceedings annually.

- 3.3 The Committee last reviewed the terms of reference for the Joint Committee and Operational Board in March 2023. Where there were minor changes to remove gendered language.
- 3.4 Any suggested amendments to the Joint Committee terms, would need to comply with Executive meeting regulations and approval from each Authority's Leader would be required, prior to adoption.

4 Proposed changes

- 4.1 Paragraph (v) of the Terms of Reference currently states that:

“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.”

- 4.2 For some years this deadline has not been reached due to the LCC budget setting timeline and the November meeting has invariably been moved to December. To accommodate this it is proposed to amend the wording to:

“Set annual capital, revenue and staffing budgets for EMSS and no later than 31st December in each year submit these to the Member Authorities for approval as part of the business plan.”

- 4.3 Currently Joint Committee meets quarterly in March, June, September and November (but as stated above this meeting is usually held in December). The provisions in the Terms of Reference directing this are:

- (vi) Monitor the operational performance of EMSS on [a quarterly basis];*
- (ix) Monitor the financial performance of EMSS — quarterly report and monthly updates;*
- (xi) 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;*

- 4.4 The Rules for the Conduct of Meetings and Proceedings of the Joint Committee (Appendix B) paragraph 1.3 states *“The Joint Committee may in every year hold in addition to the Annual Meeting such other meetings as they may determine.”*

- 4.5 The Head of EMSS wishes to propose that an amendment is made to the frequency of the Joint Committee meetings on the following basis:

- The Head of EMSS jointly meets with the Sponsors' for EMSS monthly, discussing in a structured and formal format (presentation) all aspects of the service's operational and strategic performance. This governance is in addition to the terms set out in the Partnership Agreement.
- The Head of EMSS also meets with the LCC Sponsor monthly, as they are responsible for day to day line management.
- Monthly account meetings are held with Strategic Finance and HR colleagues, which discuss performance at a detailed level.

- The cycle of quarterly meetings puts strain on the Head of EMSS to draft detailed reports and seek the necessary sign off in each Council.
- The frequency of the Joint Committee means that elected members and councillors are receiving updates on operational, rather than strategic matters. Three months is a short timeframe for most strategic updates.
- The reports, with the exception of the budget, are largely for noting. The committee should be used for providing strategic direction and challenge to the shared service.
- The Shared Service function is well established with consistent performance many Joint Committee meetings end well before their allotted time.
- There is an opportunity to reduce the travel costs and time for attendees.

4.6 It is therefore proposed to reduce the number of meetings. The options are either:

- a) Three meetings a year in June, September and December. This will have the least impact, however the meetings are then bunched towards the end of the year. Or
- b) Two meetings a year in June and December. This would create a balanced pattern of meetings with the Annual Report and outturn budget update in June and performance year to date and budget setting in December.

4.7 The Leaders of both Councils would need to approve any recommendation to change the meeting frequency. The Terms of Reference would be updated to reflect any agreed change.

5 Finance colleague comments (including implications and value for money/VAT)

5.1 None.

6. Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)

6.1 This report ensures that the Joint Committee fulfils its requirement to review its terms of reference. Advice has been sought from the EMSS governance officer on the process for agreeing any amendments.

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

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

7. Social value considerations

7.1 None

8. Equality Impact Assessment (EIA)

8.1 None

9. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

9.1 None

10. Published documents referred to in this report

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

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];
- (vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities;
- (viii) Ensure effective action is taken to remedy any under-performance in the delivery of services;
- (ix) Monitor the financial performance of EMSS — quarterly report and monthly updates;
- (x) Determine the arrangements for support services in agreement with the Host Authority and in consultation with the Head of Shared Service;
- (xi) 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;
- (xii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities into the activities of EMSS;
- (xiii) 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.

APPENDIX B

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 Chair of the Joint Committee who shall subject to paragraph 3.2 and unless they resign their office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until their successor becomes entitled to act;
- 3.2 The first Chair 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 Chair 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 Chair of the Joint Committee who shall subject to paragraph 3.5 and unless they resign their office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until their successor becomes entitled to act;
- 3.5 The first Vice Chair 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 Chair 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 Chair or Vice Chair 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 they are 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 Chair of the Joint Committee or, if the office of Chair is vacant, the Vice Chair 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 Chair and Vice Chair.
- 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 Chair 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

** Nottingham City Council and Leicestershire County Council