

CABINET

17 May 2012

ANNUAL APPOINTMENTS TO CABINET COMMITTEES AND INFORMAL POLICY GROUPS 2012/13

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

[CAB2165](#) – Annual Appointment to Cabinet Committees 2011/12, 19 May 2011

EXECUTIVE SUMMARY:

Cabinet Committees can be appointed with membership drawn from the Cabinet only and can be given delegated powers to make decisions. Last year, a Cabinet (Local Development Framework) Committee, Cabinet (Traffic and Parking) Committee and a new Cabinet (Housing) Committee were appointed, as set out in Paragraph 2 below.

This report also lists the appointments that were previously made to Informal Policy Groups (IPGs). Cabinet are asked to consider whether any of these IPGs should be re-appointed.

Finally the report lists two other informal forums to which Cabinet has previously made appointments (Paragraph 4).

As this report has been prepared in advance of the Annual Council meeting on 16 May 2012, references to Portfolio Holders and Portfolios are based on arrangements agreed for 2011/12.

RECOMMENDATIONS:

That Cabinet considers which bodies should be appointed, and if so, determines the membership and terms of reference.

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DETAIL:

1 Introduction

- 1.1 Cabinet Committees can be appointed with membership drawn from the Cabinet only and these Committees can be given delegated powers to make decisions. Currently, three Cabinet Committees have been appointed; Cabinet (Local Development Framework) Committee, Cabinet (Traffic and Parking) Committee and a new Cabinet (Housing) Committee.
- 1.2 Section 3 of the report gives details of previously appointed Informal Policy Groups (IPG). The membership of IPGs are cross-party, and reflect the broad political balance of the Council.
- 1.3 The purpose of an IPG is to provide Portfolio Holders with a consultation mechanism as major policy is formulated. In some circumstances The Overview and Scrutiny Committee may themselves decide to scrutinise that area of policy and establish an Informal Scrutiny Group (ISG). The two approaches differ in that an ISG would not include Cabinet Members – although they may be called as witnesses - so they are likely to have a different perspective on the topic under consideration. It is important to avoid any duplication of effort and both Cabinet and The Overview and Scrutiny Committee will be advised of appointments of ISGs and IPGs respectively.

2 Appointments to Cabinet Committees

2.1 Cabinet (Traffic and Parking) Committee

This Cabinet Committee was established by the 19 May 2005 meeting of Cabinet (Report CAB1076 refers), which gave the following terms of reference:

- (i) to exercise the functions contained in any agency agreement with the County Council with regard to traffic management, park and ride or on-street parking;
- (ii) to exercise any District Council functions with regard to temporary road closures, park and ride or off-street parking.”

Last year it was agreed that the Committee’s membership be the Portfolio Holder for Environment and Transport (Chair) in addition to Councillors Cooper and Humby (Reserve: Godfrey).

Cabinet is asked to determine whether the Committee is reappointed for 2012/13 and if so, agree its membership. The minimum number of Members on the Committee is three (as this is the quorum).

The date of the next meeting has been agreed for Monday 11 June 2012 at 10.00am.

2.2 Cabinet (Local Development Framework) Committee

2.2.1 This Committee was established at the Cabinet meeting on 15 November 2006.

The terms of reference of the Committee are:

- (a) To determine all matters in the following stages of the production of Development Plan Documents in the Local Development Framework (LDF):
 - (i) Pre-Production Stage – the evidence base and arrangements for community involvement.
 - (ii) Production Stage – initial issues and options and associated public consultation.
- (b) To advise and make recommendations to Cabinet and Council upon the following stages of production of the LDF:
 - (i) Production Stage – Approval of Preferred Options for public consultation.
 - (ii) Submission Version – Approval of the version to be submitted to the Examination before the Inspector.
 - (iii) Adoption of Development Plan Documents following the Inspector's report after the Examination.
- (c) To consider and agree the adoption of Supplementary Planning Documents.
- (d) To determine matters upon related projects and studies to the LDF or to make recommendations to Cabinet.
- (e) To consider and comment on behalf of the Council in respect of the Regional Spatial Strategy, Local Development Frameworks and other relevant plans or consultation exercises by Government, local authorities or other relevant bodies.

2.2.2 In 2011/12 the Committee's membership was the Leader (Chairman) plus Councillors Coates, Humby and Weston (Reserves: Godfrey & Wood).

In addition, it was agreed that the following standing list of councillors be invited to attend and offer views at meetings of the Committee:

- (a) Chairman of the Planning Development Control Committee; and named members from the Liberal Democrat Group as follows: Councillors Evans and Learney and one deputy (no nomination was received from the Independent Group).
- (b) Ward Councillors, where appropriate.
- (c) Representative from the South Downs National Park Authority.

Cabinet is asked to determine whether the Committee is reappointed for 2012/13 and if so, agree its membership. The minimum number of Members on the Committee is three (as this is the quorum).

2.3 Cabinet (Housing) Committee

2.3.1 This Committee was newly established for 2011/12 and its first meeting was 29 June 2011.

The terms of reference of the Committee are:

To the exercise the following executive functions in relation to the Housing Revenue Account:

To advise Cabinet and Council on:

1. Approving or adopting the policy and budget framework contained in the Sustainable Community Strategy, the Housing Investment Programme and Annual Housing Revenue Account budget.
2. Any application to the Secretary of State in respect of any Housing Stock Transfer.
3. To advise on any changes required to the policy and budget framework to take account of new legislation.

To advise Cabinet on:

1. Any land disposals at less than best consideration (other than under the right to buy; secure tenancies; introductory tenancies; family intervention tenancies; licences to individuals to occupy dwellings; or any other transactions for a term of less than 7 years where the undervalue is less than £50,000).

Delegated Matters

1. The implementation of approved policies and programmes in accordance with policy and budget framework approved by Cabinet and/or Council, subject to such budgetary and other constraints that Cabinet and/or Council may impose.
2. Housing Acts including the provision, allocation, improvement, repair, maintenance and management of dwellings and land.
3. Exercising the powers of Cabinet under the Financial Procedure Rules to approve virement or supplementary capital or revenue estimates up to £50,000.
4. Exercising the powers of Cabinet under the Contract Procedure Rules in relation to procurement contracts for works, goods, software or services up to a value of £1,000,000 or £200,000 per annum, whichever is the greater:
 - (i) Approval of price/quality evaluation criteria.
 - (ii) Approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules.

- (iii) Award of Contract.
- (iv) Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes.
- (v) Approval of final cost for capital schemes under Financial Procedure Rule 7.12.

To review and monitor the Council's performance and use of resources in the above areas, including but not restricted to the implementation of change plans, performance against national and local performance indicators, and identification of risks and action taken to mitigate those risks.

2.3.2 In 2011/12 the Committee's membership was the Portfolio Holder for Strategic Housing and Landlord Services (Councillor Coates), plus Councillors Cooper and Stallard.

In the event of any of the standing members not being available for a particular meeting, another member of Cabinet will be selected in alphabetical rotation by the Head of Democratic Services to substitute for the standing member.

In addition, it was agreed that the following standing list of Councillors be invited to attend and offer views at meetings of the Committee:

- (a) Councillors Collin, Pines, Scott, Tait and Thompson
- (b) Two TACT representatives (Judith Steventon Baker and John Bond).

2.3.3 Cabinet is asked to determine whether the Committee is reappointed for 2012/13 and if so, agree its membership. The minimum number of Members on the Committee is three (as this is the quorum).

2.3.4 At its meeting on 18 April 2012, Council considered a report on the strategic approach to council house building (Report CL76 refers). The purpose of the report was to ask Council for views on the strategic approach, which Cabinet could then consider as it produced its Development Strategy in June. The Report suggested that a Cabinet Committee should be given the responsibility for taking the lead for overseeing the development Programme for new homes delivery. The options were to use the Cabinet (Housing) Committee or to create a separate Committee for this purpose. Whichever option is chosen, there will be a need to create additional terms of reference to allow decisions to be made quickly to deliver the Programme, within the framework of the overall budget set by Council and the Annual Programme approved by Cabinet.

2.4 East Hampshire and Winchester Joint Environmental Services Committee

2.4.1 The constitution for this Joint Committee is set out in Appendix 3.

2.4.2 Its Membership is four Members – two from each authority (Leader and relevant Portfolio Holder). Each authority can also appoint a Deputy.

2.4.3 In 2011/12, the Committee's membership was:

Winchester City Council
Councillors Beckett and Weston (Deputy: Cllr Coates)

East Hampshire District Council
Councillors Moon and Ayer

2.4.4 The next meeting is scheduled for 23 May 2012 at 2.30pm at East Hants District Council.

3 **Appointments to Informal Policy Groups**

3.1 As noted above, IPGs are intended to provide support to Cabinet and Portfolio Holders in developing policy. It is anticipated they would generally be task-and-finish Groups dealing with matters referred to them by Cabinet. They would normally include five members and the make-up would broadly reflect the political balance of the Council.

All Informal Policy groups would include Non-Executive Members and will have support from relevant officers.

Cabinet are asked to consider whether they wish to re-establish any Informal Policy Groups at this time, or appoint new groups, and if so, agree membership.

3.2 **Previously appointed Informal Policy Groups**

a) **Supported Housing Informal Policy Group**

This was appointed in 2011/12 with the following terms of reference and membership:

Councillors: Coates, Hammerton, Nelmes and Tait.

TACT Representatives: Three representatives (names to be advised)

Officers: Head of Landlord Services, Tenancy Services Manager, Housing Services Manager, Housing Finance Manager and Head of Legal Services (or their representatives).

Its Key Tasks are:

- (i) To review the classification of service provided at each sheltered scheme to take account of the reducing demand for sheltered housing and the Supporting People service review to be completed by Hampshire County Council;
- (ii) To determine a consistent level of mobile support provision across all schemes and in particular those declassified as part of this review and now receiving "floating support services" (non-residential);
- (iii) To complete a detailed review of service costs and service charges (in addition to support charges);
- (iv) To review future options for vacant scheme manager flats;
- (v) To review options for ensuring that all remaining category 2 units are filled, including potential incentives and assistance for tenants who may wish to move as well as publicity and other policies to encourage more prospective tenants;

- (vi) To determine the ideal category 2 provision and completing a detailed asset management plan for all schemes to ensure that the service can meet future need and tenant aspirations.

The first three aims have been achieved and it is anticipated that this should be the final year for the Group which will be focussing in particular on the last aim of the list. It is suggested that this Group be re-appointed to continue its work.

b) **Housing Strategy Informal Policy Group:**

This IPG was appointed in 2011/12 with the started aim of “to collect evidence to assist with the development of a strategic housing vision for the Winchester District 2012 – 2022.”

Its membership was:

Councillors Coates (Chairman), Izard, Jeffs, Tait and Thompson.
Officers: Head of Strategic Housing, Head of Landlord Services.

The IPG met on five occasions, with its last meeting held on 10 April 2012. It has agreed that the draft Housing Strategy would be considered by Cabinet and Cabinet (Housing) Committee in September 2012.

It is suggested the Group is re-appointed to enable to meet, if required, in the mean time.

c) **Housing Re-Financing Informal Policy Group**

This IPG was appointed in 2011/12 with the following terms of reference and membership:

Terms of reference:

To consider the options available to the Council for financing the payment to DCLG in March 2012 in respect of the Housing Finance Reform and to present options/recommendations to the Cabinet on the borrowing and repayment strategy, reflecting the considered level of acceptable risk’.

Membership:

Councillors Coates (Chairman), Beckett, Learney, Pines, Thompson and Wood
Officers: Head of Landlord Services, Head of Finance
TACT would be invited to contribute.

The work of this Group has been completed now that Housing Refinancing has taken place. It does not need to be re-appointed. Monitoring of the Business Plan will take place in the Cabinet (Housing) Committee. The Treasury management issues will also be monitored by the Audit Committee.

3.3 **New Informal Policy Groups**

Cabinet are invited to consider whether there any future topics for IPGs.

4 **Other Informal Consultative Arrangements**

Finally, Members will wish to consider whether certain other informal consultative bodies should be retained:

a) **West of Waterlooville Forum**

The Forum's Membership for 2011/2 was:

Winchester City Council:

Councillors: Cooper (Chairman), Coates, Clear, Evans, Pearson and Stallard
Deputy: Phillips

Havant Borough Council

Councillors: Hunt, Guest, Smallcorn
Deputies: Hilton and Shimbart

Hampshire County Council

Councillors: McIntosh and Stallard (in place of the late Cllr Allgood)
Deputy: Beagley

Its terms of reference are set out in Appendix 1 to the Report.

The Forum met twice in 2011/12 and it is recommended that it be re-established for 2012/13 to continue its work on community development in the Major Development Area.

Cabinet are asked to put forward the names of **six Councillors** (including the Chairman), plus **one deputy** to be members of this Forum. For information, Councillor Stallard is now a County Council member on this Forum and so will need to be replaced as a City Council Member.

b) **North Whiteley Development Forum**

This Forum was established at Cabinet on 9 December 2009 and its membership for 2011/12 was:

Winchester City Council: Councillors: Ruffell (Chairman), Achwal, Evans, Humby, McLean and Newman-McKie (6) (no deputies)

Fareham Borough Council: Councillor David Swanbrow (1) (deputy to attend to be advised in advance of Forum meetings)

Hampshire County Council: County Councillor Sean Woodward and County Councillor Patricia Stallard (2) (deputy(s) to attend to be advised in advance of Forum meetings)

Curdridge Parish Council: Parish Councillor Kevan Bundall (1) (no deputies)

Whiteley Parish Council: Parish: Councillor Mike Evans (1); Deputy – Parish Councillor David Jenkins

Botley Parish Council: Parish Councillor Colin Mercer (1); Deputy - Parish Councillor Gwyneth Lester

Eastleigh Borough Council - Hedge End, West End and Botley Local Area Committee: Cllr Cathie Fraser (1) (no deputies)

Its terms of reference are set out in Appendix 2 of the Report.

The Forum met three times in 2011/12 and it is recommended that it be re-established for 2012/13 to continue its work on community development in the Major Development Area.

Cabinet are asked to put forward the names of **six Councillors** (including the Chairman).

OTHER CONSIDERATIONS:

5 SUSTAINABLE COMMUNITY STRATEGY & CHANGE PLANS (RELEVANCE TO):

When deciding which Cabinet and Informal Policy Groups to appoint, the Cabinet needs to ensure that these are supporting work towards the Council's agreed priorities.

6 RESOURCE IMPLICATIONS:

Cost associated with Member meetings.

7 BACKGROUND DOCUMENTS:

File held in the Democratic Services Division

8 APPENDICES:

Appendix 1 – West of Waterlooville Forum Terms of Reference

Appendix 2 – North Whiteley Development Forum

Appendix 3 – East Hampshire & Winchester Joint Environmental Services Committee Constitution

APPENDIX ONE

WEST OF WATERLOOVILLE FORUM - TERMS OF REFERENCE

The creation of a Major Development Area at West of Waterlooville offers challenges and opportunities.

The opportunities include:-

- A chance to form a vibrant, caring and sustainable community;
- The ability to house people who are in need of affordable, good quality housing;
- The opportunity for the three local authorities to work together in a model example of community leadership;
- Integration of the MDA with existing communities, in particular Waterlooville Town Centre, and the surrounding countryside

The challenges include:-

- Determining the types of community facilities (such as community centres, local shops, schools, and recreation facilities) which will be required to promote and engender a spirit of community amongst the new residents;
- Ensuring that the new community has the necessary facilities and infrastructure in place, at appropriate phases throughout the development;
- Dealing with the issues which arise out of the fact that the MDA is to be built across the districts of Winchester City and Havant Borough;
- Creating a sense of community amongst the residents of the MDA, who will be coming together for the first time, and whose primary common interest is a new home in the MDA;
- Learning from the experience of other MDA developments;
- To ensure better coordination of the aims, methods and work of the developers in a way that establishes and retains the confidence of the people already living or working in the area.

Many of these issues will be shaped by the two Local Planning Authorities, as part of the decision-making process to determine any planning applications which are submitted to progress the MDA. However, the issues will, in many cases, involve other functions of the various local authorities involved.

The principal purpose of the Forum is to assist these bodies in dealing with these challenges, and ensuring that these opportunities are achieved.

In order to do this, the Forum shall:-

- Discuss the issues which arise out of these opportunities and challenges;
- Advise the relevant decision-making authorities on these issues;
- Consider the infrastructure and facility requirements;
- Review progress reports on planning applications.

The Forum will meet in public and shall, so far as possible, seek to engage fully with the public. There may be occasions where there is a need to meet in private, due to matters of confidentiality and commercial sensitivity.

Constituent Authorities and membership

The Forum shall comprise representatives from:-

- Hampshire County Council (2 representatives)
- Havant Borough Council (4 representatives)
- Winchester City Council (6 representatives - including chairman of the Forum)

Method of Working and Voting Rights

All representatives are expected to use their best endeavours to reach conclusions by general consensus. Where any voting representative on the Forum requires a formal vote to be taken, this shall be on a show of hands by those voting representatives present and voting. [Only the representatives of Hampshire County Council, Havant Borough Council, and Winchester City Council will have the right to vote.]

Chairman

The Chairman of the Forum shall be appointed by Winchester City Council.

Quorum

The Forum will be quorate if five voting representatives are present.

Administration

Winchester City Council shall be responsible for administering the Forum, calling meetings, and recording proceedings.

Public Participation

Public participation will be permitted at the Chairman's discretion, in accordance with the Forum's adopted public participation procedure.

Public Participation Procedure

General

1. There will be a period of 10 minutes maximum at the beginning of each forum meeting when the Chairman will invite the public, including local interest groups, to raise any general matters of interest and/or matters relating to the work of the Forum. Detailed matters related to agenda items will not be accepted at this point, as there will be an opportunity for these comments to be heard later in the meeting (as set out above). As is the usual practice for general public participation, however, officers and Members may not be able to immediately respond at the meeting to points raised by the public where these relate to non-agenda items.

Consideration of Individual Agenda Items

2. After an officer has introduced an agenda item, the Chairman will invite public participation on matters relating to that agenda item. At this point, a period of ten minutes (subject to extension at the Chairman's discretion) will be allowed for public comments. During this period, members of the public, including local interest groups, will be able to object, support or ask questions directly relating to the agenda item and contents of the officer report.
3. An individual speaker will be limited to a maximum of three minutes per agenda item. Where a number of members of the public wish to speak, they will be encouraged to agree the allocation of the maximum ten minute period for public participation. The Committee Administrator will assist in this process before the start of the meeting. The Chairman will retain a general discretion to manage the public speaking process, and may limit individual speakers to less than three minutes, or take other steps necessary in order to maximise public participation in an appropriate way. The extension of the total 10 minutes limit allowed for the public to discuss an agenda item will be at the discretion of the Chairman.
4. There will be no further opportunity for the public to comment on an agenda item once the period of public participation has ended even if the prescribed period has not been reached. The subsequent discussion, consideration and decision on the matter is then passed to Forum Members.
5. Members and Officers will not provide an immediate response to public comments raised from the floor. All comments and queries will be noted and the Chairman will invite Officers and/or Members to respond to specific points during the round table debate and discussion amongst Forum members that follows.
6. Members of the public should wherever possible contact the Committee Administrator before the start of the meeting (preferably by telephone or email prior to the day of the meeting), so that as many people who wish to speak can be accommodated during the public participation sessions.

Non-Forum Members

7. Once the period of public participation has drawn to a close, there will be an opportunity for elected Members who are not on the Forum (e.g. Ward Members or relevant Portfolio Holders) to speak in advance of general discussion and debate amongst Forum members, at the Chairman's discretion. This may include any Councillors from Havant Borough Council, Winchester City Council or Hampshire County Council.

Forum Debate and Vote

8. The Chairman will subsequently invite questions and open the discussion and debate to all Members of the Forum and will invite officers and/or Members to respond to any public comments raised from the floor. Where appropriate, a vote will be taken to reach a formal recommendation on the agenda item.

APPENDIX 2**NORTH WHITELEY DEVELOPMENT FORUM TERMS OF REFERENCE**

The Forum is to act as an informal advisory body to discuss and engage with the public on the following issues, and advise the relevant authorities accordingly:-

- *Advise upon a vision for the development of the MDA at North Whiteley which will act as a template for the master planning process and subsequent planning applications and keep this under review.*
- *Provide a response to key issues and options arising during the course of planning for and delivering the extension to the community at Whiteley, with input from local authorities, community groups and development interests.*
- *Act as a sounding board where ideas, options and issues relating to the development can be considered before becoming part of the formal planning process.*
- *Develop for consideration by the relevant authorities a community development strategy for the MDA.*
- *Consider and advise upon the community infrastructure required to support and integrate the new and existing communities.*
- *Consider good practice from development elsewhere and consider key findings for inclusion in the master planning process.*
- *Consider and advise upon a strategy for the ownership and management of the social infrastructure and community assets.*
- *Review progress reports on the development of the masterplan and relevant planning applications.*

The membership of the Forum is:

- Winchester City Council (6 representatives - including chairman of the Forum)
- Hampshire County Council (2 representatives)
- Fareham Borough Council (1 representative plus deputy)
- Eastleigh Borough Council (1 representative)
- Whiteley Parish Council (1 representative plus deputy)
- Curdridge Parish Council (1 representative)
- Botley Parish Council (1 representative plus deputy)

Quorum

The Forum will be quorate if five voting representatives are present.

Method of Working and Voting Rights

All representatives are expected to use their best endeavours to reach conclusions by general consensus. Where any voting representative on the Forum requires a formal vote to be taken, this shall be on a show of hands by those voting representatives present and voting (the membership as set out above).

Administration

Winchester City Council's Democratic Services Team shall be responsible for administering the Forum, calling meetings, and recording proceedings.

Public Participation Procedure

General

9. There will be a period of 10 minutes maximum at the beginning of each forum meeting when the Chairman will invite the public, including local interest groups, to raise any general matters of interest and/or matters relating to the work of the Forum. Detailed matters related to agenda items will not be accepted at this point, as there will be an opportunity for these comments to be heard later in the meeting. As is the usual practice for general public participation, however, officers and Members may not be able to immediately respond at the meeting to points raised by the public where these relate to non-agenda items.

Consideration of Individual Agenda Items

10. After an officer has introduced an agenda item, the Chairman will invite public participation on matters relating to that agenda item. At this point, a period of up to ten minutes (subject to extension at the Chairman's discretion) will be allowed for public comments. During this period, members of the public, including local interest groups, will be able to object, support or ask questions directly relating to the agenda item and contents of the officer report.
11. An individual speaker will be limited to a maximum of three minutes per agenda item. Where a number of members of the public wish to speak, they will be encouraged to agree the allocation of the maximum ten minute period for public participation. The Democratic Services Officer will assist in this process before the start of the meeting. The Chairman will retain a general discretion to manage the public speaking process, and may limit individual speakers to less than three minutes, or take other steps necessary in order to maximise public participation in an appropriate way. The extension of the total 10 minutes limit allowed for the public to discuss an agenda item will be at the discretion of the Chairman.
12. There will be no further opportunity for the public to comment on an agenda item once the period of public participation has ended even if the prescribed period has not been reached. The subsequent discussion, consideration and decision on the matter is then passed to Forum Members.
13. Members and Officers will not provide an immediate response to public comments raised from the floor. All comments and queries will be noted and the Chairman will invite Officers and/or Members to respond to specific points during the round table debate and discussion amongst Forum members that follows.
14. Members of the public should wherever possible contact the Democratic Services Officer before the start of the meeting (preferably by telephone or email prior to the day of the meeting), so that as many people who wish to speak can be accommodated during the public participation sessions.

Forum Debate and Vote

15. The Chairman will subsequently invite questions and open the discussion and debate to all Members of the Forum and will invite officers and/or Members to respond to any public comments raised from the floor. Where appropriate, a vote will be taken to reach a formal recommendation on the agenda item.

Joint Environmental Services Committee – Constitution

This Constitution had been approved by East Hampshire District Council and Winchester City Council as the Constitution of the Joint Committee.

1. Definitions

In this Constitution, the following terms shall have the meanings ascribed to them:-

- | | | |
|------|------------------------------|--|
| 1.1. | “Administering Authority” | means the Authority selected to administer the joint procurement arrangements |
| 1.2. | “Authority” | means East Hampshire District Council and/or Winchester City Council. |
| 1.3. | “Cabinet” | means the Executive (within the meaning of Section 11 of the Local Government Act 2000). |
| 1.4. | “Contract” | means the contract to be let by the Administering Authority as part of the agreed joint procurement arrangements between the Authorities. |
| 1.5. | “Head of Democratic Services | means the officer within each Authority responsible for committee administration within that Authority. |
| 1.6. | “Joint Committee” | means the Joint Environmental Services Committee established under this Constitution. |
| 1.7. | “Legal Adviser” | means the officer nominated by the Administering Authority to provide legal advice to the Joint Committee |
| 1.8. | “Project Director” | means the officer nominated by the Administering Authority to oversee the joint procurement and the Contract. |
| 1.9. | “Secretary” | means the officer appointed by the Joint Committee in accordance with Clause 6.2 of these Terms of Reference to act as the secretary of the Joint Committee. |

2. Establishment of the Joint Committee

- 2.1. The Joint Committee shall be the “East Hampshire and Winchester Joint Environmental Services Committee”.
- 2.2. The Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of

Functions) Regulations 2000 by the Cabinets of East Hampshire District Council and Winchester City Council.

- 2.3. The area within which the Joint Committee is to exercise its authority is the area covered by the administrative districts of Winchester and East Hampshire.
- 2.4. This Constitution sets out how the Joint Committee will operate and how decisions are made.

3. Objectives

- 3.1. The purpose of the two Authorities in establishing the Joint Committee is to facilitate the efficient joint procurement of, and the subsequent operation and management of, a joint contract for waste and recycling collections, street cleaning, grounds maintenance and associated services facilities for the treatment and disposal of residual waste in pursuance of the waste collection, street cleaning and grounds maintenance functions of the two Authorities arising under the Environmental Protection Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Local Government Act 1972.

4. Membership and Appointment of the Joint Committee

- 4.1. The Joint Committee shall comprise four Members, being two Members from each Authority. Each appointing Authority shall, unless there are overriding reasons to the contrary, appoint to the Joint Committee the Leader and the member of the Cabinet of that Authority who has portfolio responsibility for waste functions within that Authority.
- 4.2. Each member of the Joint Committee shall be appointed for the term of office, or the balance of the term of office, of the Executive of the appointing Authority.
- 4.3. Each Authority may appoint another named person to act as a Deputy for either of their appointed Members of the Joint Committee. Where the appointed Member is unable to attend a meeting of the Joint Committee, their Deputy may attend and carry out their responsibilities, including voting in their absence.
- 4.4. The appointment of members of the Joint Committee to fill any vacancy for such members shall be made by the Cabinet of each Authority:
 - 4.4.1. as soon as practicable following the adoption of this Constitution by the Cabinet of that Authority;
 - 4.4.2. as soon as practicable after the election of the Cabinet of that Authority in accordance with that Authority's Constitution; and
 - 4.4.3. as soon as practicable after a vacancy arises in respect of a seat on the Joint Committee to which the Executive of that Authority has the power to make an appointment.
- 4.5. A member of the Joint Committee shall cease to be a member of the Joint Committee, and a vacancy shall automatically arise, where:

- 4.5.1. The member ceases to be, or is suspended under Part III of the Local Government Act 2000 from acting as:
 - (a) a member of an appointing Authority, or
 - (b) a member of the Executive of the appointing Authority;
- 4.5.2. The member is removed from membership of the Joint Committee by notification in writing from the Head of Democratic Services of the appointing Authority to the Secretary of the Joint Committee;
- 4.5.3. The member fails to attend all meetings of the Joint Committee within a period of six (6) months.
- 4.6. All appointments to membership of the Joint Committee shall be made by notification in writing from the Head of Democratic Services of the appointing Authority to the Secretary of the Joint Committee.
- 4.7. Upon being made aware of any member ceasing to be a member of the Joint Committee, the Secretary of the Joint Committee shall write to that member confirming that he/she has ceased to be a member of the Joint Committee, and notify the appointing Authority and the other members of the Joint Committee accordingly.

5. Chairman and Vice-Chairman of the Joint Committee

- 5.1. At the first meeting of the Joint Committee after the 1st May in any year, the Joint Committee shall elect a Chairman of the Joint Committee and a Vice Chairman of the Joint Committee for the following year from among the members of the Joint Committee.
- 5.2. Where a member of one appointing Authority is elected as the Chairman of the Joint Committee, the Vice Chairman of the Joint Committee shall be elected from among the members of the Joint Committee who are members of the other appointing Authorities.
- 5.3. The Chairman and Vice Chairman of the Joint Committee shall each hold office until:
 - 5.3.1. A new Chairman or Vice Chairman of the Joint Committee is elected in accordance with Paragraph 5.1 above,
 - 5.3.2. He/she ceases to be a member of the Joint Committee, or
 - 5.3.3. He/she resigns from the office of Chairman or Vice Chairman by notification in writing to the Secretary of the Joint Committee.
- 5.4. Where a casual vacancy arises in the office of Chairman or Vice Chairman of the Joint Committee, the 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.

- 5.5. Where, at any meeting or part of a meeting of the Joint Committee, both the Chairman and Vice Chairman of the Joint Committee are either absent or unable to act as Chairman or Vice Chairman, the Joint Committee shall elect one of the members of the Joint Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

6. Secretary of the Joint Committee

- 6.1. The Joint Committee shall be supported by the Secretary of the Joint Committee.
- 6.2. The Secretary of the Joint Committee shall be an officer of one of the appointing Authorities, appointed by the Joint Committee for this purpose.
- 6.3. The functions of the Secretary of the Joint Committee shall be:
- To maintain a record of membership of the Joint Committee;
 - To notify the proper officers of each appointing Authority of any anticipated “key decisions” to be taken by the Joint Committee, to enable such “key decisions” to be included in Forward Plans of each appointing Authority;
 - To carry out such notification to and consultation with members of any appointing Authority as may be necessary to enable the Joint Committee to take urgent “key decisions” which have not been included in the Forward Plans of the appointing Authorities;
 - To summon meetings of the Joint Committee in accordance with Paragraph 7 below;
 - To prepare and send out the agenda for meetings of the Joint Committee in consultation with the Chairman and the Vice Chairman of the Committee and the Project Director;
 - To keep a record of the proceedings of the Joint Committee;
 - To take such administrative action as may be necessary to give effect to decisions of the Joint Committee;
 - Such other functions as may be determined by the Joint Committee.

7. Convening of Meetings of the Joint Committee

- 7.1. Meetings of the Joint Committee shall be held at such times, dates and places as may be notified to the members of the Joint Committee by the Secretary of the Joint Committee, being such time, place and location as:
- 7.1.1. the Joint Committee shall from time to time resolve; or
- 7.1.2. the Chairman of the Joint Committee, or if he/she is unable to act, the Vice Chairman of the Joint Committee, shall notify to the Secretary of the Joint Committee, or

7.1.3. the Secretary of the Joint Committee, in consultation where practicable with the Chairman and Vice Chairman of the Joint Committee, shall determine in response to receipt of a request in writing addressed to the Secretary of the Joint Committee:

- (a) from and signed by two members of the Joint Committee, or
- (b) from the Chief Executive of any of the appointing Authorities.

which request sets out an urgent item of business within the functions of the Joint Committee.

7.2. The Secretary of the Joint Committee shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable:

7.2.1. The Chairman of the Joint Committee;

7.2.2. The Vice Chairman of the Joint Committee;

7.2.3. The Project Director.

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

- (a) The Chief Executive of any of the appointing Authorities;
- (b) the Chief Finance Officer to any of the appointing Authorities;
- (c) the Monitoring Officer to any of the appointing Authorities;
- (d) the Legal Adviser to the Joint Committee;
- (e) the Project Director;
- (f) any two members of the Joint Committee in accordance with Paragraph 9.1.3 below.

8. Procedure at Meetings of the Joint Committee

8.1. The Joint Committee shall, unless the member of the Joint Committee presiding at a meeting or the Joint Committee determines otherwise, conduct its business in accordance with the Executive Decision-Making Procedure Rules of East Hampshire District Council, except in so far as may be specified to the contrary in this Constitution.

8.2. The Chairman of the 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 any meeting of the Joint Committee.

8.3. Subject to Clause 8.5, questions shall be decided by a majority of the votes of the members present and voting.

8.4. The chairman shall not have a second or casting vote.

- 8.5. Where a relevant matter has been voted on, and immediately following the declaration of the result of a vote, at least one Member indicates a wish to invoke this provision, the decision shall not take immediate effect, but shall be adjourned for further consideration at a subsequent meeting of the Joint Committee and if at that subsequent meeting the Joint Committee shall on that question again be unable to reach a binding decision, the question may be referred for determination by the Councils.
- 8.6. Where the effect of a particular proposition, if adopted by the Joint Committee, would be to give rise to contractual or financial implications for any Authority, then in addition to the normal requirement for a simple majority of votes, the vote of both of the Members appointed by that Authority, in favour of the proposition, shall be required. Where a particular proposition does not obtain such support, the proposition cannot be adopted by the Board.

9. Powers Delegated to the Joint Committee

- 9.1. The Cabinets of each of the appointing Authorities has delegated to Joint Committee all executive functions and powers of that Authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the functions of the Joint Committee except as specified below.
- 9.2. The following functions are reserved to the appointing Authorities and shall not be within the powers of the Joint Committee:
- 9.2.1. All non-executive functions of any of the appointing Authorities;
- 9.2.2. Any decision which is contrary to or not wholly in accordance with the Budget approved by each appointing Authority for the Joint Committee, or is contrary to an approved policy or strategy of any of the appointing Authorities PROVIDED THAT decisions on the following policy harmonisation issues may be taken by the Joint Committee:-

Refuse

- a) Hard to Reach Properties
- b) Bin Colour
- c) Dwellings housing larger families
- d) Bulky Waste/replacement bin charges
- e) Side waste
- f) Bank Holiday working

Street Cleaning

- g) Nature of Highway Cleaning Specification (Input/Output)
- h) Parish Council service level agreements
- i) Response times for flytipping
- j) Trunk Road Cleaning

Grounds Maintenance

- k) Frequency of Grass Cutting

- 9.2.3. Any decision in respect of which the Chief Executive of any of the appointing Authorities has notified the Secretary of the Joint Committee in writing of the Authority's formal objection to the proposed decision.
- 9.2.4. Approval of the selection and evaluation criteria to select tenderers and award the Contract;
- 9.2.5. Approval or amendment of any Inter Authority Agreement between the appointing Authorities in respect of the discharge of the appointing Authorities' waste collection functions

10. Attendance at Meetings of the Joint Committee

- 10.1. Notwithstanding that a meeting or part of a meeting of the Joint Committee is not open to the press and public the officers specified in Paragraph 10.2 below of each of the appointing Authorities shall be entitled to attend all, and all parts, of such meetings, unless the particular officer has a conflict of interest as a result of a personal interest in the matter under consideration.
- 10.2. The following are the officers who shall have a right of attendance in accordance with Paragraph 10.1:
 - 9.2.1 the Chief Executive of any of the appointing Authorities;
 - 9.2.2 the Chief Finance Officer to any of the appointing Authorities;
 - 9.2.3 the Monitoring Officer to any of the appointing Authorities;
 - 9.2.4 any person appointed by the Joint Committee to manage the procurement of the Contract or manage the Contract;
 - 9.2.5 the senior technical officer of each Authority with responsibility for waste collection functions
 - 9.2.6 the Secretary of the Joint Committee

11. Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules

- 11.1. The Joint Committee shall operate under the Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules of East Hampshire District Council.

12. Amendment of this Constitution

- 12.1. This constitution can only be amended by resolution of all appointing Authorities.