

## PLYMOUTH CITY COUNCIL

**Subject:** A Joint Committee for the Heart of the South West  
**Committee:** Full Council  
**Date:** 20 November 2017  
**Cabinet Member:** Councillor Bowyer  
**CMT Member:** Tracey Lee, Chief Executive  
**Author:** Alison Ward, Regional Partnerships Manager  
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**Key Decision:** N/A  
**Part:** I

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### **Purpose of the report:**

This report follows on from the decisions made by the Council on 20 March 2017, namely that the Council:

1. Notes progress towards the Heart of the South West Combined Authority / Devolution deal proposals;
2. Approves the proposals for the Heart of the South West Productivity Plan preparation and consultation;
3. Agrees 'in principle' to the establishment of a Heart of the South West Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in this report;
4. Agrees that the 'in principle' decision at (3) above is subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to approve:
  - a. the establishment of the Joint Committee;
  - b. a constitutional 'Arrangements' document;
  - c. an 'Inter-Authority Agreement' setting out the support arrangements;
  - d. the appointment of representatives to the Joint Committee;
  - e. the appointment of an Administering Authority.

This report seeks final approval for the establishment of the Heart of the South West Joint Committee, as referred to in item 4 above. The timing of the final decision and therefore the establishment of the Joint Committee was delayed primarily due to the national election called in June, and the prospect of further clarification regarding the mechanism and requirements for areas to negotiate devolution deals. It was hoped that Government would be able to issue guidance that would help the HotSW area determine how best to approach negotiating devolved powers and funding.

Following the election there has not been clarification of the Government's policy on devolution, however a meeting with the Minister in September was very positive and we have been encouraged to meet with civil servants to progress our proposals.

This establishment of the Joint Committee in 2018 will coincide with the publication and adoption of the HotSW Productivity Strategy. Owning and overseeing the delivery of this Strategy will be the primary role of the new Joint Committee, working together with the Local Enterprise Partnership.

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### **The Corporate Plan 2016-19**

The draft Productivity Strategy sets out the long term aspirations for the whole of the Heart of the South West. Plymouth's priorities are reflected in that in terms of the sector strengths of marine, advanced engineering and nuclear expertise, and in the identification of the shared challenges of connectivity and skills.

Plymouth has taken a lead role in managing the Devolution programme to date which includes supporting and developing both the partnership and the Productivity Strategy. As the largest city in the HotSW area it is appropriate that Plymouth has a prominent role in raising the profile of the Heart of the South West with Government to enable the area to compete regionally and nationally.

The Productivity Strategy will build on, and work through the existing collaborative arrangements, including the joint working with South Hams and West Devon on spatial planning, and on growth ambitions with Torbay and Exeter on the growth corridor proposal. The Joint Committee will operate on the basis of subsidiarity, ensuring that decisions and delivery are undertaken at the most appropriate level, and therefore will support the City's growth plans.

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### **Implications for Medium Term Financial Strategy and Resource Implications: Including finance, human, IT and land:**

#### **1. Financial Implications**

The costs associated with the early work on the Productivity Strategy largely relate to officer time which is being provided 'in kind' by the authorities and partners. The LEP has covered some direct costs through commissioned work that has contributed to the development of the Strategy.

The establishment of the Joint Committee provides a low cost option compared to a Combined Authority model of governance. As part of the Inter-Authority Agreement the Constituent Authorities will continue to provide in-kind support although this will be reviewed by the Administering Authority to ensure that the levels of support are appropriate, sustainable into the future, and acceptable to the authorities providing the support. A shared funding model was agreed by the partnership, meeting as a shadow Joint Committee, in September 2017. This model forms part of this report and would require a contribution of £4,000 from the Council into the pooled budget to cover costs for the first year of operation.

In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its work programme. The initial contribution of £4,000 makes provision to fund some early work. Any subsequent contributions required would need to be further agreed by the Council, once the Joint Committee has developed its work programme and delivery plan.

#### **2. Legal Implications**

Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Arrangements and Inter-Authority documents set out as Appendices A and B. The documentation also aligns to the LEP's Assurance Framework.

The Council will need to amend the Constitution to reflect the existence of the Joint Committee. The recommendation is that this is delegated to the Monitoring Officer in conjunction with the Constitutional Review Group.

### **3. HR Implications**

None

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## **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

### **1. Other Implications (including due regard implications)**

None identified at this stage, however the whole population within the local authority could potentially be affected by the Productivity Strategy. This far reaching Strategy sets out a long term vision to drive economic growth and promote whole-system public service reform of areas such as careers advice, employment support, and skills and training.

### **2. Risk Implications**

The creation of a Joint Committee will place a formal governance structure around the preparation and implementation of the Productivity Strategy. The Strategy will be used as a tool to attract a greater share of Government funding around the Industrial Strategy to mitigate the risk of the Heart of the South West being left behind other areas of the country.

Without a Productivity Strategy and Joint Committee in place, the Council and its partners will be at a disadvantage in negotiating and lobbying Government on a range of policy initiatives including the growth agenda, and could miss out on potential funding streams. The Productivity Strategy will replace the Strategic Economic Plan developed by the LEP. This document has been used as the basis for many successful funding bids to Government including Growth Deal money. It is therefore crucial that the Productivity Strategy is able to perform the same role in the future.

The individual financial risk to Constituent Authorities of establishing the Joint Committee is limited to their financial contributions to the running and operational costs of the Joint Committee. The risk is shared between all of the Constituent Authorities. All other decisions regarding finance will need to come back through the Constituent Authorities.

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## **Equality and Diversity:**

The Inter-Authority Agreement requires all Constituent Authorities to support, promote and discharge its duties under the Equality Act through the work of the Joint Committee. The Partnership is developing an Equality Impact Needs Assessment for the Productivity Strategy. The Joint Committee will consider this assessment alongside the Productivity Strategy before adoption.

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## **Recommendations and Reasons for recommended action:**

That Council:

- a) Approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
- b) Approve the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22<sup>nd</sup> January 2018;
- d) Appoint the Leader and deputy Leader as the Council's named representative, and substitute named representative on the Joint Committee;

- c) Appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
- e) Approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
- f) Approve an initial contribution of £4,000 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
- g) Agree that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval in 2018);
- h) Authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy;
- i) Agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14.
- j) Delegate to the Monitoring Officer, in conjunction with the Constitutional Review Group, to undertake the necessary amendments to the Council's Constitution.

### **Reasons**

Working together will deliver better results if we are to help our businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across the Heart of the South West we will strengthen the area's voice to Government, and step up the actions we can take locally, working together to improve productivity.

The Productivity Strategy will replace the Local Enterprise Partnership's Strategic Economic Plan. It will be the key strategic document for the partners to engage with Government and each other, on a range of investment opportunities and powers emerging from the Industrial Strategy, Brexit and other policy opportunities.

The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of individual authorities and sub-regional arrangements to deliver their aspirations. It will also provide an overarching structure for collaboration on improving productivity across the HotSW area.

Through the Joint Committee, the partners can test and improve their ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It will also provide a mechanism to further strengthen democratic input and influence with the LEP, and align more effectively with the LEP's new model of governance and accountability.

Without a Joint Committee in place, the HotSW area will continue to struggle to position itself to be able to take advantage of Government policy initiatives and new funding opportunities compared to those areas that have, or are in the process of establishing formal strategic partnerships.

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### **Alternative options considered and rejected**

There are two alternative options that Members might consider:

Option 1 – Do nothing and continue with the informal partnership arrangements. As set out above, the feedback from Government is that they prefer to work 'at scale' and are looking more favourably at areas that have a unity of vision and purpose, with formalised structures. The current partnership is voluntary and informal and doesn't conform to any recognised governance structure.

Option 2 – move to a Combined Authority. The Partnership needs to review the option of establishing a Combined Authority at some point following the indication from the Minister that there will be no requirement to have an elected mayor in order to pursue our ambitions. Establishing a Combined Authority requires a substantial lead-in time to allow for the Parliamentary approval process and would inevitably require the creation of a shadow Combined Authority to test and confirm the concept. The potential benefits of moving to a Combined Authority model will have to be judged against the implications of doing so, including the cost implications. The Joint Committee has the benefit of allowing the Partnership to move relatively quickly to establish a Combined Authority if that is the wish of the Constituent Authorities.

**Published work / information:**  
**Heart of the South West Draft Productivity Strategy**  
[Stepping up to the Challenge](#)

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Background, Appendices A and B										

**Sign off:**

Fin	PL 1718. 123	Leg	DVS/ 29306	Mon Off	DVS/ 29306	HR	n/a	Assets	n/a	IT	n/a	Strat Proc	n/a
Originating SMT Member: Giles Perritt													
Has the Cabinet Member(s) agreed the content of the report?													

## Background

### 1. Summary

- 1.1 Since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups have worked in partnership to progress towards securing a devolution deal for the HotSW area, focusing on delivering improved productivity. Since that time the partnership has continued to progress its objectives in spite of policy shifts at a national level.
- 1.2 On 20 March 2017, Plymouth City Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. These documents form the appendices to this report.
- 1.3 Since then, the General Election has further shifted the national policy position. On the 13 September representatives from the HotSW area (from the Somerset, Devon, Plymouth and Torbay upper tier authorities) met Jake Berry MP, Minister for devolution to clarify the position of the Government and the HotSW Partnership on the devolution issue. The meeting was very positive and although no formal agreements were reached at the meeting, the partnership's representatives were given a clear message that the Government would welcome proposals from the partnership identifying areas where partners can work together with Government. Importantly the Minister indicated that there would be no requirement to have an elected mayor for the HotSW area as a pre-condition of any deal. This clarification removed a significant blockage to moving HotSW ambitions forward. The next step is for partners to agree what the key asks of Government should be.
- 1.4 There is now no doubt that the Government is keen to engage with larger areas that can demonstrate:
  - Unity, clarity of purpose, and a shared, ambitious vision built on local strengths
  - Strong relationships between businesses and the public sector, with robust governance arrangements that provide assurance, and the capacity to deliver
  - Compelling ideas that can help to deliver Government objectives
  - Clarity about the offer to Government in terms of financial efficiencies

The Joint Committee will provide the ideal governance framework at this stage to take forward this dialogue with Government.

- 1.5 The key role of the HotSW Joint Committee will be to develop, agree and ensure the implementation of the Productivity Strategy. This can only be achieved by working in collaboration with the individual constituent authorities and the LEP. The Strategy sets out a common vision for increased prosperity through economic growth, informed by a local evidence base and engagement with local stakeholders. It also links to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective 'ask' of Government.

## 2. HotSW Joint Committee Proposal

- 2.1 The detail of the proposed functions of the Joint Committee and how it will operate are set

out in appendix A, the Arrangements document. Appendix B, the Inter-Authority Agreement, provides further detail on how the Joint Committee will be supported and sets out the obligations of the Council if it agrees to become a constituent member.

- 2.2 The documents detail the Administering Authority functions in support of the operation of the Committee, including the provision of financial, legal, constitutional and administrative support to the Committee.
- 2.3 At this stage the Arrangements and Inter-Authority documents have been 'scaled' to fit the functions of the Joint Committee and the limited liabilities that each authority faces in signing up to be a Constituent Authority. In the event that the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement will be revisited to ensure that they remain fit for purpose and proportionate. Any changes to functions and responsibilities would require the approval of the Constituent Authorities.
- 2.4 The Joint Committee has a much more limited role than a Combined Authority. It does not have the statutory or legal status of a Combined Authority and cannot deliver the full range of benefits that a Combined Authority can, but it does have the potential to provide cohesive, coherent leadership and a formal governance structure. Its role will focus on collaboration, negotiation and influencing with full decision making responsibilities limited to developing and agreeing the Productivity Strategy. The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and any local sub-regional arrangements, with decisions to deliver the Productivity Strategy and any other decisions necessary as a result of the other functions of the Joint Committee being taken at the most local and appropriate level.
- 2.5 The aim of the Joint Committee, working seamlessly with the LEP and through the delivery of the Productivity Strategy will be to:
  - Improve the economic prosperity of the HotSW area by bringing together the public, private and education sectors;
  - Work together to realise opportunities and mitigate impacts resulting from Brexit;
  - Increase understanding of the local economy and what needs to be implemented locally to improve prosperity for all;
  - Ensure the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations, and improve the efficiency and productivity of the public sector.

The work will be supported by a Joint Committee budget based on an agreed work programme.

- 2.6 The creation of a single strategic public sector partnership covering the HotSW area will improve and promote collaborative working, helping us to remove barriers, providing a formal structure to engage with Government at a strategic level on major areas of policy. It also creates a structure for HotSW to engage with neighbouring councils, Combined Authorities and other LEPs regarding South West peninsula priorities and issues. Furthermore it enables us to move swiftly towards a Combined Authority model in the future if the conditions are deemed acceptable to the Constituent Authorities.

- 2.7 The Joint Committee will also provide a formal mechanism for all of the Constituent Authorities to engage more effectively with the HotSW LEP. The LEP, which will sit alongside the Joint Committee, has recently adopted new governance requirements to ensure greater transparency and accountability and wishes to further improve its democratic accountability in discussion with HotSW partners. The Joint Committee will provide a formal structure to take these discussions forward and for the Constituent Authorities to have greater engagement over the activities of the LEP on common agendas.
- 2.8 Although the Joint Committee is a cost-effective formal structure, some provision needs to be made to meet the support costs of what will be a fully constituted local authority joint committee. It was agreed by the leaders and chief executives, meeting as the shadow Joint Committee in September 2017, that Somerset County Council (who have provided the lead for the governance workstream of the devolution project over the last two years) initially takes on the support role as the Administering Authority, providing financial, legal and democratic expertise to the Joint Committee from its establishment on 22nd January 2018. The support role will be rotated around the partnership for two year terms.
- 2.9 Some of the original pooled devolution budget created from contributions from all Authorities and the LEP in 2015 remains. It is recommended that the remaining funds from this budget, approximately £42,000 (which Plymouth City Council has administered to date), are transferred to the Administering Authority to support the costs of the Joint Committee for the remainder of 2017/18 financial year and for some of 2018/19.
- 2.10 In addition, the Joint Committee will need a budget to undertake its work programme in order to oversee the implementation of the Productivity Strategy. The overall budget required to support the Joint Committee and enable it to undertake its work programme will be dependent, to an extent, on the level of 'in-kind' officer resources provided to the Committee by the constituent authorities. The Administering Authority will review the in-kind support which has been provided over the last two years, in consultation with the Constituent Authorities, and will present revised budget figures to the Joint Committee for consideration and recommendation to the Constituent Authorities. The budget figures set out in this report in paragraph 2.11 are therefore provisional at this stage. The initial Joint Committee work programme is set out in section 3 below, for approval and further development by the Joint Committee once established.
- 2.11 An initial estimate for the operating costs of the Joint Committee is £89,000 for 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. This estimate is made up of the following:
- £40,000 for the Administering Authority to undertake its duties. This is seen as a minimum cost and assumes that 'in-kind' officer resource remains in place at the same level; the Joint Committee meeting venues are provided by partners as 'in-kind' contribution
  - £25,000 (estimate) for early work the Joint Committee might decide to commission to inform the delivery of the Productivity Strategy
  - £24,000 for the Brexit Resilience and Opportunities Group Secretariat.
- 2.12 The shadow Joint Committee at their meeting in September 2017 agreed the budget should be met by contributions from the Constituent Authorities, excluding the LEP and the CCGs as they are non-voting partners. As stated above it is estimated there will be a funding carry forward of £42,000 from the original 2015 devolution budget. This would leave a shortfall of



£47,000 to meet the total estimated budget requirement of the Joint Committee in 2018/19. Using the formula of contributions agreed in 2015 to support the devolution work, the contribution requested from each Constituent Authority for 2018/19 is set out below. This assumes that all authorities agree to become members of the Joint Committee and would have to be recalculated should fewer than 19 Authorities become Members.

- County Councils - £10,500
- Unitary Councils - £4,000
- District Councils and National Parks £1,400

2.13 Under this formula it is recommended Plymouth City Council would contribute £4,000 for 2018/19 as a Constituent Authority. Any expenditure against this budget would be subject to the formal approval of the Administering Authority.

2.14 In terms of the proposed meeting arrangements for the Joint Committee, it is recommended:

- (a) That the Joint Committee should meet shortly after the LEP Board meetings to assist with engagement and co-operation between the bodies, and to allow co-ordination of the respective elements of work programmes.
- (b) That the following dates are reserved for meetings of the Joint Committee in 2018:
  - Friday 26<sup>th</sup> January
  - Friday 23<sup>rd</sup> March
  - Friday 25<sup>th</sup> May
  - Friday 20<sup>th</sup> July
  - Friday 28<sup>th</sup> September
  - Friday 30<sup>th</sup> November
- (c) That the Joint Committee meetings should start at 10am with the venues rotated throughout the HotSW area. The assumption will be that the host authority for that meeting will provide appropriate accommodation and facilities 'in kind'.

### **3. HotSW Productivity Plan and the Joint Committee Work Programme**

- 3.1 The Partnership has, since its inception, been focused on working together to tackle low productivity as this is seen as the key to future economic growth. The academic research undertaken for the HotSW Green Paper on Productivity - <http://www.torbay.gov.uk/council/how-the-council-works/devolution/productivity-plan-green-paper/> highlighted that whilst the HotSW area enjoys one of the highest employment rates in the country, too many of those jobs are part-time and low paid. This means that our area has one of the lowest productivity rates in the country and this is a major barrier to future prosperity.
- 3.2 The Partnership has continued to lobby Government to work more closely with our area in order to make good on its promise to spread economic growth across the country, and we now need to build on the recent meeting with the Minister and his commitment to work with us. This work is urgently needed to ensure that areas such as the Heart of the South West don't get left behind as Government focuses investment in areas where there are already longstanding, strong, cross boundary strategic arrangements such as the six Mayoral Combined Authorities.

3.3 The draft Productivity Strategy is currently out for consultation, with a series of sub-regional events and an online questionnaire available (<http://www.torbay.gov.uk/devolution>). The deadline for responses is 30 November 2017.

3.4 In summary, the Strategy sets out a vision to improve productivity and deliver prosperity across the entire HotSW area, and to do so in an inclusive way. It proposes building on existing strengths such as aerospace, advanced manufacturing, data analytics, nuclear energy, marine and agri-tech, as well as exploiting new opportunities and releasing untapped potential.

The Strategy is built around three key objectives:

- Developing **leadership and knowledge** within businesses in our area;
- Strengthening the **connectivity and infrastructure** our businesses and people rely on; and
- Developing the ability of people in our area to **work and learn** in a rapidly changing economy.

3.5 The first task of the Joint Committee on establishment will be to approve the Productivity Strategy and together with the LEP to oversee the development of a delivery programme including:

- Developing and agreeing a Delivery Plan and Investment Framework, to implement the Productivity Strategy
- Identifying opportunities to attract investment for infrastructure, in line with the Productivity Strategy aims
- Identifying ways to improve the delivery of skills and training
- Identifying ways to strengthen the leadership and knowledge of businesses

#### 4. **Consultation, communication and engagement**

4.1 Members, partners and the public have been kept informed of developments of the HotSW partnership and the development of the Productivity Strategy through press releases, newsletters, presentations, workshops and publications. This information flow will be maintained by the Joint Committee. In addition, all of the Authorities within the Partnership have taken formal decisions at various stages of consideration of devolution proposals and the proposed creation of the Joint Committee. Newsletters and the draft Productivity Strategy, 'Stepping up to the Challenge' are on the Plymouth City Council Members' area of the intranet: [here](#).

## APPENDIX A

### HEART OF THE SOUTH WEST (HOTSW) JOINT COMMITTEE – ARRANGEMENTS

#### I. Introduction:

- I.1 Legal status: The HotSW Joint Committee is a Joint Committee of the local authorities listed in 1.5 below that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the functions detailed in section 2 of this Agreement.
- I.2 Key purpose: The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.
- I.3 Aims and objectives: The aim is to provide a single strategic public sector partnership that covers the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:
- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
  - (b) Increase our understanding of the economy and what needs to be done to make it stronger;
  - (c) Improve the efficiency and productivity of the public sector;
  - (d) Identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy.
- I.4 Commencement: The Joint Committee will be established in accordance with the resolutions of the Constituent Authorities listed below in paragraph 1.5 with effect from the Commencement Date (22nd January 2018) and shall continue in existence unless and until dissolved by resolution of a majority of the Constituent Authorities.
- I.5 Membership: Each of the Constituent Authorities listed below shall appoint 1 member and 1 named substitute member to the Joint Committee on an annual basis. Each member shall have 1 vote including substitute members. For the Councils, the member appointed shall be that Council's Leader except in the case of Torrington District Council where the member appointed by the Council shall have authority to speak and vote on matters on behalf of the Council. Political balance rules do not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the National Park Authorities the member appointed shall have authority to speak and vote on matters on behalf of the Authority:
- Dartmoor National Park Authority
  - Devon County Council
  - East Devon District Council
  - Exeter City Council
  - Exmoor National Park Authority
  - Mendip District Council
  - Mid Devon District Council
  - North Devon Council

- Plymouth City Council
- Sedgemoor District Council
- Somerset County Council
- South Hams District Council
- South Somerset District Council
- Torbay Council
- Taunton Deane Borough Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council
- West Somerset Council.

1.6 In addition to the Constituent Authorities the partner organisations listed below shall each be invited to appoint 1 co-opted representative and 1 named substitute co-opted representative to the Joint Committee. Co-opted members shall not have voting rights:

- Heart of the South West Local Enterprise Partnership (the LEP)
- NHS Northern, Eastern and Weston Devon Clinical Commissioning Group
- NHS South Devon and Torbay Clinical Commissioning Group
- NHS Somerset Clinical Commissioning Group

1.7 The Joint Committee may co-opt further non-voting representatives from the private, public and/or voluntary sectors at any time.

1.8 Each appointed member / representative shall remain a member of the Joint Committee until removed or replaced by the appointing authority / organisation. Appointments to fill vacancies arising should be notified to the Joint Committee Secretary as soon as possible after the vacancy occurs.

1.9 Standing Orders / Rules of Procedure: Outside of the contents of this 'Arrangements' document, the Standing Orders and Rules of Procedure for the Joint Committee shall be those contained in the Constitution of the Administering Authority to the Joint Committee, subject, in the event of any conflict, to the provisions in the Arrangements document taking precedent.

1.10 Administering Authority: A Council shall be appointed by the Constituent Authorities as the Administering Authority for the Joint Committee and shall provide legal, democratic services, financial and communications support to the Committee. The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

## **2. Joint Committee Functions:**

2.1 The only delegated function of the Joint Committee relates to the approval of the HotSW Productivity Strategy. All other matters referred to in 2.3 are 'referred' matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities, but shall only be agreed if approved by all of the Constituent Authorities.

2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Strategy in collaboration with the LEP.
- (b) Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
- (c) Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
- (e) Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- (f) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

### **3. Funding**

3.1 The Constituent Authorities shall agree each year and in advance of the start of the financial year (except in the year of the establishment of the Joint Committee) a budget for the Joint Committee in accordance with a Budget and Cost Sharing Agreement to cover the administrative costs of the Joint Committee and costs incurred in carrying out its functions. All funds will be held and administered by the Administering Authority on behalf of the Constituent Authorities and spent in accordance with that Authority's financial regulations and policies.

3.2 In the Joint Committee's first year of operation, the budget will be approved by the constituent authorities on the recommendation of the Joint Committee as soon as possible after the establishment of the Joint Committee.

3.3 Joint Committee members' costs and expenses will be funded and administered by the respective Constituent Authority.

### **4. Review of the Joint Committee Arrangements**

- 4.1 The Joint Committee may at any time propose amendments to the Arrangements document which shall be subject to the approval of all of the Constituent Authorities.
- 4.2 Any Constituent Authority may propose to the Joint Committee amendments to the Arrangements. Such amendments shall only be implemented if agreed by all of the Constituent Authorities on the recommendation of the Joint Committee.

## **5. Members' Conduct**

- 5.1 All members of the Joint Committee shall observe the "Seven Principles of Public Life" (the 'Nolan' principles) and will be bound by their own authority's code of conduct in their work on the Joint Committee.
- 5.2 Joint Committee members / representatives shall be subject to the code of conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This includes the requirement to declare relevant interests at formal meetings of the Joint Committee.

## **6. Requirements of Joint Committee members**

- 6.1 Joint Committee members shall:
- (a) Act in the interests of the Joint Committee as a whole except where this would result in a breach of a statutory or other duty to their constituent authority or would be in breach of their Constituent Authority's Code of Conduct.
  - (b) Be committed to, and act as a champion for, the achievement of the Joint Committee's aims.
  - (c) Be an ambassador for the Joint Committee and its work.
  - (d) Attend Joint Committee meetings regularly, work with others to achieve consensus on items of business and make a positive contribution to the Committee's work.
  - (e) Act as an advocate for the Joint Committee in any dealings with their organisation including seeking any approvals from their Constituent Authority/partner organisation to Joint Committee recommendations.
  - (f) Adhere to the requirements of the 'Arrangements' document and maintain high ethical standards.

## **7. Appointment of Chairman and Vice-Chairman**

- 7.1 The Joint Committee shall elect a Chairman and Vice-Chairman from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote of Constituent Authority members. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

- 7.2 A vacancy occurring in the positions of Chairman or Vice-Chairman between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.
- 7.3 The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to 7.5 below, continue in office until a successor is appointed.
- 7.4 In the absence of the Chairman and the Vice-Chairman at a meeting, the voting members of the Committee present shall elect a Chairman for that meeting.
- 7.5 The Chairman or Vice-Chairman may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

## **8. Quorum**

The quorum for any meeting of the Joint Committee shall be 9 Constituent Authority members. The Chairman will adjourn the meeting if there is not a quorum present. In the absence of a quorum, the meeting shall be adjourned to a date, time and venue to be agreed by the Chairman.

## **9. Voting**

- 9.1 Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.
- 9.2 In exceptional circumstances where a formal vote is required, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands. The Chairman of the Joint Committee shall not have a casting vote in the event of a tied vote.

## **10 Decision making Arrangements**

- 10.1 Only the Joint Committee shall approve the Productivity Strategy.
- 10.2 The Joint Committee may at any time appoint working groups consisting of Joint Committee members and/or co-opted representatives / officers to consider specific matters and report back / make recommendations to the Joint Committee.

## **11 Formal Meeting Arrangements**

- 11.1 The Joint Committee will hold an Inaugural Meeting within 30 days of the agreed commencement date and thereafter shall meet on a regular basis as agreed by the Joint Committee annually at its Annual General Meeting.
- 11.2 The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Joint Committee following consultation with the Chief Executives' Advisory Group to consider a matter that falls within the Committee's remit but cannot be deferred to the next scheduled meeting, provided that at least ten clear working days' notice in writing is given to the Joint Committee membership.
- 11.3 Formal meetings of the Joint Committee shall normally be held in public, in accordance with

the Access to Information Rules and the Standing Orders / Rules of Procedure of the Administering Authority.

- 11.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

**12. Who can put items on the Joint Committee's agenda?**

- (a) The Joint Committee itself;
- (b) Any of the members of the Joint Committee appointed by the Constituent Authorities
- (c) A Constituent Authority by way of a formal resolution
- (d) The Chief Executives' Advisory Group
- (e) The Monitoring Officer and / or the Chief Finance Officer of the Administering Authority.

**13. Reporting Arrangements**

- 13.1 In addition to any ad hoc reports to the Constituent Authorities, the Joint Committee shall supply an annual report of its activities to the Constituent Authorities in May of each year.
- 13.2 The Joint Committee shall co-operate with the public scrutiny arrangements of the Constituent Authorities.

**14 Record of attendance**

- 14.1 All members present during the whole or part of a meeting are asked sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.



## **APPENDIX B**

### **HOTSW JOINT COMMITTEE INTER – AUTHORITY AGREEMENT**

#### **1. Commencement and Duration:**

- 1.1 This Agreement (and the obligation of the Constituent Authorities [CAs]) shall take effect on the agreed Commencement Date – Monday 22nd January 2018 - and shall continue until the Joint Committee (JC) is dissolved.

#### **2. Formation provisions:**

- 2.1 The CAs agree to form the JC from the agreed Commencement Date and to delegate / refer the functions specified to the JC from that date as set out in section 2.3 of the Arrangements document.
- 2.1 The JC shall operate in accordance with the Arrangements document and the Standing Orders and Rules of Procedure of the Administering Authority (AA).

#### **3. Administering Authority (AA) arrangements**

- 3.1 The AA shall be appointed by resolution of the CAs for a 24 month period (24 months is considered as appropriate to provide sufficient continuity but also to provide the option to rotate the role on a regular basis).
- 3.2 The AA shall provide:
- Financial, legal, constitutional and administrative support to the JC and its meetings
  - An on-line presence for the JC via the AA website with links to the CAs / partner organisations websites.
  - Ensure it has appropriate insurance arrangements in place to cover the AA role.
- 3.3 The AA may resign from the role by giving 6 months' notice to the CAs.
- 3.4 The AA may be removed and replaced by a majority vote of the CA members at a formal meeting of the JC.
- 3.5 The JC shall cease to exist in the event that no CA or organisation can be identified to undertake the AA role.

#### **4. JC Finance**

- 4.1 The JC's budgetary arrangements shall be detailed in a budget and cost sharing agreement agreed by all of the CAs annually on the recommendation of the JC and in advance of the financial year. The only exception to this will be in the JC's first year of operation when the JC shall recommend a budget and cost sharing agreement to the CAs for approval at the first opportunity following its establishment.
- 4.2 The budget and cost sharing agreement shall cover:

- (a) The responsibilities of the CAs for providing funding for the JC
- (b) The anticipated level of expenditure for the JC for the year ahead
- (c) The cost sharing mechanism to be applied to the CAs
- (d) Details of how the budget will be set and agreed each year
- (e) Who is to be responsible for maintaining financial records on behalf of the JC (the 'accountable body');
- (f) What financial records are to be maintained;
- (g) What financial reports are to be made, to whom and when;
- (h) What arrangements and responsibilities are to be made for:
  - auditing accounts;
  - insurance including ensuring all partners have sufficient cover;
- (i) How any financial assets held by the JC on behalf of the CAs will be redistributed to the CAs in the event of the dissolution of the JC or in the event of a CA formally withdrawing from the CA.

## **5. Roles and responsibilities of the CAs**

### **5.1 The CAs shall:**

- (a) Appoint Members and named substitutes to the JC in accordance with the 'Arrangements'.
- (b) Undertake to share the costs of the JC in accordance with the budget and cost sharing agreement and pay their contribution to the JC to the AA in good time.
- (c) Make appropriate arrangements for recommendations of the JC to be considered and decisions made by the CA.
- (d) Support the work of the JC by offering services, resources or other 'in kind' support to assist with JC projects and activities.
- (e) Within the terms of the Inter-Authority Agreement, agree to share information to support the work of the JC.

## **6. Chief Executives' Advisory Group**

### **6.1 The Group shall:**

- (a) Ensure that the JC fulfils its functions and responsibilities and in accordance with all legal and constitutional requirements.
- (b) Plan and co-ordinate the JC's activities to ensure the achievement of its aims and objectives
- (c) Consider the performance and effectiveness of the JC on an on-going basis and make recommendations for changes for consideration by the JC and CAs as necessary.
- (d) Ensure that professional advice is available and provided as necessary to the JC to enable it to carry out its functions.
- (e) Rigorously monitor and scrutinise the JC's budget.
- (f) Consider disputes between the CAs over the application or interpretation of this Agreement together with any potential breaches of this Agreement.

## **7. Withdrawal from / dissolution of the JC**

- 7.1 A CA wishing to withdraw from the JC shall give a minimum of 6 months' notice in writing to the other CA via the AA. The CAs shall co-operate with any such request.

- 7.2 If two or more CAs give notice of withdrawal from membership of the JC in the same Financial Year, the JC shall consider and make recommendations to the remaining CA as to the future operation of the JC and, if appropriate, recommend any necessary amendments required to the JC's functions and operating arrangements.
- 7.3 Where a majority of the CAs at any time agree (via formal resolutions) that the JC should be dissolved or terminated on a specified date then the JC shall cease to exist from that date.

## **8. Accounts, Audit and Reporting arrangements**

- 8.1 The AA's accounts and audit arrangements will apply to JC business.
- 8.2 The AA will ensure appropriate reporting arrangements are in place for the JC.

## **9. Review of Inter-Authority Agreement**

- 9.1 At any time one or more of the CAs may seek a review of this agreement and the operation of the JC by giving notice to the CAs via the AA.
- 9.2 The review shall be undertaken by the Chief Executives Advisory Group for report to the JC. Any recommendations for changes to the agreement from the JC shall only be implemented if agreed by all of the CAs.

## **10. Insurance, Indemnities, and Conduct of Claims**

- 10.1 The JC as a scrutiny and policy making group rather than a commissioning body undertakes administrative functions and therefore carries relatively little risk.
- 10.2 Each authority's insurance cover will automatically extend to provide protection for their members and officers participating in the work of the JC and in their capacity as officers or members of that authority.

## **11. Information Sharing, Data Protection, Confidentiality, Publicity and Freedom of Information (FOI) Requests**

- 11.1 The CA shall share information about their organisations where that information is relevant to the aims and objectives of the JC.
- 11.2 Where such information is confidential or privileged, for example for reasons of commercial, customer or client confidentiality, the CA concerned shall seek to provide the information in such a form as to assist the JC whilst maintaining confidentiality, for example by the use of statistical and other non-identifiable forms of data. If confidential information is provided by a constituent authority to assist the work of the JC, then each CA will respect that confidentiality and shall not use or disclose such information without the permission of the authority that provided the information.
- 11.3 In respect of FOI requests, the AA will ensure that the requirements of the FOI Act 2000 are met in respect of the activities of the JC. In particular the AA will consult the officers of the CA as necessary regarding any potentially contentious enquiries and will then respond to

them accordingly on behalf of the JC.

11.4 The JC and the CAs shall at all times abide by the requirements of the Data Protection Act.

11.5 A CA shall not make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of the work of the JC without obtaining the other CAs' prior approval as to the contents thereof and the manner of its presentation and publication.

## **12. Promoting Equality, Diversity and Social Inclusion**

12.1 All CAs will support and promote the principles of inclusiveness and equality for all through the work of the JC.

## **13. Extent of obligations and further assurance**

13.1 Nothing in this Agreement is to require any of the CA to act in any way that is inconsistent with its obligations or duties as a local authority.

## **14. Variations of the Agreement**

14.1 Subject to the express provisions of this Agreement, no variation of this Agreement will be valid or effective unless agreed by formal resolution of all of the CA.

## **15. Dispute Resolution / Breach of this Agreement**

15.1 In the event of a dispute arising from the interpretation and operation of this Agreement or a breach of this Agreement