

## **SECTION 10**

### **JOINT ARRANGEMENTS**

#### **1. Arrangements to promote well being**

- 1.1 The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may enter into arrangements or agreements with any person or body, co-operate with, or facilitate or co-ordinate the activities of, any person or body; and exercise on behalf of that person or body any functions of that person or body.

#### **2. Joint arrangements**

- 2.1 The Council may establish joint arrangements with one or more local authorities and/or their Scrutiny Committees to exercise functions which are not executive functions in any of the participating authorities, or advise the Council.

- 2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with those other local authorities.

- 2.3 The Cabinet may only appoint Cabinet members to a joint Committee unless:-

- 2.3.1 The Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area; or

- 2.3.2 The Joint Committee is between a County Council and a single District Council and relates to executive functions of the County Council. In such cases, the Cabinet of the County Council may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.

- 2.3.3 In both cases the political balance requirements do not apply to such appointments.

- 2.4 The Council may establish a Joint Overview and Scrutiny Committee where the subject of the Joint Committee relates to the attainment of any local improvement target set out in the Local Area Agreement or relates to a matter of health service variation that impacts upon the communities of the local authority concerned.

- 2.5 The Joint Committee will be constituted from elected representatives from the local authorities concerned. For a crime and disorder issue the Police Authority and Chief Officer of Police would be accountable to a crime and disorder committee rather than a Joint Committee.

- 2.6 Agreement to instigating or participating in an Overview and Scrutiny Joint Committee will be made through discussion with the relevant Scrutiny Chair and Vice Chair and the Director of Corporate Services. Where the investigation

relates to a Local Area Agreement target the Strategic Board will be notified in advance of the commencement of the Joint Committee.

### **3. Access to Information**

- 3.1 The Access to Information Rules in Section 13 of this Constitution apply.
- 3.2 If all the members of a Joint Committee are members of the Cabinet or Executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 3.3 If the Joint Committee contains members who are not on the Cabinet or Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **4. Delegation to and from other local authorities**

- 4.1 A Committee responsible for a non-executive function may delegate it to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Cabinet may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Cabinet or the Committee by which the functions in question would be exercised on behalf of the Council.

### **5. Current Joint Arrangements with Delegated Powers**

- 5.1 The County Council currently has the following joint arrangements in place which exercise delegated powers.

#### **5.2 *Staffordshire and Stoke-on-Trent Joint Archives Committee***

<b>Membership</b>	2 County Council (Members of the County Council's Cabinet) with substitutes 1 County Council Observer 1 Stoke on Trent City Council (Member of the City Council's Cabinet)
<b>Terms of Reference</b>	To deal with all matters pertaining to archives and archive services in the County and the City of Stoke-on-Trent.
<b>Delegated Powers</b>	To act within the Joint Committee's terms of reference.

#### **5.3 *Cannock Chase AONB Joint Committee***

<b>Membership</b>	1 County Council (Member of the County Council's Executive); 1 Cannock Chase District Council (Member of its Executive/Cabinet); 1 Lichfield District Council (Member of its Executive/Cabinet); 1 South Staffordshire District Council (Member of its Executive/Cabinet); 1 Stafford Borough Council (Member of its Executive/Cabinet)
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	Executive/Cabinet)  Each of the constituent authorities will appoint a substitute elected member, who is eligible to be a voting member, to attend meetings of the Joint Committee when the member is unable to attend
<b>Co-opted Advisers (Non-Voting)</b>	The Joint Committee shall invite additional partners to act as advisers in a non-voting capacity, to directly advise and influence.  The Joint Committee may invite, change or amend advisers as appropriate.  Suggested co-opted members:  Natural England; Forestry Commission; Forestry Enterprise; Friends of Cannock Chase; Historic England; Staffordshire Wildlife Trust; Private Landowners (NFU/CLA, Quarry operators); RSPB; National Trust; Parish Councils representative (2 seats); Local Access Forum and or Representative from recreational user groups; LEP and/or Destination Management Partnership; Business (tourism)
<b>Terms of Reference</b>	To act jointly for the purpose of exercising and discharging the functions and attaining and realising the objectives relating to the Cannock Chase Area of Outstanding Natural Beauty in accordance with the provisions of the Agreement entered into between the partnering authorities establishing the Joint Committees.
<b>Delegated Powers</b>	To act within the Joint Committee's terms of reference.

## 6. Previous Joint Arrangements – January 2016

6.1 As part of an interim update to the Constitution details of the following previous joint arrangements have been deleted.

- Wedgwood Memorial College Joint Management Committee
- Staffordshire Connects Joint Committee
- Joint Staffordshire Parking Board
- Joint Appointments Committee re: Staffordshire Police Authority
- Staffordshire Supporting People Commissioning Body Members' Board
- Joint Local Parking Committees (East Staffordshire, Lichfield, Newcastle-under-Lyme, South Staffordshire, Stafford and Staffordshire Moorlands Districts)

## 7. Statutory Joint Arrangements

7.1 The County Council participates in the following Joint Arrangements.

### 7.2 Police and Crime Panel

7.2.1 Established under the provisions of Section 28 of the Police Reform and Social Responsibility Act 2011. Constituted in accordance with Section 102 of the Local Government Act 1972.

7.2.2 Staffordshire County Council shall be the host authority for the Police and Crime Panel and shall be responsible for the associated administration.

**7.2.3 Membership**

There shall be 10 council members, together with 2 lay co-opted members. The Panel may appoint up to an additional 8 co-opted members. These may or may not be council members. The Panel will only exercise its powers to appoint additional co-opted members with the agreement of the 10 constituent local authorities, and the appointment of each additional co-optee must be approved by all 10 constituent local authorities to be effective.

Council members:

Councillors to be appointed as follows:

<b>Authority</b>	<b>Core members</b>
Staffordshire County Council	1
Stoke-on-Trent City Council	1
Cannock Chase District Council	1
East Staffs District Council	1
Lichfield District Council	1
Newcastle under Lyme Borough Council	1
Stafford Borough Council	1
Staffordshire Moorlands District Council	1
South Staffs District Council	1
Tamworth Borough Council	1
<b>TOTAL</b>	<b>10</b>

Appointments shall be made on an annual basis

The appointment of core council members shall be the responsibility of the individual Authority on the basis of political control of that Authority.

In the event of a council member resigning or otherwise ceasing to be eligible to serve on the Panel, the appointment of a replacement shall be the responsibility of the Authority concerned and will be taken from the same political group (or controlling group) as the member being replaced.

**7.2.4 Lay Co-opted members**

Appointments shall be made by the Panel for a 4 year term of office and shall be made on the basis of skills, knowledge and experience.

**7.2.5 Terms of Reference**

- a. To review and make a report or recommendation to the Police and Crime Commissioner on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- b. To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- c. To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments (ie Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by the Police and Crime Commissioner.
- d. To review and make a report to the Police and Crime Commissioner on the proposed appointment of the Chief Constable.
- e. To review and make a report and recommendation to the Police and Crime Commissioner (as necessary) on the proposed precept.
- f. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions, including holding the Chief Constable to account, setting the police precept and budget, appointing (and removing) the Chief Constable and publishing a Police and Crime Plan setting out the strategic policing objectives.
- g. To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- h. To support the effective exercise of the functions of the Police and Crime Commissioner.
- i. To ensure that, when formulating the Police and Crime Plan, the Police and Crime Commissioner gives due regard to the priorities of local Community Safety Partnerships and the residents they serve.
- j. To record and investigate complaints about the Police and Crime Commissioner or other office holders that relate to non-criminal behaviour (Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011)
- k. To appoint an Acting Police and Crime Commissioner if necessary.
- l. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

### **7.3 Health and Wellbeing Board**

7.3.1 Established under the provisions of the Health and Social Care Act 2012 as an executive body of the County Council

7.3.2 Staffordshire County Council shall be the host authority for the Health and Wellbeing Board and shall be responsible for the associated administration

#### **7.3.3 Membership**

- Cabinet Member for Adults' Wellbeing, Staffordshire County Council
- Cabinet Member for Children's Wellbeing, Staffordshire County Council
- Cabinet Member for Public Health and Community Safety, Staffordshire County Council
- District & Borough Council Representative (North)
- District & Borough Council Representative (South)
- Representative of North Staffordshire Clinical Commissioning Group
- Representative of South East Staffordshire and Seisdon Peninsula Clinical Commissioning Group
- Representative of East Staffordshire Clinical Commissioning Group
- Representative of Stafford and Surrounds Clinical Commissioning Group
- Representative of Cannock Chase Clinical Commissioning Group
- NHS Commissioning Board Local Area Team
- Chief Constable of Staffordshire Police
- Deputy Chief Executive and Director of People, Staffordshire County Council
- Director of Public Health Staffordshire
- A designated representative from HealthWatch

7.3.4 Additional membership will be considered by the Shadow Health and Wellbeing Board as appropriate. The overall size of the Board will, however, be kept at a level which is manageable and able to support efficient and effective decision-making.

7.3.5 The Board intends to ensure effective engagement and dialogue with wider stakeholders through the development of a Health and Wellbeing Provider Forum. The views of the Provider Forum will be fed back into the Board to inform its decision making.

7.3.6 The Health and Wellbeing Board has a set of core duties as laid out in the 2012 Health and Social Care Act, these are:

1. To jointly prepare and publish a Staffordshire Joint Strategic Needs Assessment, ensuring that it engages with and captures the voice of the community, and is used to inform collective and individual strategic decisions of the Board and the individual bodies that make up the Board.
2. To jointly agree and publish a Staffordshire Joint Health and Wellbeing Strategy (JHWS), setting out ambitious outcomes for improved health and wellbeing across Staffordshire.
3. To encourage health and care commissioners to work together and to co-ordinate commissioning decisions to advance the health and wellbeing of the people of Staffordshire.
4. To consider the partnership arrangements under the Section 75 of the 2006 NHS Act (such as joint commissioning and pooled budgets where appropriate).
5. To encourage integrated working.
6. To ensure patient and public voice is heard as part of the Health and Wellbeing Boards decision making, receiving and considering patient

and public feedback through the statutory board membership and regular reports of Staffordshire Health-watch.

7. To receive and consider the plans of the Clinical Commissioning Groups, NHS Commissioning Board LAT and Local Authority, providing assurance and endorsement that they have regard to the Staffordshire Joint Health and Wellbeing Strategy
8. A duty to work in partnership.
9. Increase local democratic legitimacy in the commissioning of health and care services.

In addition to the duties of the Board as set out in the Health and Social Care Act, the Staffordshire Health and Wellbeing Board has also agreed additional functions relevant to achieving outcomes for Staffordshire and the wider Staffordshire partnership environment:

10. To oversee the effective delivery of the Staffordshire strategic priority outcomes
11. To ensure continuous improvements in quality; encompassing dignity, safety and effectiveness.
12. To work with the Local Safeguarding Children and Adult Boards to ensure all partners promote the safety and welfare of children and young people and vulnerable adults.
13. To establish the basis of collaboration with Stoke City Health and Wellbeing Board
14. To represent the needs and issues for Staffordshire at local, regional, national and international level.
15. To monitor, review and evaluate progress and impact against the outcomes and actions agreed in the Staffordshire JHWS and ensure action is taken where appropriate to improve outcomes.
16. Evaluate performance against locally agreed priorities.
17. Evaluate performance against nationally set outcomes frameworks for the NHS, public health and social care.

#### 7.3.7 The Key principles upon which the Board will function are as follows:

- The Board will link closely with the Staffordshire Strategic Partnership (SSP) to ensure co-ordination around common priorities to the benefit of local communities.
- There will be sovereignty around decision making processes. Core members will be accountable through their own organisation's decision making processes for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference.
- Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations (provided that at least 10 days notice of forthcoming decisions

had been given). However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies.

- It is expected that decisions will be reached by consensus.
- From April 2013 the decisions and agendas for the Board will be publically available, except where exemption criteria apply, via the website. The Board will actively provide information to the public through publications, local media, wider public activities and an annual report.
- Core members have a responsibility to feed back to their respective organisations the deliberations and decisions of the Board as appropriate.
- The terms of reference will be reviewed annually in light of learning from the experience of Board members.

7.3.8 The Board may establish themed sub-groups from time to time comprising a range of stakeholders to ensure that these functions are undertaken effectively. These groups will be accountable to the Board for the delivery of their stated aims and outcomes within agreed timescales.

7.3.9 The Health and Wellbeing Board is an executive function of Staffordshire County Council. The Staffordshire Health Select Committee will be the key means of scrutiny of the Board's activity. This will generally involve an invitation to the Chair to attend relevant meetings of the Select Committee, linked to an agreed work programme

#### 7.3.10 **Board Leadership**

In terms of providing leadership and driving forward with pace the agenda for health and wellbeing in Staffordshire Board Members will need to be committed to:

- Placing the patient and public at the heart of decision making
- Provide strategic leadership based on evidence with a focus on areas where the Board can make the biggest difference
- Act with courage and conviction when making decisions that will have long term benefits to local communities
- Working in partnership to deliver impact
- Communicate effectively and consistently across Board Members and across stakeholders.

#### 7.3.11 **Chairing of Meetings**

The Health and Wellbeing Board has established the following arrangement for the Chairmanship of meetings:

- The Chairman of the Health and Wellbeing Board will be the County Council's Cabinet Member for Adults Wellbeing.
- The Co-Chair will be selected from the Clinical Commissioning Group representatives on the Board.



These positions do not attract an additional special responsibility allowance.

#### **7.3.12 Meeting Arrangements**

7.3.13 The Board will meet publically 6 times a year on an eight week cycle. Additional meetings of the Board may be convened with agreement of the Chairman/ Co Chair. Board Members will also be asked to attend development sessions as appropriate which will be specifically structured to provide time for reflection, development and training to ensure continued focus upon effective leadership and outcomes.

7.3.14 The Board will establish its own Forward Programme of activity which will be reviewed regularly to ensure it remains both strategic and timely. The Forward Plan will be considered at every meeting to facilitate discussion as to priority areas, new items and agenda timetabling. Any reports for a meeting of the Board should be submitted to the County Council's Member and Democratic Services team no later than eight working days in advance of the meeting. No business will be conducted that is not on the agenda.

7.3.15 Agendas and papers for Board meetings will be made publically available via the website (post April 2013) unless covered by exempt information procedures. Agendas and reports will be circulated and published seven days prior to the meeting.

#### **7.3.16 Quorum**

7.3.17 The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the GP commissioning consortia.

#### **7.3.18 Substitution Arrangements**

7.3.19 Each Core Member has the power to nominate a single named substitute. Should a substitute member be required, advance notice of not less than 2 working days should be given to the Council, via the Member and Democratic Services Team. The substitute member shall have the same powers and responsibilities as the Core Members including the ability to vote of matters before the Board.

#### **7.3.20 Voting**

7.3.21 All Core Members, and their named substitute, will have the right to vote on matters before the Board. A decision will be passed on the basis of a simple majority vote. In the event of a majority vote not being possible the Chairman shall have the casting vote.

#### **7.3.22 Expenses**

7.3.23 The partnership organisations are responsible for meeting the expenses of their own representatives.

7.3.24 **Conflicts of Interests**

7.3.25 The Localism Act 2011 sets out matters relating to the Code of Conduct and the Registration of Interests which will apply to Health and Wellbeing Board members (subject to the publication of regulations).

7.3.26 These require Board Members to abide by Code of Conduct based on the 7 Nolan principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). Under this code, Health and Wellbeing Board Members, and their substitutes are required to register defined 'Disclosable Pecuniary Interests' (DPIs) that they are aware of relating to both themselves and their partner. The Council is also required to publish the Register of Interests on its website as well as having it available for public inspection.

7.4 **Joint Health Scrutiny Committee (JHSC) for Staffordshire and Stoke-on-Trent – re: Consultation on future of Local Health Services in Northern Staffordshire**

7.4.1 Established in accordance Regulation 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

7.4.2 Constituted in accordance with Section 102 of the Local Government Act 1972

7.4.3 **Purpose**

7.4.4 To operate as a mandatory Committee solely for the purpose of considering and formally responding to formal consultation by the relevant NHS body or health service provider on The Future of Local Health Services in Northern Staffordshire.

7.4.5 **Membership**

7.4.6 18 members comprised:

Staffordshire County Council (9)	Stoke-on-Trent City Council (9)
Healthy Staffordshire Select Committee:  Chairman – J McMahon Vice-Chairman – P. Northcott Labour Member – C. Atkins C. Trowbridge J. Pert R. Ward  And representatives of the following District/Borough Councils with co-opted, full voting status:  Stafford BC Newcastle-under-Lyme BC Staffordshire Moorlands DC	Adults and Neighbourhood Scrutiny Committee (with responsibility for Health scrutiny matters):  Chairman – J. Bell Vice-Chairman – D Evans  7 members

- Appointments by each Authority shall reflect the political balance of that Authority.
- Changes in membership shall be at the behest of the relevant Authority provided the total number of seats allocated to each Authority does not exceed 9.
- Substitute members will not be permitted
- Co-opted members (with the exception of those formally appointed as core members to represent the Healthy Staffordshire Select Committee) will not be permitted

#### **7.4.7 Terms of Reference**

7.4.8 To operate as a Mandatory Committee to:-

1. Jointly respond to consultation by the relevant NHS body or health service provider on the Future of Local Health Services.
2. Jointly exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
3. Jointly exercise the power to require members or employees of the relevant NHS body or health service provider to attend before it to answer questions in connection with the consultation.
4. Make recommendations, as necessary, to Staffordshire County Council and Stoke-on-Trent City Council on any referral to the Secretary of State.

#### **7.4.9 Procedural Rules**

- a) The Joint Committee shall be in existence from the point at which the relevant NHS body or health service provider notifies the Joint Committee of the formal consultation timetable for the Future of Local Health Services consultation until the point at which a formal joint response is submitted and any subsequent dialogue on its contents completed.
- b) The Adults and Neighbourhoods Overview and Scrutiny Committee and the Healthy Staffordshire Select Committee will continue to operate as two separate scrutiny committees to scrutinise health and social care issues relevant to their respective areas and remits, including the referral of matters to the Secretary of State.
- c) No matter to be discussed by the Joint Health Scrutiny Committee shall be considered to be confidential or exempt without the agreement of both Authorities and subject to the requirements of Schedule 12A of the Local Government Act 1972.
- d) The quorum for the meeting shall be 8 members comprising 4 members from each authority (to include the Chairman or Vice-Chairman of that Authority).
- e) The relevant Cabinet member for each Authority may attend meetings as a witness in order to provide information but not to participate in questioning.
- f) Outside witnesses shall be invited to present information to the Joint Committee as and when deemed by members to be appropriate.

- g) Meeting venues shall alternate between the offices of Staffordshire County Council and Stoke-on-Trent City Council, with costs borne by the host Authority.
- h) Responsibility for chairing meetings will alternate between the Chairmen of the Healthy Staffordshire Select Committee and the Adults and Neighbourhood Scrutiny Committee. The chairman of the Host Authority's Committee to chair the Joint meeting.
- i) In the absence of the host Chairman, the order of appointment of substitute Chairman shall be:
  - 'Visiting' Chairman
  - Host Vice-Chairman
  - 'Visiting' Vice- Chairman

#### **7.4.10 Support Arrangements**

7.4.11 Responsibility for administrative support and clerking arrangements will alternate between the two authorities with associated home costs borne by the respective authorities. Support will include, but not restricted to, overall co-ordination, setting up and clerking meetings and underpinning policy support and administrative arrangements. Specific tasks include:

- Liaising with health colleagues ahead of the meeting
- Producing and issuing agendas
- Production of formal minutes
- Drafting and securing final approval to the formal response to the consultation. This will be responsibility of the host authority for the final meeting.