



Appendix E: Draft – Joint Committee Terms of Reference

Joint Commissioning Committee

The Joint Commissioning Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and xxxxx 2015 and the final shared services and confederation business case approved by both Councils on xxxxx and xxx 2015.

The Joint Commissioning Committee's remit is to have overall responsibility for the provision, to the adopting councils, of shared services arrangements both in respect of services the Councils have direct responsibility for and services provided to the Councils via the confederation company and its delivery units (if established).

Membership of the Joint Committee is 4 members (who should not be directors of the confederation or its delivery units (if established) from each of the councils, currently this is 4 from Cherwell District Council and 4 from South Northamptonshire Council and will be reviewed if another council was admitted to the shared working programme and confederation (if established). Political balance will apply to the appointment of members by each of the Councils.

The quorum for the committee is four voting members of which at least two must be from Cherwell District Council and two from South Northamptonshire Council.

Functions

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils (including those shared services provided via the confederation company and its delivery units if established).
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils (including those shared services provided via the confederation company and its delivery units if established).
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To set and monitor performance standards and budgets for shared services, (including those provided by the confederation company and its delivery units if established), providing intervention where required.

- Through their commissioning officers to manage (on behalf of the councils) their contracts and arrangements for service delivery (including with the confederation if established).

Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint chief officers (currently Directors and Heads of Service) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).
- To appoint a Joint Appraisal Subcommittee composed of 3 councillors from each council, who will be responsible for carrying out the appraisal of the Head of Paid Service (Chief Executive). The Leaders of the councils will not be part of the subcommittee but must be invited to participate. The quorum for the Joint Appraisal Subcommittee shall be 4 councillors of which at least 2 must be from Cherwell District Council and 2 from South Northamptonshire Council.
- To appoint the designated independent person where a complaint of misconduct requires it to be investigated against the Head of Paid Service, Monitoring Officer or Section 151 Officer for either of the councils.

Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them (including via the confederation company and its delivery units if established) to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared.
- Determine the terms and conditions of employment of any posts where costs are shared or are going to be shared.
- Determine and review all policies affecting the employment of staff in posts where costs are shared or going to be shared.
- Approve the creation of new posts where this is an increase to the establishment and there is no budget where costs are shared or are going to be shared.
- Approve any restructuring of teams involving more than five posts where costs are shared or are going to be shared.

Joint Scrutiny Committee

The Joint Scrutiny Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and xxxxx 2015 and the final shared services and confederation business case approved by both Councils on xxxxx and xxxxx 2015.

Membership of the Joint Scrutiny Committee is 5 members from each of the councils, currently this is 5 from Cherwell District Council and 5 from South Northamptonshire Council and would be reviewed if another council was admitted to the shared working programme and confederation company (if established). Political balance will apply to the appointment of members by each of the Councils. No member of the Executive (CDC) or Cabinet (SNC) shall be a member of the committee.

The quorum for the committee is four voting members of which at least two must be from Cherwell District Council and two from South Northamptonshire Council.

Functions

- To receive and scrutinise reports from the Joint Commissioning Officer Group detailing the performance against targets that are included within the Contract and Commissioning Plan and otherwise relating to the services provided through shared services (including via the confederation company and its delivery units, if established), any other major shared contracts, (if entered into), and to be able to challenge internal and external providers and hold members of the shared management team publicly to account.
- To receive and scrutinise reports from the Joint Commissioning Officer Group detailing the financial performance of shared services (including those provided via the confederation company and its delivery units if established) against savings targets detailed in the respective Councils' Budget and Medium Term Financial Strategies.
- To receive and scrutinise change requests and contract variations agreed or proposed between the Joint Commissioning Committee or officers acting under delegated authority and service providers (including the confederation company and its delivery units if established) to include (but not be limited to) the introduction of new key performance indicators, delivery of new commissions via the external delivery units, changes required due to new legislation and commercial development opportunities.
- To engage with partner organisations, other relevant public sector bodies, private sector organisations, trade unions, local residents or any other appropriate witnesses when fulfilling the overview and scrutiny role in relation to the monitoring of contracts for services provided by service providers (including the confederation company and its delivery units if established) .
- To scrutinise decisions of and services reporting to the Joint Commissioning Committee including the commissioning officers

- To apply the Joint Overview and Scrutiny Procedure Rules, including call-in arrangements, when prepared and adopted by the councils.
- To hear any call-in requests with regard to any executive decisions made by the Joint Commissioning Committee.

Joint Councils Employee Engagement Committee

The Joint Councils Employee Consultative Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and xxxxx 2015 and the final shared services and confederation business case approved by both Councils on xxxxx and xxxxx 2015.

Preamble

The Councils recognise the need to ensure that their employees (in shared teams and otherwise) are consulted and have the opportunity raise issues in a timely manner on matters which concern them including:

- Recent and probable developments within the Councils
- The Councils' activities and economic situation
- The situation, structure and probable development of employment within the Councils and any anticipatory measures
- Information and consultation on decisions likely to lead to substantial changes in organisation or contractual relations between the Councils and their employees.

Representation

Cherwell District Council

Council side

3 members of the Council appointed annually by Council

Employee side

3 employee representatives (currently 3 trade union representatives), appointed annually and re appointed on a four yearly basis.

South Northamptonshire Council

Council side

3 members of the Council appointed annually by Council

Employee side

3 employee representatives (currently 3 trade union representatives), appointed annually and are appointed on a four yearly basis.

Substitutes and Casual Vacancies

The Council and Employee sides may appoint substitute representatives to act in the place of members unable to attend any meeting. For the Council side the normal substitution rules shall apply and all substitutes shall be notified to the Head of Law and Governance before the start of the meeting.

Casual vacancies may be filled by either side as and when they occur during the year.

Officer Attendance

The committee shall be supported by the Chief Executive and other officers as he/she deems appropriate. The committee shall be administered by democratic services.

Chairman and Vice-Chairman

A Chairman and Vice Chairman shall be appointed by the committee at the first meeting each year. If the Chairman appointed is a member of the Council side, then the Vice-Chairman shall be appointed from the Employee side and Vice versa. By convention the Chairmanship shall rotate between sides and councils each year.

Functions

To provide a formal opportunity for the Councils to inform and consult their employees on those matters that concern them including the matters set out in the preamble above.

To establish regular methods of negotiation and consultation between the Councils and their employees in order to prevent differences and disputes and to negotiate on any differences and disputes. No question of individual discipline, capability, promotion or efficiency shall be within the scope of the committee.

To consider any relevant matter referred to it by the Joint Commissioning Committee, a committee of either of the Councils, the Chief Executive, employee side or by any of the recognised staff organisations.

To make recommendations to the Chief Executive, committees and Councils as required.

To act as the joint consultation body on all matters relating to health, safety and welfare of employees in accordance with the Health and Safety Policy Statement.

To discharge such other functions as may be specifically assigned to the committee by the Councils.

Rules and Regulations

Provision shall be made within the council diary for meetings of the committee prior to meetings of the Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC) respectively.

The Chairman or Vice-Chairman may require the Chief Executive to call a special meeting at any time. A special meeting may also be called on receipt of a requisition to the Chief Executive, signed by not less than two members of either side. When a special meeting is called it shall be convened as soon as practicable.

The quorum shall be three representatives of the council side of which 1 must be from CDC and 1 from SNC, and three representatives from the employee side of which 1 must be from CDC and 1 from SNC, substitute representatives will be permitted.

No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the committee.

The agenda shall be drawn up following consultation with the Chief Executive and the Council and Employee sides on potential agenda items.

The constitution of the committee may be amended by the councils on the recommendation of the committee.

In recognition of the fact that some issues under discussion are likely to be of a confidential or commercially sensitive nature, all those attending committee meetings are expected to respect the confidential nature of such issues and to confine their comments and discussion to within the meeting itself. This restriction does not preclude staff side representatives from consulting their members or paid officers (if any) on appropriate issues.

Reasonable facilities, including time with full pay, shall be made available to employee side members to:

- Consult with management, including the Chief Executive
- Consult with employees and trade union officials as part of the consultation process and in preparation for meetings.

End note

In order to establish these committees it will be necessary to amend the Section 113 agreement through a deed of variation agreed by both councils. Following the adoption and sealing of the deed, the dates will be inserted as highlighted above.