



Meeting of the

JOINT COMMITTEE OF THE LONDON 2012 OLYMPIC AND PARALYMPIC HOST BOROUGHES

Friday, 25 November 2011 at 9.30 a.m.

A G E N D A

VENUE

**COUNCIL CHAMBER, OLD TOWN HALL STRATFORD, 29 THE
BROADWAY, LONDON E15 2BQ**

Members:

Deputies (if any):

(Note: The quorum for this body is 3 Members).

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Roxanne Misir / Robert Walker Tel: 020 8356 3326 / 020 8356 3578 e-mail: roxanne.misir@hackney.gov.uk / robert.walker@hackney.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
JOINT COMMITTEE OF THE LONDON 2012 OLYMPIC AND
PARALYMPIC HOST BOROUGHs

Friday, 25 November 2011

9.30 a.m.

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES OF PREVIOUS MEETING (Pages 1 - 2)**
- 4. JOINT COMMITTEE PROCEDURE RULES (Pages 3 - 24)**

Agenda Item 3

MINUTES OF A MEETING OF THE JOINT COMMITTEE OF THE LONDON 2012 OLYMPIC AND PARALYMPIC HOST BOROUGHs

FRIDAY, 24TH JUNE, 2011

Councillors Present: Mayor Robin Wales in the Chair

Councillor Paul Brickell, Councillor John Fahy,
Councillor Clyde Loakes, Councillor Guy
Nicholson, Mayor Jules Pipe, Mayor Lutfur
Rahman, Councillor Chris Roberts, and Councillor
Liam Smith

Officers in Attendance: Kim Bromley-Derry (LB Newham), Kevan Collins
(LB Tower Hamlets), Mary Conneely (Host Borough
Unit), Frances Dolan (LB Greenwich), Charlie
Forman (LB Hackney), Stella Manzie (LB Barking
and Dagenham), Roxanne Misir (LB Hackney), Tim
Shields (LB Hackney), Roger Taylor (Host Borough
Unit)

Also in Attendance: Councillor Conor McAuley

1 Confirmation of Chair

This was the first meeting of the new six borough Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs. In accordance with paragraph 23 of the new Inter Authority Agreement's Memorandum of Understanding, the Committee confirmed Sir Robin Wales as its Chair.

2 Apologies for absence

Apologies for absence were received from Cllr Chris Robbins (London Borough of Waltham Forest). Cllr Clyde Loakes was in attendance as a substitute.

3 Declarations of interest

There were no declarations of interest.

4 Host Boroughs Unit: Financial Management

The Joint Committee agreed

- i) To carry forward the £244,752 underspend in 2010/11 for use in 2011/12; and
- ii) To set the budget for 2011/12 based on gross expenditure of £1,566,198 financed by grants, third party contributions, 6 equal annual borough contributions of £125,000 to be invoiced in June 2011, and the underspend from 2010/11.

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REPORT OF CLERK TO THE JOINT COMMITTEE

Updated Joint Committee Procedure Rules – 25 November 2011	Classification Public	Enclosures Appendix A
	Ward(s) affected All	

1. SUMMARY

- 1.1 In June/July 2009 the respective Executives of the five Host Boroughs for the 2012 Olympic and Paralympics Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest] each gave their approval to the establishment of Joint Committee [Section 101 LGA 1972] to facilitate the discharge of executive functions regarding joint arrangements in respect of the Games and legacy, as set out in an agreed terms of reference and Memorandum of Understanding (MOU).
- 1.2 In February/March 2011, the respective Executives of the five Host Boroughs for the 2012 Olympic Games each gave their approval to the disestablishment of the existing Joint Committee of the five Host Boroughs for the 2012 Olympic and Paralympics Games [the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest], and the establishment of a new Six Host Borough Joint Committee, incorporating the London Borough of Barking and Dagenham with effect from 1 April 2011.
- 1.3 On 15 February 2011, the Executive of the London Borough of Barking and Dagenham gave approval for the London Borough of Barking and Dagenham to join and participate as a member of the Joint Committee of the Six Host Boroughs.
- 1.4 The Joint Committee is a unique body exercising functions on behalf of the Six Host Boroughs in relation to matters concerning and surrounding the 2012 Olympic and Paralympics Games. It is not a separate legal entity from its constituent boroughs but neither can it operate as if it was wholly part of any one borough. In order to run successfully the arrangements which govern its activities need to take account of its political and administrative strengths and weaknesses and develop the former to ensure that all the objectives identified at the time of establishment can be achieved in reality.

- 1.5 Good governance is a key to ensuring that powers and duties are exercised progressively yet lawfully and those necessary qualities can only be achieved through tailor-made Procedure Rules which achieve legal compliance and integrity whilst leaving room for innovation and decision-making which will maximise the Host Boroughs' opportunities to bring benefits to their areas before, during and after the Olympic and Paralympics Games take place in 2012.
- 1.6 The updated Procedure Rules submitted for consideration, drafted following the inclusion of the London Borough of Barking and Dagenham as a sixth Host borough, contains current best practice in the processes of maintaining a democratically elected body, legal requirements in various respects and discretionary procedures.

2. RECOMMENDATIONS

- 2.1 The Joint Committee is recommended to approve the updated Procedure Rules for the Joint Committee, attached at Appendix 1 which shall take effect forthwith.

3. RELATED DECISIONS

- 3.1 The formal establishment of the Joint Committee in September 2009 envisaged that it would be regulated by a set of procedures of this nature.

4. ALTERNATIVE OPTIONS

- 4.1 There are no alternative options. If the Joint Committee was to operate without appropriate procedures there is a high risk that legal requirements would not be met and that decisions could be open to challenge.

5. SUSTAINABILITY AND LEGACY

- 5.1 The arrangements now presented are both enduring and robust and will guide the Joint Committee through its lifespan in accordance with the legal requirements and best governance practice and will provide the basis for the Joint Committee to realise its objectives.

6. ECONOMIC IMPACT

- 6.1 An effective Joint Committee will stimulate the economies of all the Host Boroughs by attracting grant aid and investment based on the staging of the Olympic and Paralympics Games in 2012.

7. HUMAN RIGHTS AND EQUALITIES

- 7.1 There are no human rights implications arising from this report. The report has no direct impact on the equalities policies of the Host Boroughs

8. RISK

- 8.1 The Joint Committee's exposure to risk through legal challenge will be reduced significantly by approval of and adherence to these Procedure Rules.

9. FINANCIAL CONSIDERATIONS

- 9.1 One of the functions of the Joint Committee is the approval of an annual budget for the funding of the Host Boroughs Unit (HBU). The Unit is required to deliver a coordinated Olympic and Paralympics programme for the 2012 Games pursuant to the Inter Authority Agreement of 2010. This Agreement appointed Hackney as Lead Borough. Accordingly, Hackney is responsible for the employment and management of the staff of the HBU, and for the financial management and administration of the budget, income and expenditure of the Unit. Hackney applies its own financial, procurement and human resources procedures in carrying out these Lead Borough responsibilities.
- 9.2 Although grant awards secured by the Host Boroughs in respect of the Olympic and Paralympics programme have been generally managed by Hackney as Lead Borough, the Inter Authority Agreement enables the Joint Committee to appoint one or more of the other Host Boroughs to undertake the Lead Borough function for specific grant awards.

10. LEGAL CONSIDERATIONS

- 10.1 The Procedure Rules which take into account all relevant legal considerations was updated by the London Borough of Hackney legal services and the amendments were agreed by the Host Boroughs. These procedure rules meet all statutory requirements relating to procedures to which a Joint Committee exercising executive functions must have regard.

11. DETAILS

- 11.1 Although the Joint Committee is constituted by the Host Boroughs and undertakes executive functions delegated by the Host Boroughs it is not appropriate for the procedure rules of any particular borough to govern the practices and procedures of the Joint Committee. The Procedure Rules are made up of the most appropriate provisions for a set of rules designed to meet the requirements of the law together with the arrangements in principle in the

Memorandum of Understanding (MOU) which was agreed by the Host Boroughs as the forerunner to the establishment of the Joint Committee.

- 11.2 Paragraphs 1-9 detail the purpose and functions of the Joint Committee followed by the principles agreed in the MOU regarding membership, delegation to sub-committees or officers, administration and the annual budget.
- 11.3 Paragraph 10-25 concern the arrangements for and the conduct of meetings and are generally similar to procedures in the Host Boroughs.
- 11.4 Paragraph 26 sets out the Access to Information requirements which apply to the Joint Committee as it is a body exercising executive functions on behalf of the Host Boroughs. Whilst the provisions are complex they will be very familiar to Members of the Joint Committee as they are the standard legal requirements concerning the provision of documents and exclusion of the public.
- 11.5 As an executive body, the decisions of the Joint Committee are subject to call-in and review by an Overview and Scrutiny Committee. It is not legally possible to establish a Host Boroughs Overview and Scrutiny Committee for the purpose of scrutinising the Joint Committee, and so the arrangements are that decisions of the Joint Committee may be called-in by any of the Host Boroughs pursuant to their own procedures. If a decision is called-in by one or more Boroughs, implementation of the decision will be held in abeyance pending the outcome of the call-in. If the outcome is that an alternative course of action is proposed, further consideration by the Joint Committee will be necessary.
- 11.6 Although these Overview and Scrutiny arrangements are unique, the principles are well established and the procedures have been kept as simple as possible by placing reliance on the existing procedures in the Boroughs without any amendments so that the process can mirror the established arrangements for call-in Cabinet decisions.
- 11.7 As the Joint Committee is not legally separate from its constituent Boroughs, implementation of Joint Committee decisions will generally need to be carried out by one or more Boroughs designated for the purpose or by a Lead Borough appointed by the Joint Committee pursuant to the Inter Authority Agreement. This will be particularly so when there are legal consequences to the action required e.g. contractual relations, necessitating a legal entity to undertake the role on behalf of the Host Boroughs. Accordingly, officers carrying out those duties will be subject to the financial and procurement rules of their own borough and it is not necessary for the Joint Committee to have separate financial and procurement procedures.

Tim Shields
Chief Executive of the London Borough of Hackney
Clerk to the Joint Committee

Report Originating Officer: Alice Prince, Senior Corporate Solicitor
London Borough of Hackney ☎020-8356 6584

Financial considerations: Bruce Bainbridge ☎020-8356

Legal comments: Alice Prince, Senior Corporate Solicitor
London Borough of Hackney ☎020-8356 6584

Background papers:

The following documents have been relied upon in the preparation of this report:

No background papers.

Description of document	Location	Date

Appendices

Appendix A: Six Host Boroughs Olympic Joint Committee Procedure Rules

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**JOINT COMMITTEE
OF THE LONDON 2012 OLYMPIC AND
PARALYMPIC HOST BOROUGHES**

PROCEDURE RULES

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets, Waltham Forest and Barking and Dagenham (the six host boroughs) have established the Olympic Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
- 1.2 The Joint Committee will discharge executive functions on behalf of the six host boroughs insofar as they relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games as more particularly specified below.
- 1.3 The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant to a decision of the Joint Committee must be made by one or more of the authorities which will be indemnified appropriately by the others.

2. Functions

- 2.1 The Joint Committee will discharge on behalf of the six host boroughs the executive functions listed below insofar as they relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games:
 - 2.1.1 Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six host boroughs;
 - 2.1.2 Management and expenditure of external funding and all other financial resources allocated to the Joint Committee, including any funding allocated to the Joint Committee by any or all of the six host boroughs in addition to the annual budget;
 - 2.1.3 Approval of an annual business plan;
 - 2.1.4 Development, negotiation and agreement of any Strategic Regeneration Framework and Multi Area Agreement(s);
 - 2.1.5 Development, negotiation and implementation of joint regeneration policies and programmes;
 - 2.1.6 Development, negotiation and agreement of a joint approach to post Olympic legacy, including promotion of the six host boroughs as a sub region;
 - 2.1.7 Development, negotiation and implementation of joint legacy strategies;

- 2.1.8 Development, negotiation and implementation of joint arrangements in relation to bidding for, accepting and distributing external funding;
 - 2.1.9 Development, negotiation and implementation of joint publicity and a joint communications strategy;
 - 2.1.10 Development, negotiation and implementation of joint cultural event programmes and policies;
 - 2.1.11 Development, negotiation and implementation of joint economic development and employment programmes and policies;
 - 2.1.12 Review of the operation and effectiveness of the Joint Local Authority Building Control (JLAB) agreements for the Olympic Park and Olympic venues in the six host boroughs;
 - 2.1.13 Review of the operation and effectiveness of the Joint Local Authority Regulatory Services (JLARS) agreements in respect of the Olympic Park and Olympic venues in the host boroughs, covering environmental health (food safety & standards, health & safety enforcement, pest & pollution control and public health), highways and traffic management, street naming and numbering, licensing, safety at sports grounds, street scene enforcement, parking, and waste management;
 - 2.1.14 Development, negotiation and implementation of joint policies for tourism and the business travel economy;
 - 2.1.15 Development, negotiation and implementation of joint policies to maximise educational opportunities;
 - 2.1.16 Development, negotiation and implementation of joint sports development policies.
- 2.2 The functions of the Joint Committee are not limited by area, but it will only discharge executive functions that relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games, including negotiation and agreement of any Strategic Regeneration Framework and Multi Area Agreement(s).
- 2.3 The Joint Committee will discharge any other executive functions relating to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources are allocated to the Joint Committee.
- 2.4 The Joint Committee is an executive body and does not have power to exercise non-executive functions on behalf of the six host boroughs.

3. Membership

- 3.1 There will be twelve members, comprising two members nominated by the Executive from each of the six host boroughs for a maximum period not extending beyond any member's remaining term of office as a councillor.
- 3.2 As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council's codes and protocols including the Code of Conduct for members.

4. Chair

- 4.1 The Joint Committee shall elect a Chair who shall if present preside at all meetings of the Joint Committee. If the Chair is absent the Joint Committee shall elect another member who is present to preside for the duration of that meeting.

5. Sub-Committees

- 5.1 The Joint Committee may establish such sub-committees to discharge any, some or all of its functions and/or for such other purposes as the Joint Committee determines appropriate.
- 5.2 Any sub-committee so established shall comprise one member from each of the six host boroughs, who shall each have one vote and all questions coming or arising before a sub-committee shall be decided by a majority of the members of the sub-committee present and voting.
- 5.3 For the avoidance of doubt, these procedure rules shall apply to a sub-committee as they do to the Joint Committee unless otherwise stated.

6. Delegation to Officers

- 6.1 The Joint Committee or any sub-committee established by it may delegate specific functions to an officer of one of the six host boroughs. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of one or more of the other five boroughs or subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee or sub-committee (as appropriate) before exercising their delegated authority.

7. Administration

- 7.1 The Chief Executive of the London Borough of Hackney is the designated Clerk to the Joint Committee with responsibility for the provision of administrative support, management of and accountability for the discharge of the annual budget (allocated to the Joint Committee by the six host boroughs) and employment and management of staff in the Host Boroughs Unit.

8. Annual Budget

- 8.1 The Joint Committee will be responsible for managing the annual budget. As part of this function, the Joint Committee may also make proposals for any revision in the level of contribution made by each of the six host boroughs to the annual budget for consideration as part of each of the six host boroughs annual budget allocation process.
- 8.2 Most of the budget will be spent on staffing and accommodation for the Host Boroughs Unit. Arrangements for a framework for engaging and managing staff and reporting on revisions to staffing structures and for establishing and controlling a balanced annual budget funded by equal contributions from the six host boroughs and grants/contributions secured from other sources are contained in the Inter Authority Agreement.

9. Agenda Management

- 9.1 All prospective items of business for the Joint Committee or any sub-committee established by it shall in the first instance be considered at a meeting of the Chief Executives' Board. An item shall only be included on the agenda for a Joint Committee or sub-committee meeting with the agreement of each of the six host boroughs Chief Executives.
- 9.2 Where an item of business has been included in the agenda for a Joint Committee or a sub-committee meeting in accordance with paragraph 9.1 above but it appears to the Chair of the Joint Committee or sub-committee (as appropriate) that unanimity of voting may not be achieved, the Chair may propose that the agenda item be referred back to the Chief Executives' Board for further consideration.
- 9.3 Where a decision of the Joint Committee or a sub-committee does not apply to all six host boroughs, the delegation of functions to the Joint Committee is limited to those boroughs to which the decision applies so that any borough to which the decision does not apply retains the capacity to determine the issue(s) in accordance with its own procedural requirements.
- 9.4 The Joint Committee is not subject to the legal requirement to publish a forward plan. Nevertheless the Joint Committee and any sub-committee established by it will receive a report setting out the work programme for the committee/sub-committee at least annually.

10. Meetings

- 10.1 The Joint Committee will meet as required to fulfil its functions and will determine a programme of meetings at the commencement of each municipal year.
- 10.2 Public meetings of the Joint Committee are subject to the Access to Information requirements contained in these procedure rules.
- 10.3 The quorum for a meeting of the Joint Committee shall be at least one member from each of the six host boroughs.

11. Business to be transacted

- 11 At each meeting of the Joint Committee the following business will be conducted:
 - 11.1.1 apologies for absence;
 - 11.1.2 declaration of interests, if any;
 - 11.1.3 consideration of the minutes of the last meeting;
 - 11.1.4 consideration of items set out on the agenda

- 11.2 The Chair may vary the order of business and may take urgent items as specified in the Access to Information requirements at his/her discretion.

12. Notice of Meetings

- 12.1 The Clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements. At least five clear working days in advance of a meeting the Clerk of the Joint Committee will publish the agenda and send a copy to every member of the Joint Committee. The agenda will also be published on the website of each of the six host boroughs.

13. Time and Place of Meetings

- 13.1 The time and place of meetings will be determined by the Clerk of the Joint Committee after consultation with the Chair and notified in the agenda.

14. Duration of Meetings

- 14.1 The duration of meetings shall not exceed three hours unless the Joint Committee resolves otherwise.
- 14.2 Any business not determined at the conclusion of the meeting shall be deferred to the next ordinary meeting of the Joint Committee.

15. Extraordinary Meetings

15.1 The Clerk of the Joint Committee may after consultation with the Chair, call an extraordinary meeting of the Joint Committee.

15.2 The business of an extraordinary meeting shall be only that specified in the agenda.

16. Cancellation of Meeting

16.1 The Clerk of the Joint Committee may after consultation with the Chair, cancel a meeting of the Joint Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation.

17. Partner and Stakeholder Representation

17.1 Partners and stakeholders will be invited to send observers to meetings of the Joint Committee and any sub-committee(s) as appropriate.

18. Public Participation

18.1 A member of the public attending a meeting of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

19. Host Borough Member Participation

19.1 Any member of one of the six host boroughs who is not a member of the Joint Committee may ask a question or address the committee with the consent of the Chair.

20. Request for Determination of Business

20.1 Any member of the Joint Committee may request at any time that:

20.1.1 the Joint Committee move to vote upon the current item of consideration;

20.1.2 the item be deferred to the next meeting;

20.1.3 the item be referred back to the Chief Executives' Board for further consideration;

20.1.4 the meeting be adjourned;

21. Voting

21.1 Each member of the Joint Committee will have one vote and all questions coming or arising before the Joint Committee shall be decided by a majority of the members of the Joint Committee present and voting.

- 21.2 If there is an equal number of votes for and against any matter, the Chair will have a second or casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.
- 21.3 Unless a recorded vote is requested, the Chair will take the vote by show of hands, or if there is no dissent, by affirmation of the meeting.
- 21.4 Any two members present may request that the names for and against the matter or abstaining from voting be taken down in writing and entered into the minutes.
- 21.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the matter or abstained from voting.

22. Minutes

- 22.1 At the next suitable meeting the Chair will move that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.
- 22.2 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public

- 23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded.

24. Disturbances

- 24.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting as long as he/she thinks is necessary.
- 24.2 If a member of the public interrupts proceedings, the Chair will warn the person(s) concerned. If they continue to interrupt the Chair will order their removal from the meeting room.
- 24.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

25. Access to Information Requirements

- 25.1 Rights of press and public to attend meetings**

- 25.1.1 The press and public shall subject to the exceptions contained in these arrangements be entitled to attend all meetings subject to the capacity of the room in which the meeting is held.
- 25.1.2 Except in respect of disturbances and unruly behaviour, the press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information as defined in the relevant legislation and set out below. Any resolution excluding the press and public shall specify the nature of the confidential and/or exempt information relating to the business to be transacted which justifies the exclusion.
- 25.1.3 No animal shall be allowed into any meeting except a guide dog, accompanying a blind or deaf person.
- 25.1.4 Photography and sound recording shall generally not be permitted and the Chair shall have discretion to regulate the behaviour of all media representatives present at a meeting in the interests of the efficient conduct of the meeting.

25.2 Notice of Meetings

- 25.2.1 At least five clear days notice of any meeting will be given except where a meeting is convened at shorter notice in special circumstances.
- 25.2.2 “Five Clear Days” do not include weekends or national holidays and exclude both the day of the meeting and the day on which the meeting is called.

25.3 Access to Agenda and Reports before the meeting

- 25.3.1 The Clerk will make copies of the agenda and any reports for a public meeting available for inspection at Hackney Town Hall when these are made available to the Joint Committee and in any event at least five clear working days before the meeting except
- (i) where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened and;
 - (ii) where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report of the meeting relating to that item shall be open to inspection from the time the item was added to the agenda.

25.4 Items of Business

- 25.4.1 An item of business may not be considered at a meeting unless:

- (i) a copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) where the meeting is convened at shorter notice from the time the meeting is convened; or
- (iii) by reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

25.4.2 “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

25.5 Supply of copies

25.5.1 The Clerk will supply copies of

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Clerk thinks fit copies of any other documents supplied to members in connection with an item

to any person on payment of a charge for copying, postage and any other costs.

25.6 Access to minutes and papers after the meeting

25.6.1 The Clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

25.7 Background Papers

25.7.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

25.7.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the Clerk shall make available for inspection

- (i) a copy of the list of background papers for the report
- (ii) at least one copy of each of the documents included in that list.

25.7.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

25.8 **Exclusion of access by the public to meetings**

25.8.1 **Confidential Information – requirement to exclude the public**

25.1.2 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

25.9 **Meaning of confidential information**

25.9.1 “Confidential Information” means

- (i) information provided to a local authority by a Government department upon terms (however expressed) which forbid disclosure of the information to the public; or
- (ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court and in either case a reference to the obligation of confidence is to be construed accordingly.

25.10 **Exempt information – discretion to exclude public**

25.10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

25.10.2 Where the meeting will determine any person’s civil rights or obligations or adversely affect their possessions, Article 6 Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

25.11 Meaning of exempt information

25.11.1 “Exempt information” means information falling within the seven categories set out in Schedule 12A to the Local Government Act 1972 as more particularly described as follows:

Category

Condition

- | | |
|---|--|
| 1. Information relating to an individual | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 2. Information which is likely to reveal the identity of an individual | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding the information) | Information falling within this paragraph is not exempt if it must be registered under various statutes, such as the Companies Act, Charities Acts, Friendly Societies Acts, Industrial and Provident Societies Acts or the Building Societies Acts. The public interest condition set out above also applies. |
| 4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 6. information which reveals that the authority proposes
a) to give under any enactment a notice under or by virtue of which requirements are imposed | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |

on a person; or
b) to make an order or direction under any enactment

7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

25.11.2 Where the whole or part of any report for a public meeting is not available for inspection by the public, every copy of the report shall be marked "Not for Publication" and it shall be stated on the report

- (i) that it contains confidential information; or
- (ii) the description of exempt information by virtue of which the Joint Committee is likely to exclude the public during the item to which the report relates; or
- (iii) that the report or part of the report contains the advice of a political assistant.

25.12 Record of Decisions

25.12.1 As soon as is reasonably practicable after a meeting with the Joint Committee the Clerk shall ensure that a written statement is produced in respect of every decision made at that meeting which includes

- (i) a record of the decision
- (ii) a record for the reasons for the decision
- (iii) details of any alternative options considered and rejected at the meeting when the decision was made by the Joint Committee
- (iv) a record of any conflict of interest declared by any member of the Joint Committee which made the decision
- (v) in respect of any declared conflict of interest a note of any relevant dispensation granted by our Standards Committee.

26. Overview and Scrutiny

26.1 Decisions of the Joint Committee will be subject to scrutiny and 'call -in' by the six host boroughs. Each of the six host boroughs will apply their existing overview and scrutiny arrangements to decisions of the Joint Committee.

- 26.2 The Clerk of the Joint Committee shall publish a record of the decisions of the Joint Committee within 3 working days of a meeting and will send a copy of the record of the decisions to each of the Chief Executives of the six host boroughs.
- 26.3 Each Chief Executive will publish the record of the decisions within his/her authority on the day of notification, at which point the requirements of each of the six host boroughs Overview and Scrutiny Procedure Rules shall apply in relation to the call-in of any decision.
- 26.4 If a decision of the Joint Committee is not called-in in any of the six host boroughs by the expiration of 5 clear working days from the date on which the Chief Executives were provided with a record of the decision in accordance with paragraph 26.2 above, and the Clerk of the Joint Committee has not been notified of any such call-in then the decision may be implemented forthwith.
- 26.5 If a decision is called-in in one or more of the six host boroughs, the Overview and Scrutiny arrangements of each Council which has called-in the decision shall apply as if the decision was one made by that Council's own Executive. When the appropriate Overview and Scrutiny Committee has considered the matter and determined whether or not to agree with the decision of the Joint Committee, the Chief Executive of each Council which has called-in the decision shall notify the Clerk of the Joint Committee of the outcome of such consideration.
- 26.6 If the decision of each relevant Overview and Scrutiny Committee is to agree with the decision of the Joint Committee, the Clerk of the Joint Committee will notify each Chief Executive of the six host boroughs and the decision may be implemented forthwith.
- 26.7 If the decision of one or more relevant Overview and Scrutiny Committees is to recommend to the Joint Committee an alternative cause of action, then the decision of the Joint Committee shall be held in abeyance until further consideration is given to the matter at the next appropriate meeting of the Joint Committee.
- 26.8 At the meeting of the Joint Committee at which the matter is considered further, the Chair of the relevant Overview and Scrutiny Committee(s) may attend and address the Joint Committee upon the decision of his/her Overview and Scrutiny Committee and in relation to the alternative course of action recommended.
- 26.9 The Joint Committee will reconsider the proposed decision and may affirm it or amend as it considers appropriate.

27. Financial and Procurement Procedures

- 27.1 The Joint Committee is not a self standing legal entity so that decisions of the Joint Committee are implemented by delegation to an officer or officers of one or more of the six host boroughs or through a Lead Borough arrangement under the Inter Authority Agreement.

27.2 In discharging any functions on behalf of the Joint Committee the financial and procurement procedure rules applicable to the relevant individual host borough must be complied with.

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