



Report of: Executive Member for Finance and Performance

Meeting of:	Date	Agenda item	Ward(s)
Executive	22 November 2012	E12	n/a

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SUBJECT: Establishing the London Housing Consortium as a Joint Committee

1. Synopsis

- 1.1 This report asks the Executive to agree to the establishment of the London Housing Consortium (LHC) as a Joint Committee. It is anticipated that all councils which are members of the LHC will participate in the proposed joint committee.
- 1.2 The LHC has previously been an unincorporated association and in order to place it on a firm legal basis, it is proposed to convert it to a joint committee. The Executive needs to ratify this change to enable Islington to continue to participate in the LHC and benefit from the advantages of joint procurement.
- 1.3 Another important benefit of approving these changes is that the council will continue to receive a share of the surpluses generated by the LHC

2. Recommendations

- 2.1 To agree that the London Borough of Islington be a member of the London Housing Consortium established as a joint committee under section 101(5).
- 2.2 To note the amendments in Appendix 3 that will be required to the Constitution to reflect the establishment of the joint committee.
- 2.3 To appoint Richard Greening as the council's representative on the joint committee.

- 2.4 To authorise the Corporate Director of Resources to agree a constitution for the joint committee based on the draft constitution in Appendix 1.
- 2.5 To note that a further report detailing options for the legal framework and governance structure of the London Housing Consortium will be presented to a future meeting of the Executive.

3. Background

- 3.1 The London Housing Consortium ("LHC") was established in 1966 by a group of London Boroughs, known as the LHC Founder Members. These London boroughs are Barnet, Brent, Camden, Ealing, Hillingdon, Islington and Tower Hamlets.
- 3.2 Members and officers from these London Boroughs agreed to create what they described as 'a voluntary association' concerned primarily with an architectural focus and 'industrialised forms of building'. Hackney, Haringey and Lambeth, have subsequently joined the Consortium as LHC Full Members. Additionally, Buckinghamshire County Council and a Registered Social Landlord, the Anchor Trust, are also LHC Full Members. There are therefore 12 current Members of the LHC.
- 3.3 The objectives have evolved and changed over time so that the LHC now very successfully supports large numbers of local authorities, arms length management organisations and registered housing providers and has the following aims:
 - To provide specialist technical and procurement services related to building programmes undertaken by LHC constituent authorities and other public sector bodies.
 - To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.
- 3.4 The LHC is governed by a Board of Elected Members which comprises one voting Councillor representative from the eleven local authority members. An officer from the London Borough of Hillingdon Democratic Services Team undertakes the Honorary Clerk duties.
- 3.5 The day to day activities of the LHC are carried out by the LHC Operations Group, a dedicated team of 17 professional staff who have, from the inception of the LHC, been employed by the London Borough of Hillingdon. Taking direction from the LHC Board, the Senior Management Team of the LHC Operations Group prepares an annual Business Plan which aims to generate a surplus of income over operating costs. In this way, the work of the LHC is self-financing and it has not required any financial support from any of the LHC members. In fact, the surplus is redistributed to all the LHC members who realise a financial gain. In the five years to April 2012, a total sum of £5m

has been redistributed (see Appendix 2).

3.6 Income is generated in two ways:

- The creation of framework agreements for building products and services which allow the LHC members and other public sector bodies to contract directly with approved suppliers and contractors. The LHC earns a levy [typically 5%] on all business transactions.
- The provision of specialist technical and procurement advice to the LHC members and other public sector bodies which is paid for on a fee basis.

3.7 The LHC Operations Group occupies premises in Uxbridge, leased by the London Borough of Hillingdon and financed out of LHC income.

3.8 In addition to the Full LHC Members, the LHC also currently accepts Associate Members. They have no voting rights but are entitled to a share of the LHC surplus in accordance with a committed level of business procured by them. There are currently 51 LHC Associate Members. The LHC also offers its services to the wider public sector community. There are currently approximately 100 public sector authorities using the LHC as non-members.

3.9 Over the last 45 years, the LHC has built a strong position as a highly respected procurement consortium for housing and, more recently, schools and corporate buildings. The key benefit to local authorities and other public sector bodies of using the LHC is that they can obtain expert support in four critical areas of building procurement:

- Quality - The LHC employs technical experts to research, specify and monitor the quality of building products and services to help maintain the maximum long term value of assets.
- Efficiency - As a collaborative purchasing organisation, the LHC can gain benefits from bulk buying leading to greater efficiency savings.
- Sustainability - The LHC develops an intimate knowledge with the supply chain and engages with it, on behalf of users, to drive up the green credentials of all supply companies.
- Compliance - As public procurement legislation has grown increasingly complex and local authorities and other registered social landlords have found themselves at greater risk of challenge and litigation in relation to their procurement activities, the LHC has been able to provide valuable assistance through the provision of its regulatory compliant framework arrangements.

4. Governance

4.1 Although the LHC Board has operated as if it were a joint committee of the participating authorities, external legal advice commissioned by the LHC Board from a firm of solicitors in relation to the legal status of the LHC has confirmed that there is no evidence to suggest that the LHC was ever formally established as a Joint Committee under the 1972 Act. The legal advice concluded that LHC's most likely status is that of an unincorporated association which it has had since it was first established in 1966. An

unincorporated association is simply an association of persons bound together by rules for a common purpose but with no independent legal existence apart from the members. The consequences of this are that:

- The association cannot hold property or contract in its own name,
- Members are exposed to claims and liabilities incurred by them directly and without limit.

4.2 These difficulties have now been resolved as Haringey and Hillingdon Councils (and subsequently most other members of the LHC) have obtained approval to formalise the LHC as a joint committee under section 105(1) of the Local Government Act 1972. It is proposed that this council now also agree to participate in the joint committee.

4.3 The London Borough of Hillingdon will continue to employ the LHC Operations Group.

4.4 If the Executive agrees to the LHC being formally established as a Joint Committee, it is important that it has a well-defined Constitution in place which will cover matters such as:

- Making appropriate delegations to the Committee;
- Setting membership and constitution requirements;
- Specifying the vires of the Committee and what it can provide and to whom;
- Dealing with finance and accounting issues;
- Dealing with all other governance arrangements as appropriate.

A draft Model Constitution is in Appendix 1 to this report. The Executive is asked to give delegated authority to the Corporate Director of Resources to agree a final constitution with the other authorities involved in the Joint Committee.

5. Other options for the legal framework and governance arrangements of the LHC

5.1 The LHC in the past has commissioned external legal advice in relation to the possible alternative legal structures which it may wish to adopt. The Joint Committee structure can be perceived as old fashioned and is one which has its roots in legislation which is now forty years old. The Joint Committee structure is also rigid and restrictive. For example, a Joint Committee is not recognised as a legal entity in its own right and it cannot be an employer. This is the reason why Hillingdon Council has assumed responsibility for employing the LHC Operations Group.

5.2 On the basis that the LHC will continue to exist in the future, it would be beneficial for it to further examine the various legal structures which it could consider adopting in the future.

5.3 Although each of the potential structures have their own advantages and disadvantages, nevertheless they do offer a less rigid model than the Joint Committee Model and they would give the LHC greater freedom to trade by

offering a wider range of services. Therefore, each of the options should be fully explored by those authorities who wish to continue to participate in the LHC. As part of this process, the taxation and financial implications of each model would also be considered.

5.4 Examples of alternative structures are:

- Company Limited by Guarantee
- Community Interest Company
- Co-operative Society or Community Benefit Society (similar to an Industrial and Provident Society under earlier legislation)
- Partnership

5.5 The final recommendation in paragraph 2 of this report asks the Executive to agree that these options be fully explored and that a further report, detailing the options, is submitted to a future meeting of the Executive for its consideration. The intention is that each of the authorities who are full LHC Members will be taking a broadly similar report to their respective Executives and the reason for including this recommendation is so that the examination of the options is not forgotten as it has been in the past and that there is a proper focus for this piece of work to be undertaken. If a further report is presented to Members, detailed legal and financial implications of the proposals will be provided which Members will be asked to consider.

6 Implications

6.1 Financial implications:

The LHC operates under an trading model and, as such, is self-financing and has made a surplus every year for at least the last 10 years. Under the new joint committee arrangements, if the LHC were to make a loss in any given year, Islington Council would be responsible for a share of this loss. However, the risk of a contribution being required is low as the LHC has significant balances that would be used as a first call to fund any deficit (the cash balance exceeded £2m as at 31st March 2012)

6.2 Legal Implications

In order to establish the LHC as joint committee for the purposes of section 105(1) of the Local Government Act 1972 a decision of the Executive is required as the joint committee will carry out executive functions.

A number of amendments need to be made to the council's Constitution to reflect the establishment of the joint committee and they are set out in Appendix 3 to this report.

Other legal implications are contained in the body of the report.

6.3 Environmental Implications

This report proposes that a joint committee be established which will continue to undertake existing activities related to procurement and has no environmental implications.

6.4 Equality Impact Assessment

This report proposes that a joint committee be established which will continue to undertake existing activities related to procurement and has no equalities implications.

7 Conclusion and reasons for recommendations

- 7.1 In order to continue to participate in the LHC the council will need to participate in the new joint committee arrangements proposed in this report. It is recommended that in view of the benefits of participation in the LHC the council should agree to the establishment of the joint committee and delegate the finalisation of the constitutional arrangements for the joint committee to the Corporate Director of Resources.

Appendices

Appendix 1 – Draft Constitution for the Joint Committee of the LHC

Appendix 2 – Details of Rebates to LHC Members

Appendix 3 – List of Changes required to the Council's Constitution

Background papers: None.

Final report clearance:

Signed by:

Executive Member for Finance and
Performance

Date

Received by:

Head of Democratic Services

Date

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Appendix 1

APPENDIX 1 LHC Joint Committee Constitution – draft

This Constitution had been approved by each of the Authorities as the Constitution of the Joint Committee.

1. Establishment of the Joint Committee

- 1.1 The Joint Committee shall be the “LHC Joint Committee”
- 1.2 The Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 by the Executives of each of the Councils
- 1.3 The Joint Committee shall comprise one member from each of the Authorities. Each Authority’s representative on the Joint Committee shall be appointed by [insert whoever in the council constitution has power to make the appointment]
- 1.4 A member of the Joint Committee shall cease to be a member of the Joint Committee, and a vacancy shall automatically arise, where the member ceases to be, or is suspended under Part III of the Local Government Act 2000 from acting as:
 - (a) Leader of an appointing Authority,
 - (b) a member of the Executive of the appointing Authority; or
 - (c) a member of the Appointing Authority
- 1.5 Upon being made aware of any member ceasing to be a member of the Joint Committee, the Secretary of the Joint Committee shall write to that member confirming that he/she has ceased to be a member of the Joint Committee, and notify the appointing Authority and the other members of the Joint Committee accordingly.

2. Chairman and Vice-Chairman of the Joint Committee

- 2.1 At the first meeting of the Joint Committee and thereafter at the first meeting of the Joint Committee after the 1st May in any year, the Joint Committee shall elect a Chairman of the Joint Committee and a Vice Chairman of the Joint

Committee for the following year from among the members of the Joint Committee.

- 2.2 Where a member of one appointing Authority is elected as the Chairman of the Joint Committee, the Vice Chairman of the Joint Committee shall be elected from among the members of the Joint Committee who are members of the other Authorities.
- 2.3 The Chairman and Vice Chairman of the Joint Committee shall each hold office until:
- 2.3.1 A new Chairman or Vice Chairman of the Joint Committee is elected in accordance with Paragraph 2.1 above,
- 2.3.2 He/she ceases to be a member of the Joint Committee, or
- 2.3.3 He/she resigns from the office of Chairman or Vice Chairman by notification in writing to the Secretary of the Joint Committee.
- 2.4 Where a casual vacancy arises in the office of Chairman or Vice Chairman of the Joint Committee, the Joint Committee shall at its next meeting elect a Chairman or Vice Chairman, as the case may be, for the balance of the term of office of the previous Chairman or Vice Chairman.
- 2.5 Where, at any meeting or part of a meeting of the Joint Committee, both the Chairman and Vice Chairman of the Joint Committee are either absent or unable to act as Chairman or Vice Chairman, the Joint Committee shall elect one of the members of the Joint Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

3. Secretary to the Joint Committee

- 3.1 The Joint Committee shall be supported by the Secretary to the Joint Committee.
- 3.2 The Secretary of the Joint Committee shall be an officer of one of the Authorities, appointed by the Joint Committee for this purpose.
- 3.3 The functions of the Secretary of the Joint Committee shall be:
- To maintain a record of membership of the Joint Committee;
 - To notify the proper officers of each Authority of any anticipated “key decisions” to be taken by the Joint Committee, to enable such “key

decisions” to be included in Forward Plans of each appointing Authority;

- To carry out such notification to and consultation with members of any appointing Authority as may be necessary to enable the Joint Committee to take urgent “key decisions” which have not been included in the Forward Plans of the Authorities;
- To summon meetings of the Joint Committee in accordance with Paragraph 4 below;
- To prepare and send out the agenda for meetings of the Joint Committee in consultation with the Chairman and the Vice Chairman of the Committee and the [Director];
- To keep a record of the proceedings of the Joint Committee;
- To take such administrative action as may be necessary to give effect to decisions of the Joint Committee;
- Such other functions as may be determined by the Joint Committee.

4. Convening of Meetings of the Joint Committee

4.1 Meetings of the Joint Committee shall be held at such times, dates and places as may be notified to the members of the Joint Committee by the Secretary to the Joint Committee, being such time, place and location as:

4.1.1 the Joint Committee shall from time to time resolve;

4.1.2 the Chairman of the Joint Committee, or if he/she is unable to act, the Vice Chairman of the Joint Committee, shall notify to the Secretary of the Joint Committee, or

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

(a) from and signed by two members of the Joint Committee, or

(b) from the Chief Executive of any of the Authorities.

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

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

4.2.1 The Chairman of the Joint Committee;

4.2.2 The Vice Chairman of the Joint Committee;

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

- (a) The Chief Executive of any of the Authorities;
- (b) the Chief Finance Officer¹ to any of the Authorities;
- (c) the Monitoring Officer to any of the Authorities;
- (d) the Legal Adviser² to the Joint Committee;
- (e) the Director of the LHC Operations Group
- (f) any two members of the Joint Committee in accordance with Paragraph 8.1.3 below.

5. Procedure at Meetings of the Joint Committee

5.1 The Joint Committee shall, unless the member of the Joint Committee presiding at a meeting or the Joint Committee determines otherwise, conduct its business in accordance with the Executive Procedure Rules set out in Appendix One to this Constitution

5.2 The Chairman of the Joint Committee, or in his/her absence the Vice Chairman of the Joint Committee, or in his/her absence the member of the Joint Committee elected for this purpose, shall preside at any meeting of the Joint Committee.

6. Powers Delegated to the Joint Committee

¹ Equivalent to your honorary treasurer

² Equivalent to your honorary clerk

- 6.1 The Joint Committee shall act as a co-ordinating forum for LHC, providing guidance to the Operations Group. Its executive decision-making powers shall be limited to the following –

- 6.1.1 identification of the overall strategic objectives of the LHC;
- 6.1.2 management of the LHC
- 6.1.3 overseeing and monitoring the work of the Operations Group;
- 6.1.4 setting the staffing structure of the LHC
- 6.1.5 overseeing the procurement of framework agreements on behalf of the Authorities
- 6.1.6 overseeing the provision of technical advice and consultancy services provided by the LHC Operations Group.

insert other delegations agreed by the councils

- 6.2 Without prejudice to Paragraph 6.1 above, it is hereby declared that the following functions are reserved to each of the Authorities and shall not be within the powers of the Joint Committee:

- 6.2.1 All non-executive functions of any of the Authorities, or functions which would be non-executive functions if the Authority were operating Executive Arrangements in accordance with the Local Government Act 2000;
- 6.2.2 Any decision which is contrary to or not wholly in accordance with the Budget approved by each Authority for the Joint Committee, or is contrary to an approved policy or strategy of any of the Authorities;
- 6.2.3 Any decision in respect of which the Chief Executive of any of the Authorities has notified the Secretary to the Joint Committee in writing of the Authority's formal objection to the proposed decision prior to the start of the meeting at which it is proposed that the decision be taken.

7. Attendance at Meetings of the Joint Committee

- 7.1 Notwithstanding that a meeting or part of a meeting of the Joint Committee is not open to the press and public, the officers specified in Paragraph 7.2 below of each of the Authorities shall be entitled to attend all, and all parts, of such meetings, unless the particular officer has a conflict of interest as a result of a personal interest in the matter under consideration.
- 7.2 The following are the officers who shall have a right of attendance in accordance with Paragraph 9.1:

- 7.2.1 the Chief Executive of any of the Authorities;
- 7.2.2 the Chief Finance Officer to any of the Authorities;
- 7.2.3 the Monitoring Officer to any of the Authorities;
- 7.2.4 the Director of the LHC Operations Group

8. Financial Regulations and Officer Employment Procedure Rules

The Joint Committee shall operate under the Financial Regulations and Officer Employment Procedure Rules of London Borough of Hillingdon

9. Amendment of this Constitution

This Constitution can only be amended by resolution of each of the Authorities.

10. LHC Operations Group

- 10.1 The LHC Operations Group shall be employed by the London Borough of Hillingdon and the terms and conditions of staff within the LHC Operations Group shall be those used by London Borough of Hillingdon.
- 10.2 Notwithstanding that the London Borough of Hillingdon shall be the employer of the staff, the Joint Committee shall determine the structure of the staffing group from time to time to ensure that the LHC can carry out its role efficiently and effectively.
- 10.3 The Director shall report to the Joint Committee on all activity relating to the work of the Operations Group at least annually.
- 10.4 The Authorities shall equally be responsible for the staff of the LHC in circumstances where either the Joint Committee or the LHC cease to exist and shall cooperate with each other with a view to finding continued employment for the staff with one of the Authorities or by sharing equally and redundancy costs.

11. Budget

An annual budget showing forecasts and estimates for income and expenditure for the following two years shall be presented for approval by the Joint Committee annually

12. Premises

- 12.1 Any premises relating to the work of the LHC Joint Committee must be owned or leased by one of the Authorities.

- 12.2 Premises currently occupied by the LHC Operations Group are leased by the London Borough of Hillingdon

13. Interpretation

In this Constitution the following words and phrases shall have the following meanings”

“Authority” means each of [*insert full list of participating councils*] and “Authorities” shall mean all of these Authorities.

“Council” means each [as above] and “Councils” shall mean all of these Councils.

“Director” means the officer of the London Borough of Hillingdon who acts as Director of the LHC Operations Group

“The Joint Committee” means the [insert list of members] LHC Joint Committee.

“LHC” means the consortium which exists to provide specialist technical and procurement services to building programmes undertaken by participating local authorities and other public sector bodies and provides framework arrangements for such procurement services to such bodies

“The LHC Operations Group” means such team of officers from the Authorities, as the Authorities shall establish to manage LHC under the guidance of the Joint Committee.

“The Secretary to the Joint Committee” means the officer of one of the Authorities appointed for the time being by the Joint Committee to perform this function.

Joint Committee Executive Decision Procedure Rules

Example – usually use those of one of the authorities in the JC – but will cover the same kind of rules many of which are required by the legislation governing local authorities

1 Application

These procedure rules apply to all meetings of the Joint Committee., any Sub-Committee of the Joint Committee, and to decisions of individual Joint Committee Members and executive decisions taken by officers under powers delegated from the Joint Committee.

2 Allocation and Delegation of Functions

(a) Sub-delegation

Except in respect of Key Decisions, where the Joint Committee or a Sub-Committee of the Joint Committee is responsible for the discharge of a function, it may arrange for the discharge of that function by a Sub-Committee of the Joint Committee or by an officer

(b) Resumption of delegated functions

Where a function has been delegated by the Joint Committee or a Sub-Committee of the Joint Committee, it may at any time resume responsibility for the discharge of that function by notice in writing to the person or body to whom the function has been delegated, with a copy to the Secretary to the Joint Committee.

Where a Sub-Committee of the Joint Committee or officer has been given delegated powers in respect of a function, he/she may at any time refer the matter up for decision to the person or body from whom the power has been delegated.

3 Meetings

(a) The Joint Committee shall meet as necessary for the effective discharge of its functions. Any Sub-Committees shall meet as necessary to discharge of their functions

(b) The Joint Committee shall meet at such time, date and location as may be determined by the Joint Committee or by the Chair of the Joint Committee and notified to the Secretary to the Joint Committee. Meetings of Sub-Committees shall be on such time, date and location as the Sub-Committee may determine and notify to the Secretary to the Joint Committee.

(c) Where the Scrutiny Committee of one of the Authorities has requested the Joint Committee or a Sub-Committee to reconsider a decision, the decision-taker(s) shall meet and reconsider the decision within 20 working days of the

decision of the Scrutiny Committee.

4 Summons and Agenda Procedure

- (a) All meetings of Joint Committee and Sub-Committees shall be summoned by the Secretary to the Joint Committee.
- (b) Except in cases of special urgency, at least 5 clear days before the meeting, the Secretary to the Joint Committee shall prepare and send to each member an agenda setting out:
 - A The identity of the body
 - B The time, date and location of the meeting
 - C The business to be transacted at the meeting, including:
 - I Any reports and recommendations from any of the Authorities
 - II Any reports or recommendations from the Joint Committee, a Sub-Committee
 - III Any notices of motion to, or referred to, the Joint Committee
 - IV Any petitions to, or referred to, the Joint Committee
 - V Any reports to be made by statutory officers of any of the Authorities
 - VI Any matters which the Chair has notified to the Secretary to the Joint Committee for inclusion in the agenda
 - VII Any reports to be made by the Project Director or other officers of any of the Authorities appropriate to the proper discharge of the body's business.
 - VIII Consideration of the Joint Committee's work programme
 - IX Where practicable, an indication that the Secretary to the Joint Committee is of the opinion that it is likely that the press and public will be excluded from all or part of the meeting.
- (c) No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chair of the Joint Committee or Sub-Committee agrees that the item should be considered as a matter of urgency. The reason for the urgency shall be

specified in the statement of decision.

- (d) The agenda shall be accompanied by any reports and documents necessary for the decision-taker(s) to discharge his/her business effectively. Each such report shall be in such standard form as the Secretary to the Joint Committee may prescribe and shall include a list of all background documents which the author of the report has relied upon in compiling the report. As a matter of principle, any written report relating to a matter included in the agenda should be made available and circulated at the same time as the agenda, but where this is not practicable because of the urgent nature of the matter, the agenda will state that the report is to follow and the report will be circulated as soon as possible after the circulation of the agenda for the meeting.

5 Rights of Attendance and Audience

- (a) Agendas of the Joint Committee and of any Sub-Committee meetings and reports, except those marked “Not for Publication”, will be available for inspection on request by the public at the offices of the constituent Authorities during normal office hours.
- (b) The presumption is that all meetings of the Joint Committee and of any Sub-Committees shall be open to the public.
 - (i) Where the Secretary to the Joint Committee is of the opinion that it is likely that the press and public will be excluded from all or part of a meeting, he/she shall so indicate on the agenda and may withhold from the press and public any report or background paper which would disclose confidential or exempt information.
 - (ii) The Joint Committee and any Sub-Committee must exclude press and public from any part of a meeting at which confidential information is likely to be disclosed
 - (iii) The Joint Committee and any Sub-Committee may exclude press and public from any part of a meeting:
 - A at which exempt information is likely to be disclosed; or
 - B at which officers will provide a briefing to members on a matter on which a decision is likely to be taken on the matter within the next 28 days;
- (d) Where the Joint Committee or a Sub-Committee excludes press and public from a meeting, all members of the constituent authorities who are not members of the Joint Committee or Sub-Committee, as appropriate, shall leave the meeting unless specifically invited to remain.
- (e) All documents which are open to public inspection, will normally be available at least five clear days before the relevant meeting. Where a report is not

available when the agenda is published, the report shall be made available for public inspection when it is made available to members of the authority.

- (f) Any Member (of any of the constituent authorities) may:
 - (i) Provide the Secretary to the Joint Committee, before the day on which the meeting is to be held, with representations in writing in respect of any matter on such an agenda, in which case the Secretary to the Joint Committee shall ensure that such representations are provided to the decision-taker(s);
 - (ii) Attend the meeting and address the decision-taker for up to 5 minutes in respect of the matter to be decided.
- (g) Members of the public may submit to the Secretary to the Joint Committee comments in writing about any matter on an agenda for a meeting before the day on which the meeting is to be held. Where practicable, such comments will be reported to the decision-taker(s)

6 Urgent Decisions

(a) Urgent Key Decisions

Subject as below, the Joint Committee and any Sub-Committee shall not take a Key decision which has not been included in the Forward Plan for the period in which the decision is to be taken unless at least 5 clear days' notice of that decision has been given to the Chairman of Scrutiny Committee of each Authority setting out the reasons for urgency

(b) Special Urgent Key Decisions

The Joint Committee or a Sub-Committee shall not take a Special Urgent Key Decision unless notice of the intended decision has been given by the Secretary to the Joint Committee to the Chairman of the Scrutiny Committee of each Authority and he/she, or in his absence the Chairman of Council, or in his/her absence the Vice-Chairman of Council, has notified the Secretary to the Joint Committee that he/she agrees that the decision is specially urgent.

(c) Reporting Urgent and Special Urgent Key Decisions

The Secretary to the Joint Committee shall ensure that a report listing all Urgent Key Decisions and Special Urgent Key Decisions is presented to the next convenient meeting of the Scrutiny Committee of each constituent authority

7 Departure Decisions

- (a) The Joint Committee and any Sub-Committee shall not take a decision which

is contrary to or not wholly in accordance with the relevant Authority's approved Budget or the Authority's approved plan or strategy for borrowing and capital expenditure, and which is not within the approved virement limits, but shall refer the proposed decision to appropriate Authority for determination

- (b) The Joint Committee and any Sub-Committee shall not take a decision which is contrary to an Authority's Policy Framework, but shall refer the proposed decision to the relevant Authority for determination
- (c) Paragraphs (a) and (b) shall not apply where the decision -
 - (i) is urgent (in the sense that the interests of the authority, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were to be deferred until the next ordinary meeting of Council) and
 - (ii) the Secretary to the Joint Committee has notified the Chairman of Scrutiny Committee of the relevant Authority or, if he/she is unable to act, the Chairman of Council or, if he/she is unable to act, the Vice-Chairman of Council of the intended decision and the reasons for urgency and that Councillor has notified the Secretary to the Joint Committee in writing that he/she agrees that the matter needs to be determined as a matter of urgency.
- (d) In each instance where an urgent decision is taken under Paragraph (c) above, the decision taker(s) shall as soon as reasonably practicable after the making of the decision, submit a report to each relevant Authority setting out the particulars of:
 - (i) the decision which has been taken
 - (ii) the reasons why the decision was urgent, and
 - (iii) the reasons for the decision itself.
- (e) The Secretary to the Joint Committee shall ensure that a report setting out each urgent departure decision is presented to the next convenient meeting of the relevant Scrutiny Committee.

8 Rules of Procedure

- (a) Who presides?

The Chairman shall preside at meetings of the Joint Committee. In his/her absence, the Deputy Chairman shall preside. In the absence of both Chairman and Deputy Chairman, the meeting shall elect a member of the Joint Committee to preside for the duration of the meeting.

Each Sub-Committee shall elect a Chairman. In his/her absence, the Committee shall elect a member to preside for the duration of the meeting.

- (b) What business is to be transacted?

At each meeting of the Joint Committee the following business will be transacted:

- (i) Apologies for absence
 - (ii) Declarations of interest
 - (iii) Matters arising from the minutes of the previous meeting
 - (iv) Matters set out in the agenda for the meeting.
- (c) The person presiding at a meeting shall conduct the meeting in accordance with these Procedure Rules.
- (d) The person presiding at the meeting may vary the order of business at the meeting.
- (e) The person presiding at the meeting may invite any person, whether a member or officer of the Joint Committee or a third party, to attend the meeting and to speak on any matter before the meeting.

9 Quorum

The quorum for a meeting of the Joint Committee or a Sub-Committee shall be three members.

10 Record of Attendance

All Joint Committee Members and Sub-Committee members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting.

11 Disorderly Conduct

- (a) If, in the opinion of the person presiding, any member of the Joint Committee or of a Sub-Committee misbehaves at a meeting by persistently disregarding the ruling of the person presiding, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Joint Committee or a Sub-Committee, the person presiding may move not to hear the member further. If the motion is seconded it shall be put to the vote without discussion.
- (b) If, in the opinion of the person presiding, the member persistently misbehaves after such a motion has been carried, the person presiding may require the removal of the member for such period as the person presiding shall determine. The person presiding may if necessary adjourn or suspend the sitting of the Joint Committee or Sub-Committee.
- (c) If a member is required to leave a meeting under this Procedure Rule, the member is not entitled to vote during the period of exclusion.

- (d) If a member of the public or Councillor who is not a Joint Committee or Sub-Committee Member interrupts the proceedings at any meeting, the person presiding may issue a warning. If the interruption continues the person presiding may order the person's removal from the room or chamber in which the meeting is being held.
- (e) In case of general disturbance in any part of the chamber open to the public the person presiding may order that part cleared. If the person presiding considers it necessary, he may adjourn or suspend the sitting of the Joint Committee or Sub-Committee.

12 Voting

- (a) Whilst the Joint Committee shall seek to operate by consensus, matters under consideration shall be determined by a majority vote of those members present and voting
- (b) Voting is generally by a show of hands.
- (c) Any Joint Committee or Sub-Committee Member may ask for a vote to be recorded, individual votes will then be taken by way of a roll call and recorded in the minutes so as to show how each member present and voting gave his vote.
- (d) Any Joint Committee or Sub-Committee Member may ask that his/her individual vote be recorded in the minutes.
- (e) Whenever a vote is taken by show of hands and not by roll call, the person presiding shall ask for those in favour, and those against to vote in turn. He will then ask those abstaining from voting to indicate accordingly. Any member may ask for the number of those in favour, the number of those against and the number of those abstaining to be recorded in the minutes.
- (f) A member may not change his/her vote once he/she has cast it and another member has been called upon to vote.
- (g) If a member arrives before the casting of votes has been commenced he/she is entitled to vote.
- (h) Immediately after a vote is taken any member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- (i) A matter shall be considered to be approved if it receives the votes of a majority of those members entitled to vote who are present and voting. In the event that the votes cast for and against a proposal are equal, the person presiding, will have a second and/or casting vote where. There shall be no restriction on the manner in which the casting vote is exercised.
- (j) Where there are more than two persons nominated for any position to be filled by the Joint Committee or a Sub-Committee, and no person receives

more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.

13 Recording the Decision

(a) Joint Committee and Sub-Committees

- (i) The person presiding shall be responsible for ensuring that the Secretary to the Joint Committee is clear as to the decision taken and the reasons for that decision.
- (ii) The Secretary to the Joint Committee shall then, as soon as reasonably practicable after the end of the meeting, prepare a statement of the decisions taken at the meeting, including:
 - A The Joint Committee and Sub-Committee and other members of the Authorities attending the meeting
 - B Any disclosures of personal or prejudicial interests
 - C The decisions taken
 - D Whether the decision is urgent and should be implemented directly
 - E A summary of the reasons for the decision
 - F The options which were considered at, but rejected by, the meeting

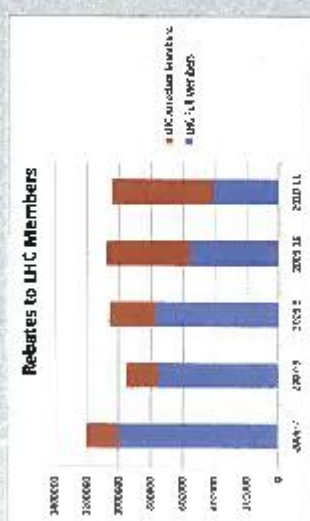
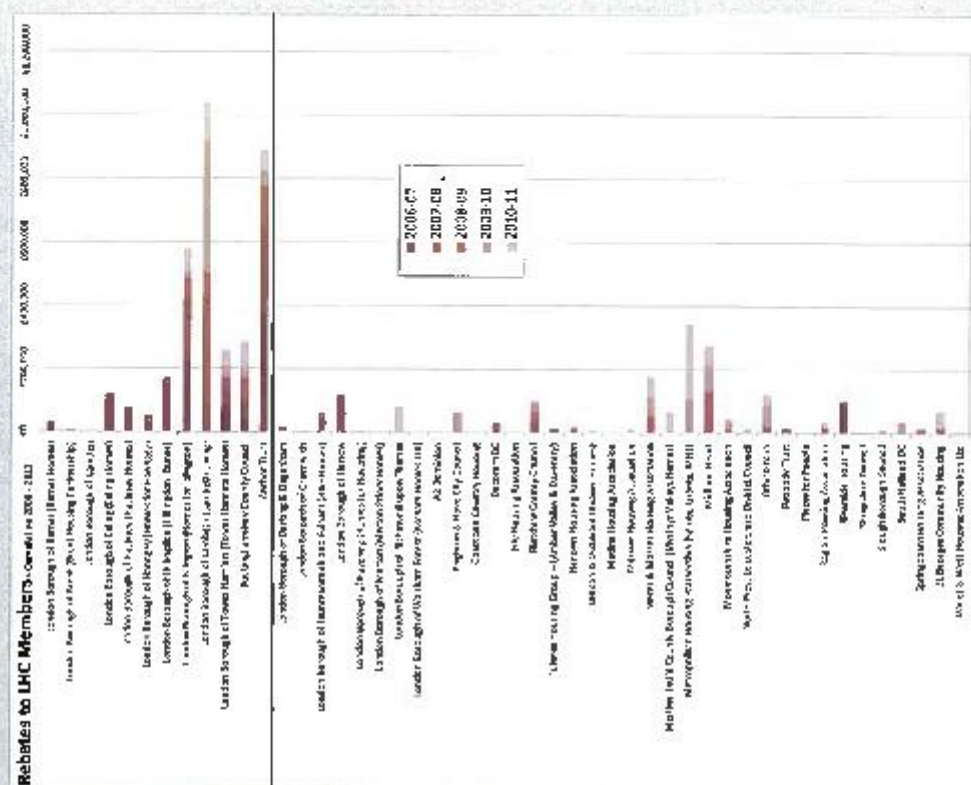
The Secretary to the Joint Committee may consult the person presiding at the meeting as to the matters to be recorded in the minute.

- (c) Where the statement of decision(s) would disclose confidential or exempt information, the Secretary to the Joint Committee shall produce a formal statement of decisions of the meeting and a summary of the decisions taken at the meeting excluding such confidential and exempt information but providing a coherent account of the matters decided.
- (d) Where the decision is a decision upon a reconsideration of a decision on a "Call-In" by a Scrutiny Committee, the Secretary to the Joint Committee shall be responsible for reporting that reconsideration decision to the Scrutiny Committee
- (e) The Secretary to the Joint Committee shall be responsible for circulating the statement of decisions to officers of the authority responsible for the implementation of the decision(s).

14 Implementing decisions

- (a) Key decisions shall not be implemented until 5 clear days from the publication of the statement of decision(s) of the meeting or the decision.
- (b) Paragraph (a) shall not apply where the author of any report has stated therein, or the decision-taker(s) have determined, that the matter is urgent and that the interests of one or more of the constituent authorities, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were not to be implemented directly.
- (c) Where a non-urgent (Key or Non-Key) decision is called in by a Scrutiny Committee before it is implemented, implementation of the decision will be deferred until the decision-taker has had the opportunity to consider any request from the Scrutiny Committee for the re-consideration of the matter.

Appendix 2



Appendix 3

Part 5 – Terms of reference

LONDON HOUSING CONSORTIUM

Membership

The London Housing Consortium is a building procurement consortium for housing, schools and corporate buildings. There are 12 Full Members of the LHC which comprises ten London Boroughs, Buckingham County Council and one registered social landlord.

This committee comprises one elected Member from each partner authority's Executive.

Terms of Reference

- 1 To provide specialist technical and procurement services related to building programmes undertaken by LHC constituent authorities and other public sector bodies.
- 2 To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.