

Item 2b. Constitution of the Joint Committee

SCHEDULE 1

The terms of reference of the joint committee are as follows:

- To manage the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STaR on its behalf.
 - To agree any changes to the cost and income sharing arrangements set out in this agreement
 - To agree the organisational structure of the STaR to carry out those operations.
 - To recommend to Trafford Council the person to be appointed as Director and the salary for the post.
 - To consider the policies and procedures for procurement activities carried out by the STaR recommended to it by the Board including the contract procedure rules under which it will operate for each of the Councils.
 - To recommend the business plans and budgets of the STaR for approval by the Councils.
 - To monitor the budget and performance of the STaR
 - To approve major changes to standard tender documentation and procedures
 - Such other matters as the Councils (for non-executive matters) and/or the Executive Leaders jointly agree
- 1 Each of the Councils will appoint one appropriate executive Member of that Council as its nominated Member of the Joint Committee. The Members appointed will have full voting rights.
 - 2 Each Council may appoint one or more substitute executive Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given by the substitute member to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute will have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Member attends a meeting of the Joint Committee, any named substitute may also attend as an observer but will not be entitled to vote.
 - 3 Each Member of the Joint Committee will comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
 - 4 Each of the Councils may remove its appointed Member or substitute Member of the Joint Committee and appoint a different executive Member or substitute to the

- Joint Committee by giving written notice to the Secretary to the Joint Committee.
- 5 Each appointed Member or substitute member attending a meeting of the Joint Committee will have one vote.
 - 6 Each Member of the Joint Committee will serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member will cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her, if the relevant Council removes him or her as a Member of the Joint Committee or the relevant Council ceases to be a party to this agreement.
 - 7 Any casual vacancies howsoever arising will be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary to the Joint Committee.
 - 8 Meetings of the Joint Committee will be held at the venue or venues as agreed by the Joint Committee.
 - 9 The first meeting of the Joint Committee will elect a Chairman for the remainder of the municipal year in which the election took place and until the election of a Chairman at the first meeting of the following municipal year whichever is later. Thereafter, the Chairman will be elected at the first meeting of the municipal year and that member will remain Chairman until the election of a Chairman at the first meeting of the following municipal year unless he or she ceases to be a Member of the Joint Committee.
 - 10 The Joint Committee will elect a Vice Chairman for the same periods as set out at paragraph 9 above.
 11. The Joint Committee will determine the frequency of its meetings.
 12. The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one appointed Member of the Joint Committee from each Council requests it or the Head of Paid Service of each of the Councils request it.
 13. Meetings will be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
 14. The Secretary to the Joint Committee will send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear Business Days before the date of the relevant meeting.
 15. The Secretary to the Joint Committee will arrange for written minutes to be taken of each meeting of the Joint Committee and will present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes will be signed by the Chairman or Vice-Chairman.
 16. Meetings of the Joint Committee will start at a time to be agreed by the Joint

Committee.

17. A meeting of the Joint Committee will require a quorum of one Member or substitute Member of each Council who is entitled to attend and vote.
18. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee will be decided by a majority of the appointed Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman will have a second or casting vote but before exercising this, the Chairman will consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
19. Any Member of the Joint Committee may request the Joint Committee to record the votes of individual Members of the Joint Committee on a matter for decision.
20. A Member when speaking will address the Chairman. If more than one Member wishes to speak, the Chairman will call on one to speak. While a Member is speaking other Members will remain silent.
21. A Member will direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
22. Only one amendment to a proposal may be moved and discussed at a time and no further amendment will be moved until the amendment under discussion has been disposed of, providing that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
23. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended will take the place of the original motion and will become the motion upon which any further amendment may be moved.
24. The order of business will be indicated in the agenda for the meeting.
25. When a motion is under debate by the Joint Committee no other motion will be moved except the following:
 - 25.1 to amend the motion;
 - 25.2 to adjourn the meeting;
 - 25.3 to adjourn the debate;
 - 25.4 to proceed to the next business;
 - 25.5 that the question be now put;
 - 25.6 that a Member be not further heard;
 - 25.7 by the Chairman that a Member do leave the meeting;
 - 25.8 a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;

- 25.9 to postpone consideration of the item.
26. A Member may move without comment at the conclusion of a speech of another Member, "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman will proceed as follows:
- 26.1 on a motion to proceed to next business; unless in his opinion the matter before the meeting has been insufficiently discussed put to the vote the motion to proceed to the next business
- 26.2 on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed he will first put to the vote the motion that the question be now put
- 26.3 on a motion to adjourn the debate or the meeting; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.
- 26.4 The ruling of the Chairman will not be open for discussion.
27. Any member of the Councils who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he or she will not be entitled to vote, will not take part in the consideration or discussion of any business, save by leave of the Chairman and comments by them will be recorded only on the direction of the Chairman.
28. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 30.
29. Members of the public wishing to address the Joint Committee (or a subcommittee of the Joint Committee) on public reports contained within the agenda for the meeting will be given the opportunity to do so at the discretion of the Chairman.
30. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
31. Each Council may call in any decision of the Joint Committee in accordance with the overview and scrutiny provisions of that Council's constitution. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee will take no action to implement that decision unless the call in process upholds the decision.
32. The Joint Committee may delegate a function to a Sub-Committee or an officer.
33. Until such time as the Joint Committee adopts its own financial regulations and contract procedure rules the regulations and rules of Trafford will apply.

34. The Secretary to the Joint Committee will provide secretarial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils. Trafford will make available committee officers to provide administrative services at the meetings of the Joint Committee.
35. The Lawyer to the Joint Committee will provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils. The Lawyer to the Joint Committee will inform the Monitoring Officer of any Council if he or she becomes aware of any situation that would require that monitoring officer to exercise their statutory functions.
36. The Finance Officer to the Joint Committee will provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
37. The operational strategic management of the STaR will be carried out by the Board. Its functions will include the following:
 - To make recommendations to the Joint Committee about the operational procurement functions of the Councils being dealt with by the STaR on its behalf.
 - To recommend changes to the organisational structure of the STaR to carry out those operations.
 - To approve the terms and conditions of staff employed by the STaR
 - To manage the Director.
 - To approve an officer scheme of delegation in consultation with the Director where possible
 - To approve policies and procedures for procurement activities carried out by the STaR including the contract procedure rules under which it will operate for each of the Councils and to make recommendations to the Joint Committee about such matters having regard to best procurement practices.
 - To recommend the business plans and budgets of the STaR for consideration by the Joint Committee.
 - To monitor the budget and performance of the STaR
 - To recommend to the Joint Committee major changes to standard tender documentation and procedures
 - To recommend to the Joint Committee changes to the cost and income sharing arrangements set out in this agreement
38. The Board will comprise of a senior officer from each of the Councils. The senior officer to represent each Council will be appointed by the head of paid service of each Council who may change that appointment at any time.