

## CONSTITUTION OF THE WEST OF ENGLAND PARTNERSHIP

### A. Purpose of the Partnership

- 1 Realise the potential of the West of England and improvements in its economy, public infrastructure, environment and quality of life for all its residents.
- 2 Set clear long term direction to support the development and delivery of key strategies for the West of England.
- 3 Promote the interests of the West of England regionally, nationally and in Europe.
- 4 Add to the confidence that attracts and retains public and private investment.
- 5 Work holistically involving local authorities, public agencies and social, economic and environmental partners.
- 6 Provide the leadership and strategic capacity to secure the well-being of the West of England.

### B. Membership of the Partnership

- 7 Three elected members from each of the four unitary authorities in the West of England, namely:
  - Bath & North East Somerset Council
  - Bristol City Council
  - North Somerset Council
  - South Gloucestershire CouncilThe elected members are nominated by each authority, annually in May (or after local elections, if held at a different time).
- 8 Seven social, economic and environmental partners selected using the following criteria:
  - able to contribute to the key issues the Partnership will be addressing based on their skills and knowledge
  - able to make a top-rate personal contribution
  - drawn from across the West of England
  - achieving a balance of representation of partners across the partnership and its specialist groups
  - able to represent sector interests in the West of England.These nominations may be reviewed annually by the Partnership to confirm or vary membership from May each year (or after local elections, if held at a different time).
- 9 Observers. One nominated annually in May by each of the following organisations:
  - Homes and Communities Agency
  - South West Regional Development Agency
  - South West Regional Assembly
  - Government Office for the South West
  - Gloucestershire County Council
  - Somerset County Council
  - Wiltshire County Council

### **C. Joint Committees, Boards and Specialist Groups in support of the Partnership**

10 These are as follows:

- Joint Transport Committee
- Joint Waste Management Committee
- Joint Scrutiny Committee (made up of Scrutiny Committees from each authority)
- Planning, Housing and Communities Board
- Employment and Skills Board
- Culture, Leisure & Tourism
- Rural Strategy Group

11 The purpose and core membership of each Joint Committee, Board and Specialist Group is set out in the Schedule attached. The criteria at B 8 above will be used in selecting and reviewing the membership of social, economic and environmental partners.

12 Each Joint Committee, Board or Specialist Group will work with appropriate Social, Economic and Environmental Board members and partners, strategic partner organisations and expert witnesses to assist in achieving their objectives.

13 The Partnership may vary the number and roles of its Joint Committees, Boards and Specialist Groups.

### **D. West of England Initiative**

14 Whilst not formally part of the Partnership, the West of England Initiative is part of a variety of arrangements the Partnership makes to engage and consult people in the West of England. It supports the Partnership by:

- debating significant current and future issues
- facilitating information sharing and networking
- advocating for the sub-region.

15 Established by GWE Business West, the Initiative comprises a wide range of business, public, private and voluntary and community organisations including members of the Partnership.

### **E. Convening and conducting meetings of the Partnership, its Joint Committees, Boards and Specialist Groups**

16 Annually in May (or after local elections, if held at a different time) the Clerk to the Partnership shall publish the:

- diary of meetings and events for the forthcoming year, including venues
- membership of the Partnership, its Joint Committees, Boards and Specialist Groups
- name and contact details for the Clerks to the Partnership, its Joint Committees, Boards and Specialist Groups.

17 At the first meeting of the Partnership, its Joint Committees, Boards and Specialist Groups the appropriate Clerk shall:

- arrange for the election of a chair and vice chair for the year
- publish the diary of meetings and membership.

- 18 All meetings of the Partnership, its Joint Committees, Boards and Specialist Groups shall (unless there exists a formal constitution and/or Joint Working Agreement(s) between the Authorities making alternative provisions, in which case the following are overridden):
- take place at least 4 times each year;
  - consider any items submitted to the Clerk of the appropriate meeting by a member of that meeting or an adviser, as long as they are received at least three working days prior to despatch of the agenda;
  - be convened by the appropriate Clerk five clear working days in advance by publishing an agenda, previous minutes and reports, unless the appropriate chair first approves the consideration of a paper(s) as urgent business. The agenda and reports shall be published on westofengland.org website;
  - be public meetings governed and administered in accordance with local authority provisions, including considering confidential matters in exempt session if required;
  - allow appropriate substitutes for members of the Partnership, Joint Committees, Boards and Specialist Groups where their names are notified to the appropriate Clerk prior to the meeting;
  - provide for the appropriate Clerk to take the minutes and publish and seek approval for them at the next meeting;
  - have a quorum for any meeting of 40% of the voting membership (the elected members and social, economic and environmental partners) with at least one representative from each unitary authority;
  - have a standing item on the agenda for the receipt of written or oral representations (each normally of no longer than 5 minutes) from the public; these may be taken at the outset or during of the meeting at the discretion of the Chair;
  - be advised by the officers employed to support the Partnership or by officers of the local authorities, as appropriate;
  - arrive at decisions and recommendations by a simple majority of the voting members present; the Chair shall have a casting vote.
- 19 All members of the Partnership, its Joint Committees, Boards and Specialist Groups shall:
- commit to working together with partners for the future well-being of the West of England;
  - declare any personal or prejudicial interest in any matter to be considered at a meeting; if a declaration is made they may be asked to withdraw from the meeting whilst the item is considered;
  - maintain confidentiality of Partnership business where that is expressly required;
  - ensure that appropriate communication, consultation and conventional decision-making takes place at an appropriate time within their own organisations to seek to ensure the Partnership has the necessary support and any formal approval for the action it proposes;

- be asked to indicate if they wish to continue in membership should they be absent from 3 consecutive meetings.

## **F. Planning, supporting and financing the work of the Partnership**

- 20 For each of the various activities one unitary authority takes the role of 'lead' authority and ensures legal, financial and other general specialist services to the Partnership.
- 21 The Partnership, including its Joint Committees, Boards and Specialist Groups, is advised and supported by its Chief Executive who leads a 'core' policy, support and research team. Officers of partner organisations complement this advice and support.
- 22 The 'core' team comprises officers employed by or seconded to the 'lead' unitary authority on behalf of the partnership.
- 23 The total costs of the 'core' team and the services provided by the 'lead' or other authority shall be recharged in equal parts to the four constituent unitary authorities by the Treasurer of the 'lead' authority.
- 24 Such charges are based on an annual service plan and budget considered and approved by the Partnership by 31 December each year, in advance of the forthcoming financial year.
- 25 Should the requirements of the Partnership for support change, reduce or be terminated the constituent unitary authorities will use their best endeavours to ensure that employment is found for all the staff affected.

## **G. Other provisions**

- 26 This arrangement shall not constitute a partnership in law. Neither the West of England Partnership nor any of the Boards or Specialist Groups shall have the power to take decisions that bind the member authorities or any other participants; however, this is not the case where decisions are made by the Joint Committees. Decisions that require to be legally ratified by the member authorities or participants shall be referred back to them to be taken.
- 26 The four unitary authorities have concluded a formal legal agreement to ensure clarity about the role, responsibilities and rights of the 'lead' authority and arrangements to protect the interests of each unitary authority. The agreement deals with:
  - budgeting, incurring and meeting expenditure and audit arrangements;
  - the employment of staff;
  - property, including the current rights to use the premises at Wilder House, Bristol;
  - procurement and entering into contracts;
  - liabilities and insurance;
  - arrangements in the event of an authority wishing to withdraw from the Partnership or all authorities agreeing to terminate the Partnership;
  - Arbitration;
  - Force Majeure.

7 February 2005  
Revised 5 December 2008

## **SCHEDULE**

### **West of England Partnership**

#### **PURPOSE AND CORE MEMBERSHIP OF JOINT COMMITTEES, BOARDS AND SPECIALIST GROUPS**

##### **1. NOMINATION AND APPOINTMENT OF MEMBERS TO JOINT COMMITTEES, BOARDS AND SPECIALIST GROUPS**

- Elected members are nominated to Joint Committees, Boards and Specialist Groups by each authority, annually in May (or after local elections, if held at a different time).
- Each Joint Committee, Board or Specialist Group will work with appropriate Social, Economic and Environmental Board members and partners, strategic organisations and expert witnesses to assist in achieving their objectives.
- Nominations of social, economic and environmental partners may be reviewed annually by each Group, using the criteria at paragraph B8 above, to confirm or vary membership from May each year.
- Observers are nominated by the relevant organisations, annually in May each year.
- Nomination of members and partners who are also members of the South West Regional Assembly is welcomed.
- A Board or Specialist Group may add to its membership during the year, using the criteria at B8 above, where this assists with its responsibilities.

##### **2. JOINT COMMITTEES**

###### **Joint Transport Committee**

The purpose, membership and operation of the Joint Transport Committee are governed by the Constitution of the Joint Committee and the Joint Working Agreement between the four authorities. The constitution outlines the powers as follows:

- “(1) To receive recommendations from each of the Authorities for local transport projects to be included within the Local Transport Improvement Programme, and to develop and determine the Local Transport Improvement Programme on the basis of such recommendations, and to revise that Local Transport Improvement Programme from time to time. For clarification it is stated that the Joint Transportation Executive Committee may not include a local transport project within the Local Transport Improvement Programme except on the recommendation of the Authority or the Authorities within whose area(s) the project lies.
- (2) To recommend to the Executives of each of the Authorities any changes to the Joint Local Transport Plan which are necessary to accommodate and support the Local Transport Improvement Programme, for recommendation by the Executive of each Authority to its Council for approval
- (3) To prepare draft joint bids for funding for recommendation to the Executives of each of the Authorities for approval and to accept any funding offers and conditions received as a consequence of such bids
- (4) To manage any funds and to allocate them from time to time to each of the Authorities to enable each Authority to implement specific local transport projects in accordance with the Local Transport Improvement Programme

- (5) To monitor the implementation of the Local Transport Improvement Programme and report regularly to the Authorities thereon
- (6) To make such returns and provide such information as may be required by the Department for Transport.”

Membership comprises the four Executive Members, one nominated by each authority.

### **Joint Waste Management Committee**

The purpose, membership and operation of the Joint Waste Management Committee are governed by the Constitution of the Joint Committee and Joint Working Agreements between the authorities. The Joint Working Agreements outline the objectives as follows:

- (1) Develop a sustained and co-ordinated programme to reduce the amount of waste generated and to increase the opportunities to re-use and re-cycle. (Phase 1 of the Joint Waste Management Strategy)
- (2) Procure short to medium term residual waste treatment capacity to reduce the amount of waste which each of the Authorities is consigning to landfill and thereby to reduce the cost to each of the Authorities of Landfill Tax and to avoid or to minimise the cost of Landfill Allowance Trading Scheme ("**LATS**") fines to each of the Authorities and/or of needing to acquire LATS permits between 2011 and 2015. (Phase 2)
- (3) Procure a Contractor who will construct, provide and operate facilities for the treatment (and, should the Authorities agree, the disposal) of residual waste for the Authorities. Bath and North East Somerset is not participating in this part of the Joint Waste Management Strategy. (Phase 3)
- (3) Agree that decisions on additional future long-term waste treatments (that is, beyond 2020) should be developed in due course when there is greater clarity on long-term waste tonnage predictions and to allow new and evolving technologies to be fully assessed. (Phase 4)

The Executive of each Authority delegates to the Joint Waste Management Committee the following powers:

The executive functions and powers of that Authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the functions of the Joint Waste Management Committee in respect of the Phase Two and Phase 3 (PFI Project) as detailed in, and subject to such limitations and conditions set out in, the Joint Waste Management Committee Constitution.

Membership comprises the four Executive Members, one nominated by each authority.

## **3. BOARDS**

### **Planning, Housing and Communities Board**

Terms of reference are as follows:

- (1) Advise and make recommendations to the Partnership Board and to Council Cabinets, working with the Joint Scrutiny Committee.
- (2) Oversee and collaborate on sub-regional planning issues and relations with the existing and future Regional Planning Body.

- (3) Collaborate in delivering the levels of growth proposed by the Regional Spatial Strategy to 2026 in ways that secure mixed and sustainable communities in both existing and new developments across the sub-region, and oversee relationships with the RDA, Homes & Communities Agency and HomesWest in dealing with these issues.
- (4) Support the delivery of the housing land allocations being set out by the local development frameworks and appropriate improvements to local employment, social and physical infrastructure that links development with infrastructure provision and sources of funding.
- (5) Sharing and implementing best practice in managing a balanced housing market, specifically by making recommendations on best use of stock and tackling homelessness.

Membership comprises Executive Members with responsibility for Planning and Executive Members with responsibility for Housing Management, one from each function from each authority, and observers from each of the following organisations:

- Homes and Communities Agency
- South West Regional Development Agency
- South West Regional Assembly
- Government Office for the South West.

### **Employment and Skills Board**

The Board supports the development of the local economy by creating more effective infrastructure to address the two labour market challenges of worklessness and a competitive skills base. The Board:

- (1) Oversees and provides direction on the employment and skills agenda in the sub-region
- (2) Develops and maintains systems for joining-up employment and skills priorities, services and resources

to help more local people into sustainable employment, to support the success of local businesses and to build thriving communities.

Specifically the Board:

- (1) Provides strategic direction for the multi-agency project West at Work, which is focused on the employment and skills issues relating to major economic development sites in the area;
- (2) Provides the strategic direction and challenge needed to ensure effective collaboration;
- (3) Secures employer engagement on employment and skills priorities, services and resources to ensure that the Board's work is demand-led.

Membership comprises:

- Employers
- Learning and Skills Council
- South West Regional Development Agency
- GWE Business West

- City of Bristol College
- Connexions
- Job Centre Plus
- 4 Unitary Authorities in the West of England
- West of England Partnership Office
- A Director of Children and Young People's Services.

#### **4. SPECIALIST GROUPS**

##### **Culture, Leisure & Tourism Rural Strategy**

###### **Purpose**

(At \* insert the name of the appropriate group)

- (1) Advise and act in support of the West of England Partnership and the local authorities on sub-regional (\*) matters
- (2) Recommend joint action on these issues to the Partnership and secure the outcomes approved
- (3) Advocate responses on sub-regional (\*) to influence regional and national policy and resource allocation
- (4) Work with the other specialist groups of the Partnership on issues of common interest
- (5) Initiate areas of co-operative working to further the interests of the West of England

##### **Culture, Leisure & Tourism Group membership**

- Up to 2 Cabinet Members, including one with responsibility for culture and/or leisure and/or tourism, from each of the four unitary authorities.
- Social, economic and environmental partners, currently one drawn from each of the following organisations:
  - Arts Council of England – South West
  - Culture South West
  - Museum, Libraries and Archives Council
  - Sport England
  - Screen West
  - South West Tourism
  - WESPORT
- 2 observers, one drawn from each of the following organisations:
  - Government Office for the South West
  - South West Regional Development Agency

##### **Rural Strategy Group membership**

- 1 elected member from each of the three authorities which include rural areas.
- Social, economic and environmental partners, currently one drawn from each of the following organisations:
  - Avon Local Councils Association

- Avon Wildlife Trust
  - GWE Business West
  - Community Action
  - Forest of Avon
  - National Union of Farmers
- 2 observers, one drawn from each of the following organisations:
- Government Office for the South West
  - South West Regional Development Agency

## **5. JOINT SCRUTINY COMMITTEE**

The terms of reference for the West of England Joint Scrutiny Committee are to:

- (1) scrutinise any relevant proposals from the West of England Partnership in relation to its activities (namely transport, planning, housing, waste management, skills & employment, economic development, culture and rural affairs);
- (2) scrutinise actions taken and decisions made by the Executive Committees and other Executive bodies of the Partnership;
- (3) make reports or recommendations to the Partnership's Executive Committees and other Executive bodies as appropriate and/or the component authorities' respective executives or overview and scrutiny committees.

The Joint Scrutiny Committee consists of 4 scrutiny committees, comprising 3 non-executive members, one from each authority, with responsibility for the overview and scrutiny for the functions and actions of the West of England Partnership. (Currently there is no provision for a statutory joint committee with these responsibilities.)