

**The Bath and North East Somerset Council, Bristol City Council, North Somerset District Council and South Gloucestershire District Council**

**West of England Strategic Leaders Board**

**Constitution**

This Constitution has been approved by Bath and North East Somerset Council, Bristol City Council, North Somerset District Council and South Gloucestershire District Council (“the Authorities”) as the Constitution of the West of England Strategic Leaders Board.

**1 Establishment of the West of England Strategic Leaders Board**

- 1.1 The West of England Strategic Leaders Board “the Board”) 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)(England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council and North Somerset District Council, and by South Gloucestershire District Council.

**2 Overall Objective of the West of England Strategic Leaders Board**

- 2.1 The overall objective of the Board is to focus on strategic economic issues and to unlock barriers to growth in support of delivering the Strategic Economic Plan.
- 2.2 Reports to the Board report will be subject to full scrutiny by the West of England Joint Scrutiny Committee.

**3 Terms of Reference - Strategic Leaders Board**

- Provide strong collective leadership and strategic direction to realise the full economic potential of the West of England.
- Provide clear direction to support the development and delivery of key strategies to improve the economic conditions across the West of England area.
- Provide a means for the formulation and expression of joint views of the authorities to central government and other bodies and organisations in respect of legislation, proposed legislation and other matters of concern, interest or relevance to the West of England economy with a particular focus on removing barriers to growth and the delegation of additional powers and funding.
- Strengthen the co-ordination of joint local authority activity across the West of England, including the activities of the Local Enterprise Partnership, West of England Strategic Leaders Board and the Planning, Housing and Communities Board.

- Identify and develop any new areas of joint working between the local authorities to further joint economic objectives.
- Work with other appropriate agencies and bodies beyond the West of England in order to achieve any shared economic objectives.
- Watch over, protect and promote the interest, rights, powers, functions and duties of the Authorities.
- Ensuring that any proposals, actions whether agreed or considered will be subject to an obligation upon the Leader of each of the Authorities to report it to their own authority.
- Take any decisions required to deliver the Strategic Economic Plan, including additional funding, freedoms and flexibilities, and delivery directly resulting from the Plan and the subsequent Growth Deal. This will not include issues covered by existing Joint Committee arrangements (JTEC or any new PHCB).
- Making decisions based on recommendations from the LEP Board.
- Informing LEP policies and LEP applications for funding programmes.
- Provide a formal and accountable forum for decision making relating to all relevant LEP or West of England funding streams; recommendations will come from the Investment Awards Board via the LEP.

#### **4 Powers delegated to the West of England Strategic Leaders Board**

- 4.1 The Board shall have such powers as may from time to time be delegated to the Board by the Executives of the Authorities or by any of the Authorities

#### **5 Membership and Appointment of the West of England Strategic Leaders Board**

- 5.1 The members of the Board shall comprise the Leaders of the Bath and North East Somerset, North Somerset and South Gloucestershire District Councils and the Mayor of Bristol.
- 5.2 Each member of the Board shall be appointed for the term of his or her office, or the balance of the term of his or her office, as Leader or Mayor as the case may be.
- 5.3 Each Authority may appoint at any time an Alternate Member of the Board who may attend any meeting of the Board with all the powers of the Authority's Leader or Mayor in the event that he or she is unable to attend a particular meeting or if there shall be a vacancy in the office of an Authority's Leader or Mayor.

## **6 Chair and Vice-Chair of the West of England Strategic Leaders Board**

- 6.1 At the first meeting of the Board after the annual meetings of each Authority in any relevant year, the Board shall elect a Chair and a Vice-Chair of the Board for the following two years from among the members of the Board. The two year term has been agreed to provide stability and continuity.
- 6.2 By convention, if the Chair of the Board in any two year period is a Leader or Mayor of one of the Authorities, the Chair of the Board for the next two years will normally be a Leader or Mayor of another of the Authorities.
- 6.3 The rotation order, which can be changed by a majority agreement of the Authorities is Bath and North East Somerset, South Gloucestershire, Bristol and North Somerset.
- 6.4 Where, at any meeting or part of a meeting of the Board, both the Chair and the Vice-Chair are either absent or unable to act as Chair or Vice-Chair, the Board shall elect one of the members of the Board present at the meeting to preside at that meeting, or for the balance or part of the meeting, as appropriate.

## **7 Secretary to the West of England Strategic Leaders Board**

- 7.1 The Board shall be supported by the West of England Partnership office in its capacity as Secretary to the Board.
- 7.2 The functions of the Secretary of the Board shall be:
  - To maintain a record of membership of the Board
  - To notify the Proper Officer of each appointing Authority of any anticipated decisions to be taken by the Board over the year (whether or not key decisions) and updated on a monthly basis, to enable such decisions to be included in the Forward Plans of each appointing Authority
  - To carry out such notification to and consultation with members of the appointing Authorities as may be necessary to enable the Board to take urgent decisions which have not been included in the Forward Plans of appointing Authorities
  - To notify the Proper Officers of the Authorities of the dates, times and venues of meetings and to publish the dates times and venues
  - To summon meetings of the Board in accordance with clause 8 below
  - To prepare and send out the agenda for meetings of the Board in consultation with the Chair and the Vice-Chair of the Board and the Authority Lead Officers
  - To keep a record of the proceedings of the Board
  - To take such administrative action as may be necessary to give effect to decisions of the Board
  - To undertake such other functions as may be determined by the Board
  - To ensure the Board receives copies of the Board's forward plan, agenda and minutes.

## **8 Convening of Meetings of the West of England Strategic Leaders Board**

8.1 Meetings of the Board shall be held at such times, dates and places as may be notified to the members by the Secretary to the Board, being such time, place and location as –

8.1.1 the Board shall from time to time resolve

8.1.2 the Chair, or if he/she is unable to act, the Vice-Chair of the Board, shall notify to the Secretary of the Board, or

8.1.3 The Secretary of the Board, in consultation where practicable with the Chair and Vice Chair of the Board, shall determine in response to receipt of a request in writing addressed the Secretary of the Board:

- from and signed by two members of the Board, or
- from the Chief Executive of an appointing Authority

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

8.2 The Secretary of the Board shall settle the agenda for any meeting of the Board after consulting, where practicable the Chair of the Board and shall incorporate in the agenda any items of business and any reports submitted by –

- the Leader or Mayor as the case may be of any of the Authorities
- the Chief Executive of any of the Authorities
- the Chief Finance Officer to any of the Authorities
- the Monitoring Officer to any of the Authorities
- such other officers as the Board may determine for this purpose

## **9 Procedures at Meetings of the West of England Strategic Leaders Board**

9.1 Meetings of the Board shall only be quorate and so able to conduct any business where all four members are present, unless in the case of a member being absent the Authority he represents has appointed in his place an Alternate Member who is present.

9.2 The Board shall seek to work on the principle of consensus, and its decisions shall require unanimity to be valid and effective.

## **10 Attendance at Meetings of the West of England Strategic Leaders Board**

10.1 Notwithstanding that a meeting or part of a meeting of the Board may not be open to the press and public, the members and officers specified in clause 10.2 below of each Authority shall be entitled, in person or by another officer nominated by that officer, to attend all, and all parts, of such meetings, unless the particular member or officer has a conflict of interest as a result of a personal interest in the matter under consideration.

10.2 The following are the elected members and officers who shall have a right of attendance in accordance with clause 10.1 above:

- elected Members of the Authorities
- the Chief Executive of any of the Authorities
- the Chief Finance Officer to any of the Authorities
- the Monitoring Officer to any of the Authorities
- any person appointed by the Board to manage particular projects
- any officer of the Authorities at the request of any member of the Board

## **11. Rights of Attendance and Audience**

11.1 Agendas of the Board and reports, except those marked “Not for Publication”, will be available for inspection on request by the public at the offices of the each of the Authorities during normal office hours and shall be published on the West of England LEP website.

11.2 The presumption is that all meetings of the Board shall be open to the public.

11.2.1 Where the Secretary 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.

11.2.2 The Board must exclude press and public from any part of a meeting at which confidential information is likely to be disclosed

11.2.3 The Board may exclude the press and public from any part of a meeting at which:

- A exempt information is likely to be disclosed; or
- B 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;

11.3 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 elected members of the Authorities.

(f) The rights of elected members of the Authorities shall be as set out in the protocol at annex A

11.4 Public participation at meetings shall be in accordance with the protocol at Annex B

## **12. Urgent Decisions**

- 12.1 The Secretary shall notify the Chair of the relevant Scrutiny Committee of each Authority, or in the case of an Authority which does not operate executive arrangements the Chair of the relevant committee, where the Board is intending to take an urgent decision. If the relevant Chair is not available, the Secretary must notify the appropriate Chair of Council or Vice-Chair of Council. The Board shall not take an urgent decision unless agreement has been confirmed on behalf of each Authority that the decision is urgent.
- 12.2 The Secretary shall ensure that a report listing all urgent decisions is presented to the next convenient meeting of the Scrutiny Committee of each Authority, or in the case of an authority that does not operate executive arrangements, to the appropriate committee.
- 12.3 A decision is urgent if it has not been included in the Board's Forward Plan or is otherwise considered to be urgent.

## **13. Implementing decisions**

- 13.1 Decisions shall not be implemented within 5 clear days from the publication of the statement of decision(s) of the meeting, except where the matter is urgent in accordance with clause 12.

## **14 Effect of Call In**

- 14.1 Within 5 clear days of publication on the West of England LEP website, a decision of the Board can be called in by the West of England Joint Scrutiny Committee.
- 14.2 If a decision of the Board is called in, it shall not be implemented save where the decision on the call in
- is to support or take no further action or
  - where the initial call in does not take place within 20 working days, or
  - any referral following the initial call in does not take place within 40 working days of the initial call in
- 14.3 The Board will consider representations received as a result of a call in before taking a final decision on the matter concerned.

## **15 Council Constitution, Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules**

The Board shall operate under the Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules of Bristol City Council

## **16 Amendment of this Constitution**

This Constitution can only be amended by agreement of all the Authorities.

## **Annex A**

### **RIGHTS OF ELECTED MEMBERS OF AUTHORITIES**

#### **INSPECTION OF/ACCESS TO DOCUMENTS**

All elected members of each of the Authorities have the right to access all documents which contain material relating to items considered at meetings of the Board.

They also have the right to inspect any other document or have access to any information which they need to properly perform their duties as an elected member of one of the Authorities. These rights are, however, subject to the following:

- An elected member is not entitled to inspect any document, or have access to any information, relating to a matter in which he/she has a prejudicial interest (where this specifically relates to a financial interest), or where the member is acting against the Council in a professional capacity. (This does not, however, remove the basic rights which that elected member would have as a member of the public.)
- In cases where information requested by an elected member should not, in the opinion of the Proper Officer, be disclosed, (eg it does not appear to be required to enable the member to properly perform their duties, or is of a highly sensitive or personal nature or otherwise exempt), the relevant Proper Officer may, with good reasons (which should be explained to the member), refuse access to a document or other information.
- If an elected member is not satisfied with this decision, he/she may refer it to the Monitoring Officer of his/her Authority. If a member remains dissatisfied with the ruling of the Monitoring Officer he/she may ask for the matter to be considered by the Board. The ruling of the Board is final.

The rules summarised above are complex and based on statutory provisions and case law. If there is any conflict between these rules and the legal provisions, the latter apply.

#### **QUESTIONS**

Elected members may address questions to the Chair of the Board. Written notice of the question shall be given 3 working days before the meeting:

The Chair in responding to the question may;

- Answer the question himself
- Ask an officer to answer the question
- Offer a written answer
- Decline to answer and give his/her reasons

The questioner may ask only one supplementary question, regardless of the number of original questions they asked. The supplementary question must be on the same subject as the original question.

## **PETITIONS**

An elected member may present a petition at a Board meeting and speak to it for no more than 5 minutes.

The petition must relate to an item on the agenda or a matter relating to the responsibilities of the Board as defined in the terms of reference. Notice of the subject matter of the petition must be given no later than 12 noon on the last working day before the meeting.

## **RIGHT TO ATTEND AND PARTICIPATE IN MEETINGS**

An elected member has the right to attend and speak at any Board meeting. Notice of the topic(s) concerned shall be given by 12 noon on the working day before the meeting if the member wishes to speak at any Board meeting.

The Chair will give elected members who have notified their wish to speak the opportunity to speak at the commencement of the meeting to contribute their views on any agenda item or other matter within the remit of the Board.

The right to attend remains available when the meeting is considering private (or exempt) business. This is provided that the elected member has a legitimate need to be in attendance, and that the attendance does not involve any conflict of interest, which may constitute a disclosable pecuniary interest as defined by the Code of Conduct. In such cases the member may not attend, speak or vote at the meeting.

The Chair will exercise discretion on the overall time allowed for elected members' participation. This will take into account the issues members wish to raise and the other business of the meeting.

In managing the meeting the Chair has discretion over the management of the participation arrangements.

The Chair of the Scrutiny Committee has the right to attend any Board meeting to provide feedback from relevant Scrutiny meetings.

## **Annex B**

### **PUBLIC PARTICIPATION**

#### **WHO CAN USE THE SCHEME?**

The scheme is open to any resident, council taxpayer or business ratepayer of the Authorities, or any person affected by decisions to be taken by the Board.

The scheme is also open to a representative of a business or voluntary organisation or parish council operating in the four Authorities' areas.

#### **WHAT ARE THE OPPORTUNITIES FOR PARTICIPATION AT MEETINGS?**

The agenda for each meeting will provide an opportunity at the beginning of the meeting for items from the public to be heard.

The opportunities for participation are:-

- TO PRESENT A PETITION on any matter on the meeting agenda or relating to the Board's responsibilities
- TO MAKE A STATEMENT expressing views about a matter on the meeting agenda or relating to the Board's responsibilities
- TO ASK A QUESTION on any matter relating to the Board's responsibilities. The questioner may ask only one supplementary question, regardless of the number of original questions they asked. The supplementary question must be on the same subject as the original question

By participating in this way, it is assumed that consent is given to the recording in the minutes of the meeting the name and details of any person making a submission.

A copy of any written submission will also be included with the agenda papers for the meeting which are placed in an official minute book (the public record) and will also be included on the West of England Partnership website with the other documents relating to the meeting.

An email petition will be considered by the Board when the lead petitioner can be identified. The petition must relate to an item on the Agenda or a matter relating to the responsibilities of the Board as defined in the terms of reference. An email petition must be received not later than 14 calendar days before the meeting to allow the lead petitioner to be identified and the petition verified. A petition must include a clear statement of what the petitioners wish the Board to consider.

Under normal circumstances, the Board will provide the lead petitioner with a response within 28 calendar days of the Board meeting at which the petition is considered.

#### **PERIOD OF NOTICE**

Written notice must be given by any person wishing to present a petition, make a statement by noon on the working day before the meeting (subject to the provisions for email petitions above). Written notice of any question to be asked must be given 3 working days before the meeting. This will enable any appropriate advice and assistance to be given and for officers to make any necessary arrangements in liaison with the chair of the meeting so that the fullest possible opportunity can be given for participation.

## **TIME LIMITS**

No individual submission will normally be allowed more than 5 minutes time at a meeting, in the interest of fairness to all those who may wish to address the meeting.

The Chair of a meeting will exercise discretion on the overall time allowed for public participation either at the beginning of a meeting or in connection with any particular item. This will take into account the issues people wish to raise and the other business of the meeting.

## **BALANCE**

The Chair will, if necessary, make a judgement at the meeting to try to ensure that those who are making submissions on opposite points of view on the same subject are treated equally

## **QUESTIONS ON SUBMISSIONS**

It is necessary for members of the Board to have a complete understanding of the issues raised by the public. At the discretion of the Chair, members will be allowed to ask factual questions only of a person making a submission.

## **WRITTEN COPIES OF SUBMISSION**

Also to assist understanding, those making statements to meetings may wish to provide a written text or summary of the points mentioned. This should be passed to the clerk to the meeting.

## **ACTION THE MEETING MAY TAKE**

All submissions must be made at the beginning of the meeting.

The Chair has discretion over the order in which to take statements, petitions and questions.

If necessary and convenient to the other business, the Chair or the meeting itself may agree to advance an agenda item which is subject to submissions in the order of proceedings.

In relation to a matter not on the meeting agenda, it may be possible for an officer to give a brief response. Otherwise, the matter will either be noted or referred for consideration to the relevant officer.

The meeting will decide on the most appropriate course of action and will take advice from Officers in doing this.

It is not normal practice to write to individuals afterwards. However, if someone making a submission requires a formal response, the officer named on the agenda page will (subject to being provided with contact details) provide a written response within 7 working days.

## **WHAT FALLS OUTSIDE THE SCHEME**

There are some matters that need to fall outside the scope of this scheme. These are:

- an individual's circumstances where it would be inappropriate for details to be aired in public;
- contractual matters;
- allegations against individual elected members or officers (in such cases the Authorities' complaints or code of conduct procedures must be used).
- no defamatory, frivolous or offensive submissions will be allowed.