Report to ARP Joint Committee
Moving to a single member Joint Committee

1. At its meeting on 10th June 2015, Councillor Clark (Fenland DC) suggested that it was time to ask the Officers to do more work on the idea of moving to one Member one vote for each of the Partner authorities. Councillor Mildmay-White (St Edmundsbury BC) agreed and suggested that one option would be to have one Member and two Substitutes. Councillor Jolly (Breckland DC) suggested that some historical perspective on how the current arrangements had come to be might provide a clear view for the future.

2. The OIB were therefore tasked to examine the history behind the current arrangements and explore the possibility of moving to one Member one vote, with two Substitutes.

3. History

4. ARP started its operation as a Joint Committee of two authorities, Breckland and Forest Heath district councils. This was in 2003. The Joint Committee was established with two members from each council, making a total committee of four. Each council had two substitutes.

5. In 2007 East Cambridgeshire District council joined ARP, initially through a contracting arrangement, but subsequently as full members of the Joint Committee. This took the committee to three authorities with six members.

6. In 2011 St Edmundsbury Borough council joined ARP as a full member, followed by Fenland, Suffolk Coastal and Waveney district councils in 2014. This took the total membership to seven authorities, represented by 14 members.

7. At the ARP Joint Committee on 13 March 2014, members tasked the Operational Improvement Board to look at the implications of the partnership expanding in terms of the size of the Joint Committee. A report was taken to 30 June 2014 Joint Committee (agenda item 11) setting out the options, which were:
   i. Move to a single member per authority immediately
   ii. Move to a single member per authority if and when Waveney and Suffolk Coastal become full members
   iii. Do nothing and continue with two members per authority.

8. At the meeting, discussion centred around whether it was the right time to change the number of members on the Joint Committee, in light of the imminent joining the partnership by Suffolk Coastal and Waveney, and also the unresolved issue of the future structure of
ARP (which was part of the wider strategic review work). It was agreed to continue with two members per authority until the decision on the review of ARP had been made. For completeness, the minute from this meeting is attached at Appendix 1.

9. At its meeting on 19 March 2015 (agenda item 14) the committee agreed that it would continue operating under the existing Joint Committee model and that the partnership would be closed to any new full partners for the time being, but would look to trading possibilities, and using the partnership’s strong reputation to secure future business opportunities to the benefit of the existing seven partners, using a ‘reinvigorated’ Anglia Revenues Partnership trading company.

10. This decision drew to a conclusion the decision on the operating model of ARP, which had been the subject of considerable work over 18 months.

11. **Joint Committee – current and possible arrangements**

12. The current terms for the Joint Committee are set out in Appendix 1.

13. Legally all members of the Joint Committee must be executive members of their own council (if they operate a cabinet system).

14. Appointments to ARP Joint Committee or changes to the legal agreement are made through the following committee processes:

   i. Breckland – Cabinet decision  
   ii. East Cambridgeshire – Council decision  
   iii. Fenland – Cabinet and Council decision  
   iv. Forest Heath – Cabinet decision  
   v. St Edmundsbury – Cabinet decision  
   vi. Suffolk Coastal – Cabinet and Council  
   vii. Waveney – Cabinet and Council

15. Naturally each council will have a different approach to appointing members to the Joint Committee and reporting back to their councils, depending on whether they operate a committee or cabinet system, and if the latter, depending on the levels of authority delegated to the cabinet.

16. Any changes to representation at the Joint Committee, may require some flexibility depending on the different arrangements which each council has. For example, a council operating a committee system, may wish to have their substitute attend the JC meetings and partake in the debate (but not have a vote). Councils operating a close partnership (such as East and West Suffolk) may wish only to send one member who is able to cast two votes.

17. Changes to the Joint Committee arrangement would require:
i. An amendment to the legal agreement, confirmed through each council’s procedure (as above)

ii. Amendment to nominate only one member (and two substitutes) to the Joint Committee by each council (as above).

18. If Joint Committee were to agree to reduce the number of members from two to one (with two substitutes), it would be likely to take between three and four months to complete all seven councils’ democratic process.

19. The Joint Committee has worked very effectively since the inception of ARP. However, as the partnership has expanded, both in terms of membership and activities, and in light of the potentially significant changes relating to the implementation of Universal Credit, it is likely that the committee will need to become more nimble, be able to meet at shorter notice, and be able to respond more quickly to events. Latterly if a joint committee meeting has had to be rearranged it has proved extremely difficult to get a date which is suitable for everyone.

20. There is significant evidence that a board of ten or more creates coordination and communication issues which have a negative effect on performance. The Joint Committee itself has realised that we may have past the optimum number of members, by virtue of having asked officers to review the position for a second time.

21. **Recommendation**

22. It is therefore recommended that the Joint Committee moves to a single member and two substitutes per authority, with the option for one of the substitutes to attend and take part in debate (but not vote) and for paired councils to choose to send only one member who can cast a vote for each council. In effect the solution would create ‘one council one vote’ but retain some flexibility around attendance at Joint Committee meetings.

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1 The European Journal of Finance, Volume 15, Issue 4, June 2009, Pages 385-404; The Impact of Board Size on Firm Performance: Evidence from the UK
Appendix 1 – Extract from the minutes of the June 2014 Joint Committee meeting.

21/14 Moving to a Single Member Joint Committee (Agenda Item 11)

The Operational Improvement Board had been tasked with looking at options for the future of the Joint Committee in light of its expansion. There was concern that as more Members joined it would become unwieldy.

The position of Waveney and Suffolk Coastal was questioned and it was explained that they were already effectively fully embedded in the Partnership through the single management team and a number of other shared areas of work, and were keen to become full members.

Councillor Ambrose-Smith felt that there should be no change to the representation until the future of the ARP had been determined. He also pointed out that point 7 of the report was not correct as East Cambs did not have Executive Members.

That point was acknowledged and would be changed.

Other Members suggested that the right time to change to one Member representation would be when Waveney and Suffolk Coastal joined.

The Chairman was concerned at the amount of time it was taking to determine the future course of the ARP.

It was explained that the business cases were ready apart from agreement about the pension scheme. That had caused the delay and had been the subject of much discussion. A brief had been drafted and would be presented to the three Actuaries (Suffolk, Cambridgeshire and Norfolk) and it was hoped that the issue could be resolved allowing the review to proceed. It was expected that the work would be done by the end of July and a report would then be presented to the next meeting.

Councillor Smith was loathe to change to one Member representation before that decision was taken, although it was pointed out that any decision on the business cases would require approval by the Partner Authorities anyway.

It was suggested that Waveney and Suffolk Coastal might be concerned at the change to one Member just as they were joining. The Corporate Director (Fenland) said that the same could be said for Fenland, and he suggested that the proposal could be mentioned to Waveney and Suffolk Coastal during discussions.

An amendment to Option 2 was proposed and seconded, that the move to one Member should be reviewed when the Waveney and Suffolk Coastal decision was made. That amendment was not supported.

RESOLVED that option 3 be approved.

The Joint Committee would continue with two members per authority until the decision on the review had been made.
APPENDIX 2 – EXTRACT FROM 2015 ARP LEGAL AGREEMENT

1. THE 2015 JOINT COMMITTEE, ITS ROLE, MEMBERSHIP, MEETINGS AND OFFICERS

Joint Committee Members

1.1 Subject to Clause 3.2 each of the Seven Councils shall appoint two of its members for the time being to be members of the 2015 Joint Committee. In addition each of the Seven Councils shall appoint two substitutes, who may attend meetings of the 2015 Joint Committee in the absence of their Council’s JC Members.

1.2 All such appointments (whether made under Clause 3.1 or 3.4) shall be made in accordance with the relevant statutory provisions of Sections 101 and 102 of the LGA 1972 and of the 2000 Regulations or 2012 Regulations, as they may from time to time be applicable to each of the Seven Councils.

1.3 Each JC Member shall remain in office until removed or replaced by his or her appointing Council or until ceasing to be a member of his or her appointing Council (or of the executive if Regulation 12 of the 2012 Regulations is applicable to his or her appointment).

1.4 Each of the Seven Councils may remove and replace its JC Members at any time by giving notice of such removal or replacement to the 2015 Joint Committee by sending such notice to the Secretary within 5 days of effecting such removal or replacement.

1.5 The proceedings of the 2015 Joint Committee shall not be invalidated by any vacancy or by any defect or purported defect in the appointment of any JC Member.

Meetings of the 2015 Joint Committee

1.6 Part I of Schedule 12 of the LGA 1972 and the provisions of Clauses 3.7 to 3.17 shall apply to meetings of the 2015 Joint Committee.
1.7 Meetings of the 2015 Joint Committee shall normally be held once each quarter, subject to the need exceptionally to call additional meetings. The Chairman shall decide the venue, date and time of all meetings of the 2015 Joint Committee. Wherever practicable, at least ten Working Days notice of such meetings shall be given to each JC Member, the Secretary, the Treasurer, the Monitoring Officer and to each of the Seven Councils.

1.8 Any JC Member may requisition a meeting of the 2015 Joint Committee by giving notice of such requisition to the Chairman and to the Secretary. Immediately upon receipt of such requisition, the Chairman shall call a meeting of the 2015 Joint Committee in accordance with Clause 3.7.

1.9 The standing orders applicable to council meetings of Breckland shall apply to meetings of the 2015 Joint Committee except in so far as the 2015 Joint Committee may agree amendments thereto or may adopt its own standing orders.

1.10 No business may be transacted at a meeting of the 2015 Joint Committee unless a quorum is present. The quorum for a meeting of the 2015 Joint Committee shall be Seven JC Members present in person provided that one JC Member appointed by each of the Seven Councils shall be present.

1.11 If a quorum is not present within fifteen minutes of the time set for the commencement of a meeting of the 2015 Joint Committee (or a quorum ceases to be present during a meeting) the meeting shall be adjourned to the same day time and venue seven days later or to such other date time and venue as the Chairman (or other person who is chairing the meeting) shall determine.

1.12 One of the meetings of the 2015 Joint Committee referred to in Clause 3.7 shall be held during May or June of each calendar year and shall be the annual meeting of the 2015 Joint Committee at which the election of the Chairman and Vice-Chairman of the 2015 Joint
Committee shall take place together with such other business as may be appropriate in the opinion of the outgoing Chairman.

**Chairman and Vice-Chairman**

1.13 The 2015 Joint Committee shall at each annual meeting elect a new Chairman and a new Vice-Chairman to hold office for the next ensuing year. The persons eligible to be elected as Chairman shall not be the appointees of a Council whose appointee held that position in any of the six previous years. The persons eligible to be elected as Vice-Chairman shall not be the appointees of a Council whose appointee held that position in the previous year. The Chairman and Vice-Chairman shall not be appointees of the same Council.

1.14 The Chairman or Vice-Chairman may be removed by a majority vote of all JC Members present at a meeting of the 2015 Joint Committee subject to the Chairman or the Vice Chairman being given the opportunity to address the meeting before the vote is taken to put his or her case why he or she should not be removed.

1.15 If the Chairman or the Vice-Chairman is removed by a vote of the 2015 Joint Committee or resigns or is otherwise unable to continue as Chairman or Vice Chairman he or she may be replaced by the election of a JC Member as Chairman or Vice-Chairman as the case may be who is the appointee of the same Council as the outgoing Chairman or Vice-Chairman.

1.16 The Chairman shall preside at all meetings of the 2015 Joint Committee. If the Chairman is not present within five minutes of the time for the commencement of a meeting, or being present does not wish to preside, or is unable to do so then the Vice-Chairman shall preside at that meeting. If (in the event of the absence or non-availability of the Chairman) the Vice-Chairman is not present within five minutes of the time for the commencement of the meeting or does not wish to preside or is unable to do so, the meeting shall appoint a JC Member to chair the meeting.
1.17 In the event of an equality of votes the person chairing a meeting of the 2015 Joint Committee shall have a second or casting vote.