

SECTION 9 - RESPONSIBILITIES OF OTHER COMMITTEES, ETC. AND JOINT ARRANGEMENTS

Formal Committees and Sub-Committees

9.1 HEALTH AND WELLBEING BOARD

9.1.1 Composition

The core membership is prescribed by legislation and must contain at least one county councillor, the director(s) for adult social services and children's services, the director of public health, a representative of the Local Healthwatch organisation and representative of the clinical commissioning group.

The membership:

- Members of the county council (to include the leader of the council, cabinet portfolio holder for health and cabinet portfolio holder for adult social care);
- CCG representation
- The Strategic Director for People;
- The Strategic Director for Communities;
- The Director of Public Health;
- A Local Healthwatch representative;
- The portfolio holders for health in each of the five district/borough councils; and
- A representative of the National NHS Commissioning Board.

The chair is appointed by the county council. The council's standing orders will apply except to the extent they are varied by statutory provision or these arrangements. All voting members of the Health and Wellbeing Board are bound by the Warwickshire County Council Members' Code of Conduct when acting as a member of the board.

9.1.2 Terms of Reference

Core Functions

- a. To advance the health and wellbeing of the people in its area and encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
- b. To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements for pooled budget, lead commissioning or other arrangements under section 75 of the National Health Service Act 2006.
- c. To encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together and with the Health and Wellbeing Board.
- d. To commission the production of a joint strategic needs assessment and to determine a joint health and wellbeing strategy and commissioning framework to meet the needs identified in the joint strategic need's assessment.
- e. To inform the local authority of its views on whether the authority is discharging

its duty to have regard to the joint strategic need's assessment and joint health and wellbeing strategy in discharging relevant functions.

- f. The functions in (a) to (e) may be delegated to a sub-committee unless the council has directed otherwise. In addition, the board may establish advisory sub- committees to advise it on any matter relating to its functions.

9.1.3 Meetings

The Health and Wellbeing Board will meet regularly and at least four times per year.

9.1.4 Accountability

The Health and Wellbeing Board will report to council and cabinet on its work programme every 6 months.

The functions of the Health and Wellbeing Board are executive functions of the county council and the actions of the board will be subject to independent scrutiny from the relevant overview and scrutiny committee of the council.

9.2 APPOINTMENTS, DISCIPLINARY AND DISCIPLINARY APPEALS SUB-COMMITTEES

9.2.1 Composition

At least three elected members drawn from a pool of members agreed by the Staff and Pensions Committee to sit as and when required. The head of paid service or the monitoring officer if appropriate will make arrangements for the sub-committee with membership being proportionate to the representation of the political groups and individual members on the council and nominated by the leaders of the political groups.

9.2.2 Dismissal of Statutory Officers

Where a Disciplinary Sub-Committee is considering the proposed dismissal of the head of paid service, monitoring officer or chief finance officer it must include at least one cabinet member.

When a recommendation to dismiss the head of paid service, monitoring officer or chief finance officer is made by a Disciplinary Sub-Committee, the head of paid service or the monitoring officer as appropriate to avoid conflict of interest will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Disciplinary Sub-Committee prior to any recommendation for dismissal being made to Council.

9.2.3 Terms of Reference

- i. To determine individual appeals by employees, including teachers under the council's agreed disciplinary and grievance procedures.
- ii. To deal with the removal from office of strategic directors and chief officers and other statutory officers appointed by the council.
- iii. To deal with the appointment of strategic directors and chief officers, Assistant Directors and other statutory officers appointed by the council.
- iv. To make recommendations to council regarding the appointment of the head of paid service, the monitoring officer and the chief finance officer

9.3 PENSION FUND INVESTMENT SUB-COMMITTEE

9.3.1 Composition

Five councillors allocated proportionately to the representation of groups and individual members on the council. This operates as a sub-committee of the Staff and Pensions Committee.

9.3.2 Terms of Reference

To oversee the investment policy relating to the pension fund and to ensure appropriate management of the fund and administration of the pension scheme.

9.3.3 Rules of Procedure

The proceedings of formal committees and sub-committees shall be governed by the standing orders in part 3 of this constitution.

Informal Groups

9.4 LEADERS LIAISON GROUP

9.4.1 Composition

The leader and deputy leader of the Conservative Group; The leader and deputy leader of the Liberal Democrat Group; The leader and deputy leader of the Labour Group;

9.4.2 Terms of Reference

To provide a forum for the leaders and deputy leaders of these political groups on the council to consult on issues relating to the work of the council

9.5 CORPORATE PARENTING PANEL

9.5.1 Composition

Six members of the county council.

9.5.2 Terms of Reference

To secure elected member and cross organisation support and commitment for delivering improved services and better outcomes for children in care, young people and Care Experienced Young People.

9.6 JOINT NEGOTIATING BODY (STAFF)

9.6.1 Composition

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

9.6.2 Terms of Reference

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of staff (other than teachers in any school or other institution under the control of the council) and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

9.7 JOINT NEGOTIATING BODY (TEACHING STAFF)

9.7.1 Composition

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

9.7.2 Terms of Reference

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of teachers in any school or other institution under the control of the council and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

Statutory Bodies

The council is required to establish the following bodies under specific statutory provisions which govern their remit and conduct.

9.8 POLICE AND CRIME PANEL

9.8.1 Composition

Ten elected members

A councillor from each of the following constituent authorities:

- North Warwickshire Borough Council
- Nuneaton and Bedworth Borough Council
- Rugby Borough Council
- Stratford on Avon District Council
- Warwick District Council
- Warwickshire County Council

The county council appoints four additional county councillors to ensure the fair representation principle and balanced appointment objective are met. In selecting county councillors for these additional appointments, the county council will seek to ensure that each district/borough administrative area has a county councillor from that area.

The county council shall review its appointments of the four additional councillors annually to ensure the fair representation principle and balanced appointment objective continues to be met. The review will take place following the outcome of any ordinary elections in any of the constituent authorities.

The constituent authorities may from time to time change their nomination or appointments to the panel and may arrange for a substitute to attend any meeting of the panel. Substitutes should normally be drawn from the same political party as the member they are replacing.

Co-opted members

The panel appoints two co-opted members who are not elected members of any of the constituent authorities. In making those appointments the panel shall have regard to the balanced appointment objective.

Additional co-opted members

The panel can apply to the Secretary of State for consent to appoint up to eight additional co-opted members and in doing so should set out how its proposals would enhance the balanced appointment objective.

Balanced appointment objective

Councillor members and councillor co-opted members when taken together should:

Represent all parts of the police area;
Represent the political make-up of the relevant authorities when taken together; and
have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Duration of Appointments

Elected members continue on the panel until the person appointed is replaced or removed by their nominating/appointing body or they resign or cease to be an elected member.

Co-opted members continue until their term of appointment comes to an end, the person appointed resigns, is replaced or removed by the panel. The term of appointment of a co-opted member may not be more than 4 years but a co-opted member may be re-appointed for further periods not exceeding 4 years at a time.

9.8.2 Terms of Reference

The panel is established as a joint committee of the constituent councils under section 28 of the Police Reform and Social Responsibility Act 2011.

The purpose of the panel is to support the effective exercise of the functions of the police and crime commissioner for Warwickshire.

Powers

- a. To review the draft police and crime plan including any draft version and make report or recommendation on the draft plan to the commissioner.
- b. To review the proposals made by the commissioner for the precept (budget) and to report and make recommendations to the commissioner. The panel may veto the proposed precept on a 2/3rd majority of the membership of the panel.
- c. To review and/or scrutinise decisions made or other action by the commissioner in discharge of their functions and make reports or recommendations to the commissioner.
- d. To suspend the commissioner if it appears, they have been charged with an offence in the UK, Channel Islands or Isle of Man which carries a maximum term of imprisonment exceeding 2 years.
- e. To appoint an acting commissioner from the commissioner's staff in the following circumstances:
 - i. No person holds office for Warwickshire; or
 - ii. The commissioner is incapacitated; or
 - iii. The commissioner is suspended.

- f. To review and hold confirmation hearings in relation to proposals by the commissioner to appoint a chief executive, chief finance officer or deputy police and crime commissioner.
- g. To review and hold a confirmation hearing in relation to a proposal by the commissioner to appoint a chief constable. The panel may veto the proposed appointment on a 2/3^d majority of the membership of the panel.
- h. To review and hold a scrutiny hearing in relation to a proposal by the commissioner to remove a chief constable.
- i. To publish any reports or recommendations made to the commissioner as it sees fit and to send a copy to each constituent local authority.
- j. To require the commissioner or any of their staff to attend on reasonable notice to answer questions necessary to the functions of the panel and/or respond in writing to any report or recommendations made. Where the commissioner is required to attend the chief constable (on reasonable notice) can be requested to attend at the same time to answer questions.

9.8.3 Rules of Procedure

The panel shall operate in accordance with the rules of procedure agreed by panel on 5 December 2012 and amended by the panel from time to time. These can be viewed on the website <http://www.warwickshire.gov.uk/policeandcrime>

9.9 LOCAL PENSION BOARD

9.9.1 Composition

Seven members to include:

- i. Three pension scheme member representatives (nominated by scheme employers to ensure a broad representation of scheme membership).
- ii. Three employer representatives nominated by categories of employers to include one elected member (acting for the county council), one precepting employer and one non-precepting employer.
- iii. One independent representative appointed following a recruitment and selection process in accordance with current Warwickshire County Council's policy and procedure.

The Independent representative shall chair the board.

No substitution of members at meetings is allowed.

In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any board member, then the tenure of that member shall be reviewed by the chair in liaison with the scheme manager. The scheme manager has the final decision on whether to remove the board member. Other than by ceasing to be eligible, a board member may only be removed from office during a term of appointment by the scheme manager in consultation with the board members or, in the case of an elected member of the county council, ceasing to be a member.

9.9.2 Terms of Reference

The Local Pension Board is established under the Public Services Pensions Act 2013 with the following roles:

- a) To assist the scheme manager:
 - i. To secure the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) for the Warwickshire Pension Fund by effectively and efficiently complying with the code of practice on the governance and administration of public service pensions schemes issued by the Pensions Regulator;
 - ii. To secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
 - iii. To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - iv. In such other matters as the LGPS regulations may specify.
- b) To provide the scheme manager with such information to ensure that any member of the pension board or person appointed does not have a conflict of interest.
- c) To produce an annual report to the scheme manager outlining the work of the board throughout the scheme year.

The pension board will not have decision-making powers in relation to the Warwickshire Pension Fund but may refer issues to the Pensions Regulator. The board has the ability to hear disputes employers may have with the fund.

The full terms of reference, including the agreed Conflicts of Interest policy are available on the website: <https://www.warwickshire.gov.uk/pensions>

9.10 FIRE AND RESCUE LOCAL PENSION BOARD

9.10.1 Composition

The membership of the Board shall consist of seven members each to include:

- (a) Three Scheme Member Representatives (nominated by scheme employers to ensure a broad representation of scheme membership).
- (b) Three Employer Representatives
- (c) One Independent Representative to be appointed by the Scheme Manager following a recruitment and selection process meeting the Terms of Reference of the Board from time to time

Scheme Member and Employer Representatives to remain equal at all times.

The Independent Representative shall chair the Board

No substitution of members at meetings is allowed.

In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any board member, then the tenure of that member shall be reviewed by the chair in liaison with the scheme manager. The scheme manager has the final decision on whether to remove the board member. Other than by ceasing to be eligible, a board member may only be removed from office

during a term of appointment by the scheme manager in consultation with the board members or, in the case of an elected member of the county council, ceasing to be a member, or in the case of an officer of the Council ceasing to hold that role.

9.10.2 Terms of Reference

The role of the Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme as defined by The Firefighters' Pension Scheme (amendment) (Governance) Regulations 2015 (the 'Regulations') is to –

- (a) Assist the Scheme Manager
- to secure the effective and efficient governance and administration of the Firefighters' Pension Scheme ("FFPS") by effectively and efficiently complying with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator;
 - to secure compliance with the Regulations and any other legislation relating to the governance and administration of the FFPS;
 - to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator; and
 - in such other matters as the Regulations may specify
- (b) Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest;
- (c) Produce an annual report to the Scheme Manager outlining the work of the Pension Board throughout the scheme year.

The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

The Pension Board will not have decision making powers in relation to the FFPS save to refer issues to the Pension Regulator. It will have the ability to hear disputes employers may have with the Fund.

The full Terms of Reference can be found [here](#).

9.11 SCHOOLS FORUM

(a) Composition

The Warwickshire Schools Forum is established under the Education Act 2002. The forum consists of "school" and "non-school" members. School members and academy members must together comprise at least two thirds of the membership of the forum.

The forum has its own constitution governed by statutory requirements which details membership and voting rights.

(b) Terms of Reference

The powers and responsibilities of the school's forum include:

Giving a view on:

- Schools' funding formula changes, including redistributions;

- Significant contracts to be let by the council paid out of the schools' budget;
- Financial issues relating to the arrangements for pupils with SEN, in particular the places to be commissioned by the local authority and schools, and the arrangements for paying top up funding, pupil referral units, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top up funding, early years provision, allocation of central government grant;
- The Minimum Funding Guarantee.

Making decisions about:

- De-delegation from the schools' budget for mainstream schools for contingencies, administration of free school meals, insurance, licences, staff costs (supply cover), support for underachieving students, behavioural support services, and library and museum services.
- Retaining funding for central spending on pre-16 significant pupil growth, falling rolls fund for surplus places in good or outstanding schools where there is a population bulge expected in 2-3 years, equal pay back pay, places in independent schools for non-SEN pupils and early years expenditure.
- The budget set aside for admissions, servicing of school's forum, CERA, combined budgets, centrally funded termination of employment costs, prudential borrowing and SEN transport.
- The carry forward of a deficit on central expenditure to the next year to be funded from the schools' budget.
- Changes to the scheme of financial management.

9.12 STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)

9.12.1 Composition

Five councillors appointed proportionately to the representation of groups and individual members on the council; five representatives of the Church of England; fourteen representatives of Christian and other religious denominations; six teacher representatives and any other persons co-opted by the body.

The body shall meet at least twice in each year and hold other meetings as necessary. Voting shall be in accordance with the constitution of SACRE.

9.12.2 Terms of Reference

- To advise the cabinet on religious worship and religious education within schools.
- To determine applications by individual schools for exemptions from the requirements of Christian worship.

Joint Arrangements

9.13 HIGHWAY AGENCIES

The council currently has no highway agency agreements in place

9.14 JOINT USE AGREEMENTS

The council has no current joint use agreements

Joint Committees and Panels

9.15 EASTERN SHIRES PURCHASING ORGANISATION [ESPO] MANAGEMENT COMMITTEE

9.15.1 Composition

Warwickshire County Council; Leicestershire County Council; Lincolnshire County Council; Cambridgeshire County Council; Norfolk County Council; Leicester City Council and Peterborough City Council.

9.15.2 Purpose

To improve and maintain effective, efficient and economical arrangements for the supply of goods and services to its constituent authorities.

9.16 ALL LOCAL AUTHORITIES OUTSIDE LONDON ADJUDICATION JOINT COMMITTEES

9.16.1 Composition

All Local Authorities outside London with responsibilities for on-street parking and traffic regulation.

9.16.2 Purpose

To administer an adjudication service in respect of civil enforcement of parking and traffic regulation.